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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

[Docket No. FV03–982–1 IFR]

Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2002–2003 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule establishes final free and restricted percentages for domestic inshell hazelnuts for the 2002–2003 marketing year under the Federal marketing order for hazelnuts grown in Oregon and Washington. The final free and restricted percentages are 18.4392 and 81.5608 percent, respectively. The percentages allocate the quantity of domestically produced hazelnuts that may be marketed in the domestic inshell market. The percentages are intended to stabilize the supply of domestic inshell hazelnuts to meet the limited domestic demand for such hazelnuts and provide reasonable returns to producers. This rule was recommended unanimously by the Hazelnut Marketing Board (Board), which is the agency responsible for local administration of the marketing order.

DATES: *Effective Date:* This interim final rule is effective March 13, 2003. This interim final rule applies to all 2002–2003 marketing year restricted hazelnuts until they are properly disposed of in accordance with marketing order requirements. Comments received by May 12, 2003 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or E-mail: *moab.docketclerk@usda.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Teresa L. Hutchinson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, OR 97204; telephone: (503) 326–2724, Fax: (503) 326–7440; or George J. Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 115 and Marketing Order No. 982, both as amended (7 CFR Part 982), regulating the handling of hazelnuts grown in Oregon and Washington, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is intended that this action apply to all merchantable hazelnuts handled during the 2002–2003 marketing year (July 1, 2002, through June 30, 2003). This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule establishes marketing percentages that allocate the quantity of inshell hazelnuts that may be marketed in domestic markets. The Board is required to meet prior to September 20 of each marketing year to compute its marketing policy for that year, and compute and announce an inshell trade demand if it determines that volume regulations would tend to effectuate the declared policy of the Act. The Board also computes and announces preliminary free and restricted percentages for that year.

The inshell trade demand is the amount of inshell hazelnuts that handlers may ship to the domestic market throughout the marketing season. The order specifies that the inshell trade demand be computed by averaging the preceding three ''normal'' years' trade acquisitions of inshell hazelnuts, rounded to the nearest whole number. The Board may increase the three-year average by up to 25 percent, if market conditions warrant an increase. The Board's authority to recommend volume regulations and the computations used to determine the percentages are specified in § 982.40 of the order.

The quantity to be marketed is broken down into free and restricted percentages to make available hazelnuts which may be marketed in domestic inshell markets (free) and hazelnuts which must be exported, shelled, or

otherwise disposed of by handlers (restricted). Prior to September 20 of each marketing year, the Board must compute and announce preliminary free and restricted percentages. The preliminary free percentage releases 80 percent of the adjusted inshell trade demand to the domestic market. The purpose of releasing only 80 percent of the inshell trade demand under the preliminary percentage is to guard against an underestimate of crop size. The preliminary free percentage is expressed as a percentage of the total supply subject to regulation (supply) and is based on the preliminary crop estimate.

The National Agricultural Statistics Service (NASS) has estimated hazelnut production at 18,000 tons for the Oregon and Washington area. The majority of domestic inshell hazelnuts are marketed in October, November, and December. By November, the marketing season is well under way.

At its August 29, 2002, meeting, the Board adjusted the NASS crop estimate up to 19,887 tons by taking deducting the average crop disappearance over the preceding three years (5.23 percent) and adding the undeclared carryin (2,828 tons.) to the 18,000 ton production estimate. Disappearance is the difference between orchard-run production (crop estimate) and the available supply of merchantable product available for sale by handlers. Disappearance consists of (1) unharvested hazelnuts, (2) culled product (nuts that are delivered to handlers but later discarded), or (3) product used on the farm, sold locally, or otherwise disposed of by producers. The Board computed the adjusted inshell trade demand of 3,133 tons by taking the difference between the average of the past three years' sales (3,563 tons) and the declared carry-in from last year's crop (430 tons).

The Board computed and announced preliminary free and restricted percentages of 12.6012 percent and 87.3988 percent, respectively, at its August 29, 2002, meeting. The Board computed the preliminary free percentage by multiplying the adjusted trade demand by 80 percent and dividing the result by the adjusted crop estimate (3,133 tons × 80 percent/19,887 tons = 12.6012 percent.) The preliminary free percentage thus initially released 2,506 tons of hazelnuts from the 2002 supply for domestic inshell use, and the preliminary restricted percentage withheld 17,381 tons for the export and shelled (kernel) markets.

Under the order, the Board must meet again on or before November 15 to recommend interim final and final percentages. The Board uses current crop estimates to calculate interim final and final percentages. The interim final percentages are calculated in the same way as the preliminary percentages and release the remaining 20 percent (to total 100 percent of the inshell trade demand) previously computed by the Board. Final free and restricted percentages may release up to an additional 15 percent of the average of the preceding three years' trade acquisitions to provide an adequate carryover into the following season (*i.e.*, desirable carryout). The order requires that the final free and restricted percentages shall be effective 30 days prior to the end of the marketing year, or earlier, if recommended by the Board and approved by USDA. Revisions in the marketing policy can be made until February 15 of each marketing year, but the inshell trade demand can only be revised upward, consistent with § 982.40(e).

The Board met on November 15, 2002, and reviewed and approved an amended marketing policy and recommended the establishment of final free and restricted percentages. The Board decided that market conditions were such that immediate release of an additional 15 percent for desirable carryout would not adversely affect the 2002–2003 domestic inshell market. Accordingly, no interim final free and restricted percentages were recommended. Final free and restricted percentages were recommended at 18.4392 and 81.5608 percent, respectively. The final free percentage releases 3,667 tons of inshell hazelnuts from the 2002 supply for domestic use.

The final marketing percentages are based on the Board's final production estimate and the following supply and demand information for the 2002–2003 marketing year:

	Tons
Inshell Supply:	
(1) Total production (crop estimate)	18,000
(2) Less substandard, farm use (disappearance; 5.23 percent of Item 1)	941
(3) Merchantable production (Board's adjusted crop estimate; Item 1 minus Item 2)	17,059
(4) Plus undeclared carryin as of July 1, 2002, (subject to regulation)	2,828
(5) Supply subject to regulation (Item 3 plus Item 4)	19,887
Inshell Trade Demand:	
(6) Average trade acquisitions of inshell hazelnuts for three prior years	3,563
(7) Less declared carryin as of July 1, 2002, (not subject to regulation)	430
(8) Adjusted Inshell Trade Demand (Item 6 minus Item 7)	3,133
(9) Desirable carryout on August 31, 2003 (15 percent of Item 6)	534
(10) Adjusted Inshell Trade Demand plus desirable carryout (Item 8 plus Item 9)	3,667

Percentages	Free	Restricted
(11) Final percentages (Item 10 divided by Item 5) × 100	18.4392	81.5608
(12) Final free in tons (Item 10)	3,667	.....
(13) Final restricted in tons (Item 5 minus Item 10)	.....	16,220

In addition to complying with the provisions of the order, the Board also considered USDA's 1982 ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (Guidelines) when making its computations in the marketing policy. This volume control regulation provides a method to collectively limit the supply of inshell hazelnuts available for sale in domestic markets. The Guidelines provide that the domestic inshell market has available a quantity equal to 110 percent of prior years' shipments before allocating supplies for the export inshell, export kernel, and domestic kernel markets. This provides for plentiful supplies for consumers and for market expansion, while retaining the mechanism for dealing with oversupply situations. The established final

percentages will make available an additional 534 tons for desirable carryout. The total free supply for the 2002–2003 marketing year is 4,097 tons of hazelnuts, which is the sum of the final trade demand of 3,563 tons and the 534 ton desirable carryout. This amount is 115 percent of prior years' sales and exceeds the goal of the Guidelines.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those having annual receipts of less than $5,000,000. There are approximately 750 producers of hazelnuts in the production area and approximately 20 handlers subject to regulation under the order. Average annual hazelnut revenue per producer is approximately $36,500. This is computed by dividing NASS figures for the average value of production for 2000 and 2001 ($27,369,500) by the number of producers. The level of sales of other crops by hazelnut producers is not known. In addition, based on Board records, about 95 percent of the handlers ship under $5,000,000 worth of hazelnuts on an annual basis. In view of the foregoing, it can be concluded that the majority of hazelnut producers and handlers may be classified as small entities.

Board meetings are widely publicized in advance of the meetings and are held in a location central to the production area. The meetings are open to all industry members and other interested persons who are encouraged to participate in the deliberations and voice their opinions on topics under discussion. Thus, Board recommendations can be considered to represent the interests of small business entities in the industry.

Currently, U.S. hazelnut production is allocated among three market outlets: domestic inshell, export inshell, and kernel markets. Handlers and growers receive the highest return on domestic inshell, less for export inshell, and the least for kernels. Based on Board records of average shipments for 1992–2001, the percentage going to each of these markets was 13 percent (domestic inshell), 41 percent (export inshell), and 46 percent (kernels).

The inshell market can be characterized as having limited demand and being prone to oversupply and low grower prices in the absence of supply restrictions. This volume control regulation provides a method for the U.S. hazelnut industry to limit the supply of domestic inshell hazelnuts available for sale in the continental U.S. On average, 78 percent of domestic inshell hazelnut shipments occur between October 1 through November 30, primarily to supply holiday nut demand.

Many years of marketing experience led to the development of the current volume control procedures. These procedures have helped the industry solve its marketing problems by keeping inshell supplies in balance with domestic needs. Volume controls fully supply the domestic inshell market while preventing an oversupply of that market.

The estimated inshell trade demand (3,133 tons) and the high level of carryin (2,828 tons) were key market factors leading to the 18.4392 percent final free percentage. Hazelnut production in 2002 is only 2,500 tons more than in 1998, which was the shortest crop in the last ten years. Even if carryin had been zero, the amount that handlers typically ship into the domestic inshell market (*i.e.*, average trade acquisitions of 3,563 tons) equals about 18 percent of the supply (19,887 tons subject to regulation). Although the domestic inshell market is a relatively small proportion of total sales (13 percent of average shipments over the last ten years, and 10 percent of average shipments for the last two years), it remains a profitable market segment. The volume control provisions of the marketing order are designed to avoid oversupplying this particular market segment, because that would likely lead to substantially lower grower prices. The other market segments, export inshell and kernels, are expected to continue to provide good outlets for U.S. hazelnut production.

Since high production years typically follow low production years (a consistent pattern for hazelnuts), higher production is expected in 2003.

Recent production and price data reflect the stabilizing effect of the volume control regulations. Industry statistics show that total hazelnut production has varied widely over the 10-year period between 1992 and 2001, from a low of 16,500 tons in 1998 to a high of 49,500 tons in 2001. Production in the shortest crop year and the biggest crop year was 48 percent and 153 percent, respectively, of the 10-year average tonnage of 32,240. The coefficient of variation (a standard statistical measure of variability; ''CV'') for hazelnut production over the 10-year period is 0.36. In contrast, the coefficient of variation for hazelnut grower prices is 0.16, less than half the CV for production. The considerable lower variability of prices versus production provides an illustration of the order's price-stabilizing impacts.

Comparing grower cost of production to grower revenue in recent years highlights the financial impacts on growers at varying production levels. A recent hazelnut cost of production study from Oregon State University estimated cost of production per acre to be approximately $1,340 for a typical 100-acre hazelnut enterprise. Average grower revenue per bearing acre (based on NASS acreage and value of production data) equaled or exceeded that typical cost level twice between 1995 and 2000. Average grower revenue was below typical costs in the other years. Since 1995, the highest level of revenue per bearing acre was $1552 (1997) and the lowest was $561 in 1996. Without the stabilizing impact of the order, growers may have lost more money. While crop size has fluctuated, the volume regulations contribute to orderly marketing and market stability, and help to moderate the variation in returns for all producers and handlers, both large and small.

While the level of benefits of this rulemaking is difficult to quantify, the stabilizing effects of the volume regulations impact both small and large handlers positively by helping them maintain and expand markets even though hazelnut supplies fluctuate widely from season to season. This regulation provides equitable allotment of the most profitable market, the domestic inshell market. That market is available to all handlers, regardless of size.

As an alternative to this regulation, the Board discussed not regulating the 2002–2003 hazelnut crop. However, without any regulations in effect, the Board believes that the industry would oversupply the inshell domestic market. Although the 2002–2003 hazelnut crop is much smaller than last year, the

release of 18,000 tons on the domestic inshell market would cause producer returns to decrease drastically, and completely disrupt the market.

Section 982.40 of the order establishes a procedure and computations for the Board to follow in recommending to USDA release of preliminary, interim final, and final quantities of hazelnuts to be released to the free and restricted markets each marketing year. The program results in plentiful supplies for consumers and for market expansion while retaining the mechanism for dealing with oversupply situations.

Hazelnuts produced under the order comprise virtually all of the hazelnuts produced in the U.S. This production represents, on average, less than 4 percent of total U.S. production for other tree nuts, and less than 4 percent of the world's hazelnut production.

During the 2001–2002 season, 78 percent of the kernels were marketed in the domestic market and 22 percent were exported. Domestically produced kernels generally command a higher price in the domestic market than imported kernels. The industry is continuing its efforts to develop and expand other markets with emphasis on the domestic kernel market. Small business entities, both producers and handlers, benefit from the expansion efforts resulting from this program.

Inshell hazelnuts produced under the order compete well in export markets because of quality. Based on Board statistics, Europe has historically been the primary export market for U.S. produced inshell hazelnuts, with a 10-year average of 5,436 tons out of total average exports of 12,132 tons. Recent years have seen a significant shift in export destinations. Inshell shipments to Europe totaled 4,526 tons in the 2001–2002 season, representing 17 percent of exports, with the largest share going to Germany. Inshell shipments to Southwest Pacific countries, and Hong Kong in particular, have increased dramatically in the past few years, rising to 73 percent of total exports of 25,868 tons in 2001–2002 season. The industry continues to pursue export opportunities.

There are some reporting, recordkeeping, and other compliance requirements under the order. The reporting and recordkeeping burdens are necessary for compliance purposes and for developing statistical data for maintenance of the program. The information collection requirements have been previously approved by the Office of Management and Budget under OMB No. 0581–0178. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. This rule does not change those requirements. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Board's meetings were widely publicized throughout the hazelnut industry and all interested persons were invited to attend the meetings and participate in Board deliberations. Like all Board meetings, those held on August 29, and November 15, 2002, were public meetings and all entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on the establishment of final free and restricted percentages for the 2002–2003 marketing year under the hazelnut marketing order. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Board's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The 2002–2003 marketing year began July 1, 2002, and the percentages established herein apply to all merchantable hazelnuts handled from the beginning of the crop year; (2) handlers are aware of this rule, which was recommended at an open Board meeting, and need no additional time to comply with this rule; and (3) interested persons are provided a 60-day comment period in which to respond, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 982 is amended as follows:

PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR Part 982 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new section 982.250 is added to read as follows:

Note: This section will not be published in the annual Code of Federal Regulations.

§ 982.250 Free and restricted percentages—2002–2003 marketing year.

The final free and restricted percentages for merchantable hazelnuts for the 2002–2003 marketing year shall be 18.4392 and 81.5608 percent, respectively.

Dated: March 6, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–5843 Filed 3–11–03; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14549; Airspace Docket No. 03– ACE–17]

Modification of Class D and Class E Airspace; St. Louis, Spirit of St. Louis Airport, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action modifies Class D and Class E airspace at St. Louis, Spirit of St. Louis Airport, MO. The National Aeronautical Charting Office (NACO) revised the Spirit of St. Louis Airport airport reference point effective February 6, 2003. The Class D and Class E airspace areas at St. Louis, Spirit of St. Louis Airport, MO are defined by the Spirit of St. Louis Airport airport reference point. This same data is also used in the legal descriptions for these

airspace areas. This action modifies the St. Louis, Spirit of St. Louis Airport, MO Class D airspace and Class E airspace designated as a surface area to reflect the new airport reference point. It also incorporates the revised St. Louis Airport airport reference point in the Class D airspace and Class E airspace designated as a surface area legal descriptions.

DATES: This direct final rule is effective on 0901 UTC, July 10, 2003.

Comments for inclusion in the Rules Docket must be received on or before May 1, 2003.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2003–14549/ Airspace Docket No. 03–ACE–17, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 modifies the Class D airspace and the Class E airspace designated as a surface area at St. Louis, Spirit of St. Louis Airport, MO. An extension of a runway at Spirit of St. Louis Airport necessitated that the airport reference point be recomputed. NACO revised the Spirit of St. Louis Airport airport reference point effective February 6, 2003. The Class D and Class E airspace areas at St. Louis, Spirit of St. Louis Airport, MO are predicated on the Spirit of St. Louis Airport airport reference point. The airport reference point is also used in the legal descriptions for the Class D airspace and the Class E airspace designated as a surface area at St. Louis, Spirit of St. Louis Airport, MO. This amendment incorporates the revised Spirit of St. Louis Airport airport reference point and brings the legal descriptions of these airspace areas into compliance with FAA Order 7400.2E, Procedures for Handling Airspace Matters. The areas will be depicted on appropriate aeronautical charts. Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. Class E airspace designated as surface areas are published in paragraph 6002 of the same FAA Order. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis support the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2003–14549/Airspace Docket No. 03–ACE–17.'' The postcard will be date/time stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ACE MO D St. Louis, Spirit of St. Louis Airport, MO

Spirit of St. Louis Airport, MO
(Lat. 38°39′44″ N., long. 90°39′07″ W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.3-mile radius of Spirit of St. Louis Airport; excluding that airspace within the St. Louis Class B airspace area. This Class D

airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ACE MO E2 St. Louis, Spirit of St. Louis Airport, MO

Spirit of St. Louis Airport, MO
(Lat. 38°39′44″ N., long. 90°39′07″ W.)

Within a 4.3-mile radius of Spirit of St. Louis Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Kansas City, MO, on February 21, 2003.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–5930 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2002–14089; Airspace Docket No. 02–ACE–13]

Modification of Class E Airspace; Caruthersville, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Caruthersville, MO.

EFFECTIVE DATE: 0901 UTC, April 17, 2003.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on January 6, 2003 (68 FR 490). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 17, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on March 3, 2003.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–5929 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14221; Airspace Docket No. 03–ACE–2]

Modification of Class E Airspace; Sikeston, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of direct final rule which revises Class E airspace at Sikeston, MO.

EFFECTIVE DATE: 0901 UTC, April 17, 2003.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on January 17, 2003 (68 FR 2424). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 17, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on March 3, 2003.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–5928 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2002–14129; Airspace Docket No. 02–ACE–14]

Establishment of Class E Surface Area Airspace and Modification of Class E Airspace; Jefferson City, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document establishes a Class E surface area at Jefferson City, MO for those times when the air traffic control tower (ATCT) is closed. It also makes editorial changes to the legal descriptions of Class E airspace designated as an extension to the Class D surface area and to Class E airspace extending upward from 700 feet above the surface of the earth at Jefferson City, MO.

EFFECTIVE DATE: 0901 UTC, April 17, 2003.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone (816) 329–2524.

SUPPLEMENTARY INFORMATION:

History

On Friday, January 17, 2003, the FAA proposed to amend 14 CFR part 71 to establish a Class E surface area and to modify Class E airspace at Jefferson City, MO (68 FR 2462). The proposal was to establish a Class E surface area at Jefferson City, MO for those times when the air traffic control tower (ATCT) is closed. It also proposed to make editorial changes to the descriptions of Class E airspace designated as an extension to the Class D surface area and to Class E airspace extending upward from 700 feet above the surface of the earth at Jefferson City, MO. Interested parties were invited to participate in this rulemaking proceeding by submitting written

comments on the proposal to the FAA. No comments objecting to the proposal were received.

Class E airspace areas designated as surface areas are published in paragraph 6002 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas designated as an extension to the Class D surface area and Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraphs 6004 and 6005, respectively, of the same FAA Order. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a Class E surface area at Jefferson City, MO to provide adequate controlled airspace for aircraft executing instrument flight procedures. It also modifies the legal descriptions of Class E airspace designated as an extension to the Class D surface area and to Class E airspace extending upward from 700 feet above the surface of the earth at Jefferson City, MO. The areas will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ACE MO E2 Jefferson City, MO

Jefferson City Memorial Airport, MO
(Lat 38°35′28″ N., long 92°09′22″ W.)
Jefferson City Memorial Airport, ILS
(Lat 38°35′47″ N., long. 92°09′55″ W.)

That airspace extending upward from the surface within a 4.1-mile radius of Jefferson City Memorial Airport and within 2.6 miles each side of the Jefferson City Memorial Airport localizer back course extending from the 4.1-mile radius of Jefferson City Memorial Airport to 5 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

* * * * *

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ACE MO E4 Jefferson City, MO

Jefferson City Memorial Airport, MO
(Lat. 38°35′28″ N., long. 92°09′22″ W.)
Jefferson City Memorial Airport ILS
(Lat 38°35′47″ N., long. 92°09′55″ W.)

That airspace extending upward from the surface within 2.6 miles each side of the Jefferson City Memorial Airport localizer back course extending from the 4.1-mile radius of Jefferson City Memorial Airport to 5 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ACE MO E5 Jefferson City, MO

Jefferson City Memorial Airport, MO
(Lat. 38°35′28″ N., long. 92°09′22″ W.)
NOAH NDB
(Lat. 38°38′14″ N., long. 92°14′41″ W.)
Jefferson City Memorial Airport ILS
(Lat 38°35′47″ N., long. 92°09′55″ W.)

The airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Jefferson City Memorial Airport; and within 3.1 miles each side of the NOAH NDB 303° bearing extending from the 6.6-mile radius to 14.3 miles northwest of the airport; and within 4 miles each side of the Jefferson City Memorial Airport ILS localizer course extending from the 6.6-mile radius to 11.8 miles southwest of the airport.

* * * * *

Issued in Kansas City, MO, March 3, 2003.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–5927 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 301 and 602

[TD 9044]

RIN 1545–BB13

Amendment of 26 CFR 301.6103(n)–1 to Incorporate Taxpayer Browsing Protection Act

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule.

SUMMARY: This final regulation requires persons to whom returns or return information is or may be disclosed as authorized by § 301.6103(n)–1(a) (generally, contractors employed to perform tax administration services) to notify their officers and employees of the prohibitions against and penalties for unauthorized inspection of returns or return information.

DATES: *Effective Date:* This final regulation is effective March 12, 2003.

FOR FURTHER INFORMATION CONTACT: Carol Marchant, 202–622–4590 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information in this final rule has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned control number 1545–1821. The collection of information in this regulation is in § 301.6103(n)–1(c). This information is required and will be used

to promote compliance by officers and employees with the restrictions of sections 6103, 7213 and 7213A, and to protect the privacy of American taxpayers. The collection of information is required to obtain a benefit. The likely respondents are State or local governments, business or other for-profit institutions, Federal agencies, and/or small businesses or organizations.

Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, W:CAR:MP:T:T:SP, Washington, DC 20224. Comments on the collection of information should be received by May 12, 2003.

Comments are specifically requested concerning: Whether the collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility; The accuracy of the estimated burden associated with the collection of information (see below); How the quality, utility, and clarity of the information to be collected may be enhanced; How the burden of complying with the collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of service to provide information. *Estimated total annual reporting burden:* 250 hours. *Estimated average annual burden hours per respondent:* 6 minutes. *Estimated number of respondents:* 2500. *Estimated annual frequency of responses:* Annually.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, returns and return information are confidential, as required by 26 U.S.C. 6103.

Background

Under section 7213A of the Internal Revenue Code (Code) as added by Public Law 105–35 (111 Stat. 1104) (the Taxpayer Browsing Protection Act of 1997), any person described in section 6103(n), or an officer or employee of any such person, is prohibited from willfully inspecting any returns or return information, except as authorized by the Code. Any person who violates section 7213A may be subject to a fine in any amount not exceeding $1,000, or imprisonment of not more than one year, or both. Currently, § 301.6103(n)–1(c) provides that each officer or employee of any person to whom returns or return information is or may be disclosed as authorized by § 301.6103(n)–1(a) must be notified of the prohibitions against unauthorized disclosure of returns or return information, and the potential penalties for such acts, imposed under section 7213. The regulation does not reflect the penalties imposed by section 7213A.

This document adopts a final regulation amending § 301.6103(n)–1(c) to reflect the penalties contained in section 7213A. The regulation requires that each officer or employee of any person to whom returns or return information is or may be disclosed as authorized by § 301.6103(n)–1(a) must also receive notification of the prohibitions against unauthorized inspection of returns or return information and the potential penalties for such acts, in addition to the notifications of the penalties for unauthorized disclosure. The Internal Revenue Service (IRS) already requires, in all section 6103(n) contracts, that contractors notify their officers and employees of the penalties for unauthorized inspection. The final regulation updates the regulatory requirements to conform to the present law for both unauthorized inspection and disclosure.

Explanation of Provisions

This final regulation adds a requirement that persons to whom returns or return information is or may be disclosed as authorized by § 301.6103(n)–1(a) notify their officers and employees that such officers and employees are prohibited from willfully inspecting any returns or return information, except as authorized by the Code, and that they may be subject to a fine in any amount not exceeding $1,000, or imprisonment of not more than one year, or both, for any violation of section 7213A.

The IRS has a number of section 6103(n) agreements with Federal agencies. This final regulation also clarifies the penalty provisions that are applicable to officers and employees of Federal agencies who are performing tax administration services for the IRS pursuant to section 6103(n).

Special Analyses

Section 553 of the Administrative Procedure Act (5 U.S.C. chapter 5) requires that a notice of proposed rulemaking be published in the **Federal Register** and, after such notice, that the Federal agency that issued the notice give interested persons an opportunity to participate in the rulemaking through submission of written comments, with or without opportunity for oral presentation. These requirements are subject to certain exceptions set forth in 5 U.S.C. 553(b), including when the agency for good cause finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest. Because the final regulation merely amends an existing regulation to add an additional notification requirement that has already been imposed administratively, it is determined that the notice and public-comment procedure required by 5 U.S.C. 553 is unnecessary in this case. For the same reason, a delayed effective date is not required pursuant to 5 U.S.C. 553(d)(3).

It has also been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601–612) do not apply. Pursuant to section 7805(f) of the Code, this regulation was submitted to the Chief Counsel of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of this final regulation is Carol Marchant, Office of Associate Chief Counsel (Procedure & Administration), Disclosure and Privacy Law Division.

List of Subjects 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 301 and 602 are amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. In § 301.6103(n)–1, paragraph (c) is revised and paragraph (f) is added to read as follows:

§ 301.6103(n)–1 Disclosure of returns and return information in connection with procurement of property and services for tax administration purposes.

* * * * *

(c) *Notification requirements.* Persons to whom returns or return information is or may be disclosed as authorized by paragraph (a) of this section shall provide written notice to their officers or employees—

(1) That returns or return information disclosed to such officer or employee can be used only for a purpose and to the extent authorized by paragraph (a) of this section;

(2) That further inspection of any returns or return information for a purpose or to an extent unauthorized by paragraph (a) of this section constitutes a misdemeanor, punishable upon conviction by a fine of as much as $1,000, or imprisonment for as long as 1 year, or both, together with costs of prosecution;

(3) That further disclosure of any returns or return information for a purpose or to an extent unauthorized by paragraph (a) of this section constitutes a felony, punishable upon conviction by a fine of as much as $5,000, or imprisonment for as long as 5 years, or both, together with the costs of prosecution;

(4) That any such unauthorized further inspection or disclosure of returns or return information may also result in an award of civil damages against any person who is not an officer or employee of the United States in an amount not less than $1,000 for each act of unauthorized inspection or disclosure or the sum of actual damages sustained by the plaintiff as a result of such unauthorized disclosure or inspection as well as an award of costs and reasonable attorneys fees; and

(5) If such person is an officer or employee of the United States, a conviction for an offense referenced in paragraph (c)(2) or (c)(3) of this section shall result in dismissal from office or discharge from employment.

* * * * *

(f) *Effective date.* Section 301.6103(n)–1(c) is applicable on March 12, 2003.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 4. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 5. In § 602.101, paragraph (b) is amended by adding an entry in numerical order to the table to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(b) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
301.6103(n)–1(c).	
* * * * *	1545–1841

Approved: February 11, 2003.

David A. Mader,

Assistant Deputy Commissioner of Internal Revenue.

Pamela F. Olsen,

Assistant Secretary of the Treasury.

[FR Doc. 03–5462 Filed 3–11–03; 8:45 am]

BILLING CODE 4840–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 560 and 575

Authorization of Certain Humanitarian Activities by Nongovernmental Organizations in Iraq and Iran

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Interim final rule.

SUMMARY: The Office of Foreign Assets Control (''OFAC'') of the U.S. Department of the Treasury is adding new provisions to the Iraqi Sanctions Regulations, 31 CFR part 575, to facilitate certain humanitarian activities in and around Iraq. These new regulations provide for the establishment of a registration program that would authorize nongovernmental organizations to engage in humanitarian activities in the areas of Iraq not controlled by the Government of Iraq. They also permit certain humanitarian assessment missions in Iraq. Related regulations are being added to the Iranian Transactions Regulations, 31 CFR part 560, authorizing certain activities in Iran by nongovernmental organizations to the extent necessary to support authorized humanitarian activities in Iraq, as well as certain assessment activities in Iran.

DATES: Effective March 12, 2003. Written comments must be received no later than May 12, 2003.

ADDRESSES: Comments may be submitted to the Chief of Records, ATTN: Request for Comments, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Alternatively, comments may be submitted via facsimile to the Chief of Records at (202) 622–1657 or via OFAC's Web site <*http://www.treas.gov/offices/enforcement/ofac/comment.html*>.

FOR FURTHER INFORMATION CONTACT: Chief of Licensing, tel. (202) 622–2480, Chief of Compliance Programs, tel. (202) 622–2490, or Chief Counsel, tel. (202) 622–2410.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1990, upon Iraq's invasion of Kuwait, the President issued Executive Order 12722, declaring a national emergency with respect to Iraq. This order, issued under the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the U.S. Code, imposed economic sanctions, including a complete trade embargo, against Iraq. In keeping with United Nations Security Council Resolution 661 of August 6, 1990, and under the United Nations Participation Act (22 U.S.C. 287c), the President also issued Executive Order 12724 of August 9, 1990, which imposed additional restrictions. The Iraqi Sanctions Regulations, 31 CFR part 575, implement Executive Orders 12722 and 12724 and are administered by the Treasury Department's Office of Foreign Assets Control (''OFAC'').

The new sections published today are intended to facilitate humanitarian activities with respect to Iraq, including certain activities in neighboring Iran that are directly incidental and essential to such humanitarian activities. Section 575.527 provides for the case-by-case authorization of nongovernmental organizations to conduct certain defined humanitarian activities in the areas of Iraq not controlled by the Government of Iraq. These provisions incorporate the procedures and requirements set forth in 31 CFR 501.801(c) with respect to the application for obtaining a registration number. Applications from interested

nongovernmental organizations should be submitted to OFAC as described in section 575.527. Section 575.528 authorizes, by general license, more limited survey or assessment missions in Iraq (including those areas controlled by the Government of Iraq).

Sections 575.329 and 575.330 provide definitions of the terms ''areas of Iraq not controlled by the Government of Iraq,'' ''humanitarian activities,'' ''humanitarian purposes,'' and ''humanitarian support.''

Section 560.536 provides that nongovernmental organizations authorized by specific license or under the new provisions of the Iraqi Sanctions Regulations may conduct certain activities in Iran that are directly incidental to their authorized humanitarian activities in Iraq. Section 560.537 authorizes such organizations to conduct limited survey or assessment missions in Iran pertaining to the planning of or preparation for the provision of humanitarian support to the Iraqi people.

Where relevant, each of the regulatory changes referenced above indicates that, with limited exceptions, exportations and re-exportations to Iraq and Iran remain proscribed. To the extent that nongovernmental organizations seek specific authorization from OFAC for the exportation or re-exportation of any item to Iraq or Iran, they are advised to ascertain the Export Control Classification Number assigned to the item by the Department of Commerce's Bureau of Industry and Security prior to submitting their request to OFAC.

Request for Comments

Because amendment of these regulations involves a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) (the ''APA'') requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. However, because of the importance of the issues addressed in these regulations, this rule is being issued in interim form and comments will be considered in the development of final regulations. Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views. Comments may address the impact of the Regulations on the submitter's activities, whether of a commercial, non-commercial or humanitarian nature, as well as changes that would improve the clarity and organization of the Regulations.

The period for submission of comments will close May 12, 2003. The address for submitting comments appears near the beginning of this notice. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the submission be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such a submission to the originator without considering the comments in the development of final regulations. In the interest of accuracy and completeness, the Department requires comments in written form.

All public comments on these Regulations will be a matter of public record. Copies of the public record concerning these Regulations will be made available not sooner than June 10, 2003 and will be obtainable from OFAC's Web site <*http://www.treas.gov/ofac*>. If that service is unavailable, written requests for copies may be sent to Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave, NW., Washington, DC 20220, Attn: Chief, Records Division.

Electronic Availability

This document is available as an electronic file on The Federal Bulletin Board the day of publication in the **Federal Register**. By modem, dial (202) 512–1387 and type ''/GO FAC,'' or call (202) 512–1530 for disk or paper copies. This file is available for downloading without charge in ASCII and Adobe Acrobat7 readable (*.PDF) formats. For Internet access, the address for use with the World Wide Web, Telnet, or FTP protocol is <*fedbbs.access.gpo.gov*>. This document and additional information concerning OFAC are available from OFAC's Web site <*http://www.treas.gov/ofac*>.

Paperwork Reduction Act

The collections of information related to these regulations can be found in 31 CFR part 501. Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been previously approved by the Office of Management and Budget under control number 1505–0164.

List of Subjects

31 CFR Part 560

Administrative practice and procedure, Agricultural commodities, Banks, Banking, Drugs, Exports, Foods, Foreign trade, Imports, Information, Investments, Iran, Iraq, Loans, Medical devices, Medicine, Penalties, Reporting and recordkeeping requirements, Services, Specially designated nationals, Terrorism, Transportation.

31 CFR Part 575

Administrative practice and procedure, Banks, banking, Blocking of assets, Exports, Foreign trade, Humanitarian aid, Imports, Iran, Iraq, Oil imports, Penalties, Petroleum, Petroleum products, Reporting and recordkeeping requirements, Specially designated nationals, Terrorism, Travel restrictions.

For the reasons stated in the preamble, 31 CFR chapter V, parts 560 and 575, are amended as set forth below:

PART 560—IRANIAN TRANSACTIONS REGULATIONS

1. The authority citation for Part 560 continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2339B, 2332d, 22 U.S.C,. 2349aa-9, 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 106–387, 114 Stat 1549; E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 256; E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332, E.O. 12959, 60 FR 24757, 3 CFR, 1995 Comp., p. 356, E.O. 13059, 62 FR 44531; 3 CFR, 1997 Comp., p. 217.

Subpart E—Licenses, Authorizations, and Statements of Licening Policy

2. Add a new § 560.536 to subpart E to read as follows:

§ 560.536 Humanitarian activities in and around Iraq.

(a) A nongovernmental organization specifically licensed pursuant to 31 CFR part 575 or otherwise authorized pursuant to 31 CFR 575.527 to conduct certain humanitarian activities in and around Iraq is authorized to conduct activities in Iran that are directly incidental and essential to its authorized humanitarian activities in and around Iraq, subject to all conditions and restrictions imposed on the organization pursuant to 31 CFR 575.527 and the terms of its license or registration. This section does not authorize the actual provision of humanitarian support in Iran.

(b) No exportations or re-exportations of goods or technology, whether U.S. or

foreign origin, to Iran are permitted pursuant to this section, except for articles, such as food, clothing, and medicine, intended to be used to relieve human suffering or items intended for temporary use, as personal baggage, by representatives of the authorized nongovernmental organization, provided that:

(1) Any such goods or technology are not of the type controlled under the Department of Commerce's Export Administration Regulations for exportation or re-exportation to Iran or controlled on the United States Munitions List, and

(2) Any such personal items are either consumed by representatives of that organization during the visit or removed from Iran at the end of each visit.

(c) This section does not authorize the shipment or transshipment of goods or technology, whether U.S. or foreign origin, from Iran to any other country, including Iraq, except for the shipment or transshipment to Iraq of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering. Nongovernmental organizations that wish to transport other types of goods or technology from Iran to Iraq must apply for specific authorization from the Office of Foreign Assets Control pursuant to § 501.801(b), 31 CFR chapter V.

(d) U.S. financial institutions are authorized to engage in funds transfers in connection with transactions authorized pursuant to this section consistent with the provisions of 31 CFR 560.516.

(e) Nongovernmental organizations conducting transactions under this section based on a specific license or a registration issued pursuant to 31 CFR part 575 must reference their license or registration number on all payments and funds transfers and on all related documentation.

3. Add a new § 560.537 to subpart E to read as follows:

§ 560.537 Authorization of certain survey or assessment missions in Iran.

(a) Subject to the conditions of paragraphs (b), (c), and (d) of this section, nongovernmental organizations are authorized to conduct survey or assessment missions in Iran related to the planning or preparation for the provision of humanitarian support to the Iraqi people. This section does not authorize the actual provision of such humanitarian support in Iran.

(b) The authorization of paragraph (a) of this section is available only to the following types of nongovernmental organizations:

(1) Nongovernmental organizations registered pursuant to 31 CFR 575.527; or

(2) Nongovernmental organizations that have been issued specific licenses under 31 CFR part 575 to carry out humanitarian activities in Iraq, but not including organizations that have been issued specific licenses solely to export goods to Iraq.

(c) This section does not authorize nongovernmental organizations to open offices or to establish permanent facilities of any kind or to purchase any goods, services, or technology in Iran of any kind, except those described in paragraph (d)(3) of this section.

(d) The authorization of this section is subject to the following conditions:

(1) U.S. financial institutions are authorized to engage in funds transfers in connection with transactions authorized pursuant to this section consistent with the provisions of 31 CFR 560.516.

(2) Nongovernmental organizations conducting transactions under this section based on a specific license or a registration issued pursuant to 31 CFR part 575 must reference their license or registration number on all payments and funds transfers and on all related documentation.

(3) Any funds transferred to Iran pursuant to this section may be used only for the purchase of services and goods necessary and essential to the conduct of the assessment mission and, whether U.S. or foreign origin, not of the type controlled under the Department of Commerce's Export Administration Regulations for exportation or re-exportation to Iran or controlled on the United States Munitions List.

(4)(i) No exportations or re-exportations of goods or technology, whether U.S. or foreign origin, to Iran are permitted pursuant to this section, except for those items intended for temporary use, as personal baggage, by mission representatives, provided that such items are either consumed by mission representatives during the visit or removed from Iran at the end of each visit, and further provided that any such personal items are not of the type controlled under the Department of Commerce's Export Administration Regulations for exportation or re-exportation to Iran or controlled on the United States Munitions List.

(ii) Nongovernmental organizations that wish to export or re-export goods or technology to Iran, beyond personal baggage items described in paragraph (d)(4)(i) of this section, as part of a survey or assessment mission must apply for specific authorization from the Office of Foreign Assets Control pursuant to § 501.801(b), 31 CFR chapter V.

(5) Nongovernmental organizations acting under this section shall take adequate measures to prevent any items authorized for exportation, re-exportation, or local purchase from being obtained or acquired by the Government of Iran.

PART 575—IRAQI SANCTIONS REGULATIONS

4. The authority citation for 31 CFR part 575 continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2332d; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–513, 104 Stat, 2047–2055 (50 U.S.C. 1701 note); E.O. 12722, 55 FR 31803, 3 CFR, 1990 Comp., p. 294; E.O. 12724, 55 FR 33089, 3 CFR, 1990 Comp., p. 297; E.O. 12817, 57 FR 48433, 3 CFR, 1992 Comp., p. 317.

Subpart C—General Definitions

5. Add a new § 575.329 to subpart C to read as follows:

§ 575.329 Areas of Iraq not controlled by the Government of Iraq.

The term *areas of Iraq not controlled by the Government of Iraq* means, as of January 30, 2003, the areas north of the ''Green Line'' and under the control of the Kurdistan Democratic Party (KDP) or the Patriotic Union of Kurdistan (PUK) in the following provinces of Iraq: Dahuk (Dohuk), Arbil (Erbil), and Sulaymaniyah (Suleimaniyah). The description of the term *areas of Iraq not controlled by the Government of Iraq* may be modified by the Department of State.

Note to § 575.329: Questions on the description of this term should be addressed to the Office of Northern Gulf Affairs, Bureau of Near Eastern Affairs, Room 4241, U.S. Department of State, 2201 C Street NW., Washington, DC 20520 (Tel: (202) 647–5692). Any changes to the description of this term will be posted on the Department of State Web site at <*http://www.state.gov/e/eb/*>.

6. Add a new § 575.330 to subpart C to read as follows:

§ 575.330 Humanitarian activities, humanitarian purposes, and humanitarian support.

For purposes of §§ 575.527 and 575.528, the terms *humanitarian activities, humanitarian purposes,* and *humanitarian support* mean, as these terms have been defined by the Department of State for relevant United Nations Security Council Resolutions on Iraq, humanitarian relief, educational, cultural, recreational, and human rights-related activities, and activities to ameliorate the effects of or to investigate

war crimes. Such purposes may include preparatory activities and transactions.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

7. Add a new § 575.527 to subpart E to read as follows:

§ 575.527 Registration of non-governmental organizations for humanitarian activities.

(a) Registration numbers may be issued on a case-by-case basis for the registration of nongovernmental organizations involved in humanitarian activities in areas of Iraq not controlled by the Government of Iraq, authorizing transactions by such organizations otherwise prohibited by this part, including the exportation of services, certain goods, software, or technology to areas of Iraq not controlled by the Government of Iraq and the transfer of funds to and from such areas for humanitarian purposes. Applicants for registration numbers must comply with the requirements of § 501.801(c), 31 CFR chapter V.

(b) Successful applicants for registration under this section must comply with the following conditions:

(1) No goods or technology, whether U.S. or foreign origin, of types controlled under the Department of Commerce's Export Administration Regulations for exportation or re-exportation to Iraq, controlled on the United States Munitions List, or listed on the United Nations Goods Review List may be exported or re-exported to Iraq or purchased or used locally in Iraq.

(2) Registered nongovernmental organizations shall take adequate measures to prevent any items authorized for exportation, re-exportation, or local purchase from being obtained or acquired by the Government of Iraq.

(3) U.S. financial institutions are authorized to engage in funds transfers in connection with transactions authorized pursuant to a registration issued under this section, provided that no Iraqi or Iranian financial institution or other agency or instrumentality of the Government of Iraq or the Government of Iran may participate in any such funds transfer.

(4) All transactions pursuant to a registration issued under this section must conform to all relevant United Nations Security Council Resolutions, including 661, 666, 687 and 1409, and relevant procedures issued by the 661 Committee.

(5) U.S. citizens who wish to travel to Iraq pursuant to a registration issued under this section must apply to the Department of State to have their passports validated for travel to Iraq. Such applications should be submitted to the Deputy Assistant Secretary for Passport Services, ATTN: Office of Passport Policy and Advisory Services, U.S. Department of State, 2401 E Street NW., Washington, DC 20522–0907. Such applications must include the applicant's name, date and place of birth, dates of proposed travel, and purpose of the trip. Issuance of a registration number under this section does not in any way create a presumption in favor of passport validation.

(6) Nongovernmental organizations conducting transactions authorized by their registrations pursuant to this section must reference the registration number on all payments and funds transfers and on all related documentation.

(c) This section does not authorize transfers from blocked accounts.

Note to § 575.527: Registration does not excuse a U.S. person from compliance with other provisions of 31 CFR chapter V or with applicable U.S. laws governing the exportation or re-exportation of U.S.-origin goods, software, or technology (including technical data) to Iraq, Iran, or other countries. *See, e.g.,* the Export Administration Regulations administered by the U.S. Department of Commerce (15 CFR chapter VII, subchapter C) and the International Traffic in Arms Regulations (22 CFR chapters 120–130) administered by the Department of State.

8. Add a new § 575.528 to subpart E to read as follows:

§ 575.528 Authorization of certain survey or assessment missions in and around Iraq.

(a) Subject to paragraphs (b), (c), and (d) of this section, nongovernmental organizations are authorized to send representatives to Iraq for the purpose of conducting survey or assessment missions related to the planning or preparation for the provision of humanitarian support to the Iraqi people. This section does not authorize the actual provision of such humanitarian support.

(b) The authorization set forth in paragraph (a) of this section applies only to the following types of nongovernmental organizations:

(1) Nongovernmental organizations registered pursuant to § 575.527; or

(2) Nongovernmental organizations that have been issued specific licenses under this part to carry out humanitarian activities in Iraq, but not including organizations that have been issued specific licenses solely to export goods to Iraq.

(c) This section does not authorize nongovernmental organizations to open offices or to establish permanent facilities of any kind or to purchase any goods, services or technology in Iraq of any kind, except those described in paragraph (d)(3) of this section.

(d) The authorization set forth in this section is subject to the following conditions:

(1) U.S. financial institutions are authorized to engage in funds transfers in connection with transactions authorized pursuant to this section, provided that no Iraqi or Iranian financial institution or other agency or instrumentality of the Government of Iraq or Government of Iran may participate in any such funds transfer.

(2) Nongovernmental organizations conducting transactions authorized by specific license or by registration issued pursuant to § 575.527 must reference their license or registration number on all payments and funds transfers and on all related documentation.

(3) Any funds transferred to Iraq pursuant to this section may be used only for the purchase of services and goods necessary and essential to the conduct of the assessment mission and, whether U.S. or foreign origin, not of the type controlled under the Department of Commerce's Export Administration Regulations for exportation or re-exportation to Iran or Iraq or controlled on the United States Munitions List.

(4)(i) No exportations or re-exportations of goods or technology (whether U.S. or foreign origin) to Iraq are permitted pursuant to this section, except for those items intended for temporary use, as personal baggage, by mission representatives, provided that such items are either consumed by mission representatives during the visit or removed from Iraq at the end of each visit, and further provided that any such personal items regardless of origin are not of the type controlled for exportation or re-exportation to Iran or Iraq under the Department of Commerce's Export Administration Regulations, controlled on the United States Munitions List, or listed on the United Nations Goods Review List.

(ii) Nongovernmental organizations that wish to export or re-export goods or technology to Iraq, beyond personal baggage as described in paragraph (d)(4)(i) of this section, as part of a survey or assessment mission must apply for specific authorization from the Office of Foreign Assets Control pursuant to § 501.801(b), 31 CFR chapter V.

(5) Nongovernmental organizations acting under this section shall take adequate measures to prevent any items authorized for export, re-export, or local

purchase from being obtained or acquired by the Government of Iraq.

(6) U.S. citizens who wish to travel to Iraq pursuant to this section must apply to the Department of State to have their passports validated for travel to Iraq. Such applications should be submitted to the Deputy Assistant Secretary for Passport Services, ATTN: Office of Passport Policy and Advisory Services, U.S. Department of State, 2401 E Street NW., Washington, DC 20522–0907. Such applications must include the applicant's name, date and place of birth, dates of proposed travel, and purpose of the trip. This section does not in any way create a presumption in favor of passport validation.

(e) This section does not authorize transfers from blocked accounts.

Note to § 575.528: This section does not excuse a U.S. person from compliance with other provisions of 31 CFR chapter V or with applicable U.S. laws governing the exportation or re-exportation of U.S.-origin goods, software, or technology (including technical data) to Iraq, Iran, or other countries. *See, e.g.*, the Export Administration Regulations administered by the U.S. Department of Commerce (15 CFR chapter VII, subchapter C) and the International Traffic in Arms Regulations (22 CFR chapters 120–130) administered by the Department of State.

Dated: February 28, 2003.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: March 3, 2003.

Kenneth E. Lawson,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 03–5952 Filed 3–10–03; 8:50 am]

BILLING CODE 4810–25–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–7463–2]

National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: This action corrects errors and clarifies regulatory text of the ''National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing,'' which was issued as a final rule on July 9, 2002. These technical corrections will not change the level of health protection the final rule provides or the standards established by the rule.

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's action final without prior proposal and opportunity for comment because the changes to the rule are minor technical corrections, are noncontroversial, and do not substantively change the requirements of the rule. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B) (*see* also the final sentence of section 307(d)(1) of the Clean Air Act, 42 U.S.C. 7607(d)(1), indicating that the good cause provisions of the APA continue to apply to this type of rulemaking under the Clean Air Act).

Section 553(d)(3) allows an agency, upon a finding of good cause, to make a rule effective immediately. Because today's changes do not substantively change the requirements of the rule, we find good cause to make these technical corrections effective immediately.

EFFECTIVE DATE: March 12, 2003.

FOR FURTHER INFORMATION CONTACT: Anthony P. Wayne, Policy Planning and Standards Group, Emission Standards Division, C439–04, U.S. EPA, Research Triangle Park, North Carolina, 27711, telephone number (919) 541–5439; Fax (919) 541–0942; Electronic mail address: *wayne.tony@epa.gov.*

SUPPLEMENTARY INFORMATION:

Regulated Entities. Categories and entities potentially regulated by this action include:

Category	NAICS [a]	Regulated entities
Industry	326211 326212 314992	Rubber Tire Manufacturing. Facilities.

[a] North American Information Classification System.

This list is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 63.5981. If you have questions regarding the applicability of this action to a particular entity, consult your State or local agency (or EPA Regional Office) described 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–2002–0089. The official public docket consists of the documents that are available for public viewing in the Rubber Tire Manufacturing NESHAP Docket at the EPA Docket Center (Air Docket), EPA West, Room B–108, 1301 Constitution Avenue, NW., Washington, DC 20004. The Docket Center 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) 566–1742. 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.

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 also available through EPA's new electronic public docket, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/rpas/* to access the index listing of the contents of the official public docket for this action, as well as access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket identification number that EPA has established for this action.

Certain types of information will not be placed in the EPA Docket. 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 either. The 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 supporting materials for this action will be made available in EPA's electronic public docket. When a document is selected from the index list in the EPA Docket, 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 Center identified in this notice. The EPA intends to work toward providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of the final rule correction notice will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the final rule correction notice will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

I. Correction

On July 9, 2002 (67 FR 45588), the EPA promulgated the national emission standards for hazardous air pollutants (NESHAP) for rubber tire manufacturing as subpart XXXX in 40 CFR part 63. Today's action contains notification of typographical errors and corrections to clarify wording changes. The corrections will become effective immediately (without further rulemaking action) on March 12, 2003.

Table 17 to subpart XXXX contains two citations that indicate the applicability of the general provisions of 40 CFR part 63, subpart XXXX. Specifically, §§ 63.9(f), (g) and 63.10(b)(2)(i)–(iv) are referenced. The applicability of these provisions to subpart XXXX were indicated in the wrong columns of the table. Sections 63.9(f) and (g) are not applicable to subpart XXXX. Section 63.10(b)(2)(i)–(iv) is applicable to subpart XXXX when a control device is employed to meet the emission standards of subpart XXXX. Section 63.10(b)(2)(i)–(iv) is not applicable when a control device is not employed to comply with the emission standards of subpart XXXX. Today's action notifies interested parties of the corrections.

Several editorial changes are being made to clarify the intent of the provisions. Terminology in § 63.5994(c)(4), Equation 4, is being revised to clarify and correct the definition of the term HAP_k. The term HAP_k refers to the mass percent, expressed as a decimal, of all hazardous air pollutants (HAP) in cement and solvent. The term incorrectly stated ''of the specified HAP.'' The revision to the term definition will correct the inconsistency in Equation 4.

The definition of cements and solvents, § 63.6015, is being revised to clarify a specific item in the list of cements and solvents subject to the Rubber Tire Manufacturing final rule. The list of cements and solvents includes materials used to clean process equipment. The word ''clean'' was inadvertently left out of the final rule. The revision to include the word ''clean'' clarifies the intended meaning of the applicable cements and solvents.

II. Statutory and Executive Order Reviews

Under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget (OMB). This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

The technical correction does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Because EPA has made a ''good cause'' finding that this action is not subject to notice and comment requirements under the APA or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA.

The technical correction does not have substantial direct effects on the States, or on the relationship between the national government and the States, as specified in Executive Order 13132, Federalism (64 FR 43255, August 10, 1999).

Today's action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 6, 2000).

The technical correction also is not subject to Executive Order 13045, Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) because it is not economically significant.

The technical correction is not subject to Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

The technical correction action does not involve changes to the technical standards related to test methods or monitoring methods; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) does not apply.

The technical correction also does not involve special consideration of environmental justice-related issues as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).The EPA has complied with Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings) (53 FR 8859, March 15, 1988) by examining the takings implications of this rule correction in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order.

In issuing the technical correction, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, Civil Justice Reform (61 FR 4729, February 7, 1996).

The Congressional Review Act (CRA)(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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of March 12, 2003. The 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.**

The EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the July 9, 2002, **Federal Register** notice containing the Rubber Tire Manufacturing final rule (67 FR 45588).

List of Subjects for 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 3, 2003.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, title 40, chapter I, part 63, subpart XXXX of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

Subpart XXXX—[Amended]

2. Section 63.5994(c)(4) is amended by revising the term HAP_k to read as follows:

§ 63.5994 How do I conduct tests and procedures for tire production affected sources?

* * * * *

(c) * * *

(4) * * *

HAP_k = mass percent, expressed as a decimal, of all HAP in cement and solvent k, as purchased, for cements and solvents used in the month in processes that are routed to a control device during non-control operating days, which are defined as days when either the control system is not operating within the operating range established during the performance test or when monitoring data are not collected.

* * * * *

3. Section 63.6015 is amended by revising the definition of *Cements and solvents* to read as follows:

§ 63.6015 What definitions apply to this subpart?

* * * * *

Cements and solvents means the collection of all organic chemicals, mixtures of chemicals, and compounds used in the production of rubber tires, including cements, solvents, and mixtures used as process aids. Cements and solvents include, but are not limited to, tread end cements, undertread cements, bead cements, tire building cements and solvents, green tire spray, blemish repair paints, side wall protective paints, marking inks, materials used to clean process equipment, and slab dip mixtures. Cements and solvents do not include coatings or process aids used in tire cord production, puncture sealant application, rubber processing, or materials used to construct, repair, or maintain process equipment, or chemicals and compounds that are not used in the tire production process such as materials used in routine janitorial or facility grounds maintenance, office supplies (*e.g.*, dry-erase markers, correction fluid), architectural paint, or any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution to and use by the general public.

* * * * *

[FR Doc. 03–5713 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[DA 03–445]

Commission Organization

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to reflect the name change of the Commission's Office of Plans and Policy.

DATES: Effective February 7, 2003.

FOR FURTHER INFORMATION CONTACT: Mary Beth Richards, 202–418–1514.

SUPPLEMENTARY INFORMATION: This action was taken by order of the Managing Director on authority delegated by the Commission. The order (DA 03–445) was released on March 5, 2003, and the full text of the order is available for public inspection on-line at *http://www.fcc.gov* or in the Reference Center of the Federal Communications Commission, 445 12th Street, SW., Washington, D.C. 20554. To more accurately reflect the expanded emphasis by the Commission's Office of Plans and Policy on strategic planning, the Office's name has been changed to the Office of Strategic Planning and Policy Analysis. Since this name change pertains to agency organization, procedure, and practice, the notice and comment provisions of the Administrative Procedure Act contained in 5 U.S.C. 553(b) are not applicable.

Federal Communications Commission.

Andrew S. Fishel,

Managing Director.

For the reasons set forth in the preamble, the Federal Communications Commission amends 47 CFR part 0 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

§§ 0.5, 0.21, 0.31, and 0.271 [Amended]

2. In part 0 remove the words ''Office of Plans and Policy'' and add, in their place, the words ''Office of Strategic Planning and Policy Analysis'' in the following places:

a. Center heading before §§ 0.21 and 0.271;

b. Section 0.5(a)(4);

c. Section 0.21 introductory text;

d. Section 0.31(g); and

e. Section 0.271(a).

[FR Doc. 03–5829 Filed 3–11–03; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1825

RIN 2700–AC33

Trade Agreements Act—Exception for U.S.-Made End Products

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule adopts without change the proposed rule published in the **Federal Register** (67 FR 68551) on November 12, 2002. This final rule amends the NASA FAR Supplement (NFS) to implement the determination of the Assistant Administrator for Procurement that, for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act for U.S.-made end products that are substantially transformed in the United States.

EFFECTIVE DATE: March 12, 2003.

FOR FURTHER INFORMATION CONTACT: Patrick Flynn, Code HK, (202) 358–0460; e-mail: *pflynn@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

On September 13, 2002, the Assistant Administrator for Procurement

determined that, for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act to U.S.-made end products that are substantially transformed in the United Sates. The September 13, 2002, determination is consistent with Federal Acquisition Regulation policy and the Department of Defense policy with regard to the treatment of U.S.-made end products. This final rule implements the September 13, 2002, determination. This final rule will simplify evaluation of offers in acquisitions subject to the Trade Agreements Act, because it will no longer be necessary to determine if a U.S.-made end product is also a domestic end product, *i.e.*, the cost of domestic components exceeds the cost of all components by more than 50 percent.

NASA published a proposed rule in the **Federal Register** (67 FR 68551) on November 12, 2002. Public comments were received from one industry association. Comments received were supportive of the change. This final rule adopts the proposed rule without change.

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

B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) because NASA has few acquisitions subject to the Trade Agreements Act in which small businesses proposing domestic end products have received a percent price evaluation preference over offers of U.S.-made end products for which the cost of foreign components exceeds the cost of domestic components by 50 percent or more.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose any new recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* This final rule eliminates the requirement for offerors to track and document the origin of components of U.S.-made end products in acquisitions subject to the Trade Agreements Act in order to comply with the FAR.

List of Subjects in 48 CFR Part 1825

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 48 CFR part 1825 is amended as follows:

1. The authority citation for 48 CFR Part 1825 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1825—FOREIGN ACQUISITION

1825.103 [Amended]

2. Amend section 1825.103 by adding paragraph (a)(iii) to read as follows:

1825.103 Exceptions.

(a) * * *

(iii) The Assistant Administrator for Procurement has determined that for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act to U.S.-made end products that are substantially transformed in the United States.

3. Amend section 1825.1101 by adding paragraph (c)(1) to read as follows:

1825.1101 Acquisition of supplies.

(c)(1) NASA has determined that the restrictions of the Buy American Act are not applicable to U.S.-made end products.

* * * * *

[FR Doc. 03–5907 Filed 3–11–03; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 190, 191, 192, 193, 195, 198 and 199

RIN 2137–AD43

Revisions; Definition of Administrator

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: In this final rule, RSPA modifies or adds the definition of Administrator in several sections of the Code of Federal Regulations. RSPA has determined that there is a need to change or add the definition of Administrator for clarification purposes and for consistency between the RSPA regulations.

EFFECTIVE DATE: This rule is effective March 12, 2003.

FOR FURTHER INFORMATION CONTACT: Astrid Lopez-Goldberg, Attorney, Research and Special Programs Administration, Office of Chief Counsel, Room 8407, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202)366–4400, Fax: (202)366–7041, e-mail: *astrid.lopez-goldberg@rspa.dot.gov.*

SUPPLEMENTARY INFORMATION: After a review of the RSPA regulations, RSPA has determined that there is a need to change or add the definition of Administrator for clarification purposes and for consistency between the RSPA regulations.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.

B. Executive Order 12612

This regulation would not have substantial direct effect on states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of Government. Therefore, in accordance with Executive Order 12612 (52 FR 41685; October 30, 1987), RSPA has determined that this regulation would not have sufficient federalism implications to warrant preparation of a federalism assessment.

C. Executive Order 13084

Because this regulation would not significantly or uniquely affect the communities of the Indian tribal governments, the funding and consultation requirements of this Executive Order do not apply.

D. Regulatory Flexibility Act

RSPA certifies, under section 605 of the Regulatory Flexibility Act (5 U.S.C.), that this rule will not have a significant economic impact on a substantial number of small entities.

E. Paperwork Reduction Act

There are no new information collection requirements in this final rule.

F. Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

G. Impact on Business Processes and Computer Systems (Year 2000)

Many computers that use two digits to keep track of dates may, on January 1, 2000, recognize ''double zero'' not as 2000 but as 1900. The Year 2000 problem could cause computers to stop running or start generating erroneous data. The Year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 conversion, federal agencies are reaching out to increase awareness of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem. This final rule does not impose business process changes or require modification to computer systems. Because the final rule does not affect organizations' ability to respond to the Year 2000 problem, we do not intend to delay the effectiveness of the requirements of this final rule.

H. Regulation Identifier Number (RIN)

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

I. National Environmental Policy Act

For purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) this action will not significantly affect the quality of the human environment.

List of Subjects in 49 CFR Parts 107, 190, 191, 192, 193, 195, 198 and 199

Administrative practice and procedure, Pipeline safety.

For the reasons stated in the preamble, RSPA amends 49 CFR parts 107, 190, 191, 192, 193, 195, 198 and 199 as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; Sec. 212–213, Pub. L. 104–121, 110 Stat. 857; and 49 CFR 1.45, 1.53.

2. In section 107.1, revise the definition of Administrator to read as follows:

§ 107.1 Definitions.

* * * * *

Administrator means the Administrator, Research and Special Programs Administration or his or her delegate.

* * * * *

PART 190—PIPELINE SAFETY PROGRAMS AND RULEMAKING PROCEDURES

1. The authority citation for part 190 continues to read as follows:

Authority: 33 U.S.C. 1321; 49 U.S.C. 5101–5127, 60101 *et seq.*; Sec. 212–213, Pub. L. 104–121, 110 Stat. 857; and 49 CFR 1.53.

2. In section 190.3, add the definition of Administrator in alphabetical order, to read as follows:

§ 190.3 Definitions.

* * * * *

Administrator means the Administrator, Research and Special Programs Administration or his or her delegate.

* * * * *

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL REPORTS, INCIDENT REPORTS, AND SAFETY RELATED CONDITION REPORTS

1. The authority citation for part 191 continues to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, and 60124 and 49 CFR 1.53.

2. In section 191.3, revise the definition of Administrator to read as follows:

§ 191.3 Definitions.

* * * * *

Administrator means the Administrator, Research and Special Programs Administration or his or her delegate.

* * * * *

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118 and 49 CFR 1.53.

2. In section 192.3, revise the definition of Administrator to read as follows:

§ 192.3 Definitions.

* * * * *

Administrator means the Administrator, Research and Special Programs Administration or his or her delegate.

* * * * *

PART 193—LIQUEFIED NATURAL GAS FACILITIES: FEDERAL SAFETY STANDARDS

1. The authority citation for part 193 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, and 60118, and 49 CFR 1.53.

2. In section 193.2007, revise the definition of Administrator to read as follows:

§ 193.2007 Definitions.

* * * * *

Administrator means the Administrator, Research and Special Programs Administration or his or her delegate.

* * * * *

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, and 60118; and 49 CFR 1.53.

2. In section 195.2, revise the definition of Administrator to read as follows:

§ 195.2 Definitions.

* * * * *

Administrator means the Administrator, Research and Special Programs Administration or his or her delegate.

* * * * *

PART 198—REGULATIONS FOR GRANTS TO AID STATE PIPELINE SAFETY PROGRAMS

1. The authority citation for part 198 continues to read as follows:

Authority: 49 U.S.C. 60105, 60106 and 60114; and 49 CFR 1.53.

2. In Section 198.3, add the definition of Administrator in alphabetical order, to read as follows:

§ 198.3 Definitions.

* * * * *

Administrator means the Administrator, Research and Special Programs Administration or his or her delegate.

* * * * *

PART 199—DRUG AND ALCOHOL TESTING

1. The authority citation for part 199 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; and 49 CFR 1.53.

2. In section 199.3, revise the definition of Administrator to read as follows:

§ 199.3 Definitions.

* * * * *

Administrator means the Administrator, Research and Special Programs Administration or his or her delegate.

* * * * *

Ellen G. Engleman,

Administrator.

[FR Doc. 03–5922 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–60–P

Proposed Rules

Federal Register
Vol. 68, No. 48
Wednesday, March 12, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Docket No. FV–03–985–1 PR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2003–2004 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would establish the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle for, producers during the 2003–2004 marketing year, which begins on June 1, 2003. This rule invites comments on the establishment of salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil of 857,444 pounds and 45 percent, respectively, and for Class 3 (Native) spearmint oil of 808,528 pounds and 38 percent, respectively. The Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West, recommended this rule for the purpose of avoiding extreme fluctuations in supplies and prices, to help maintain stability in the spearmint oil market.

DATES: Comments must be received by April 1, 2003.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or E-mail: *moab.docketclerk@usda.gov*. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html*.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, Oregon 97204; telephone: (503) 326–2724; Fax: (503) 326–7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491; Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order No. 985 (7 CFR Part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. Under the provisions of the order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, that may be purchased from or handled for producers by handlers during the 2003–2004 marketing year, which begins on June 1, 2003. This proposed rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to authority in §§ 985.50, 985.51, and 985.52 of the order, the Committee, with seven of its eight members present, met on October 2, 2002, and recommended salable quantities and allotment percentages for both classes of oil for the 2003–2004 marketing year. With six members in favor and one opposed, the Committee recommended the establishment of a salable quantity and allotment percentage for Scotch spearmint oil of 857,444 pounds and 45 percent, respectively. For Native spearmint oil, the Committee unanimously recommended the establishment of a salable quantity and allotment percentage of 808,528 pounds and 38 percent, respectively.

This proposed rule would limit the amount of spearmint oil that handlers may purchase from, or handle for, producers during the 2003–2004 marketing year, which begins on June 1, 2003. Salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980.

The U.S. production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered by the marketing order). Spearmint oil is also produced in the Midwest. The production area covered by the marketing order currently accounts for approximately 55 percent of the annual U.S. production of Scotch spearmint oil.

When the order became effective in 1980, the United States produced nearly 100 percent of the world's supply of Scotch spearmint oil, of which approximately 72 percent was produced in the regulated production area in the Far West. The Far West continued to produce an average of about 69 percent of the world's Scotch spearmint oil supply during the period from 1980 to 1990. International production characteristics have changed since 1990, however, with foreign Scotch spearmint oil production contributing significantly to world production. The Far West's market share as a percent of total world sales has averaged about 45 percent since 1990.

Between 1996 and 2000, the Committee's marketing strategy for Scotch spearmint oil centered around an attempt to regain a substantial amount of the Far West's historical share of the global market for this class of oil. Although still interested in retaining a sizable share of the global market, the Committee has since refocused its strategy on establishing a salable quantity that is largely determined by information on price and available supply as they are affected by the estimated trade demand.

Although sales had increased somewhat, the Far West's market share as a percentage of total world sales had not increased on average, and the market price for Scotch spearmint oil had continued to decline throughout the 1996–2000 period. During the 1998–1999 and 1999–2000 marketing years, the price paid to producers for Scotch spearmint oil dropped to a low of $7.00 per pound. Although the current price for Scotch oil is about $8.00 per pound, the Committee, as well as spearmint oil producers and handlers attending the October 2, 2002, meeting, continue to believe that such returns are generally below the cost of production for most producers. The most recent information available from the Washington State University Cooperative Extension Service (WSU), indicates the production costs to be between $13.50 and $15.00 per pound.

The Committee estimates that acreage of Scotch spearmint has declined from about 10,000 acres in 1998 to about 4,000 acres currently. The reduction in acreage is directly attributable to the relatively low level of producer returns. Based on the reduced Scotch spearmint acreage, the Committee estimates that production for the current season (the 2002–2003 marketing season) will be about 472,600 pounds.

The Committee calculated the 2003–2004 Scotch spearmint oil salable quantity (857,444 pounds) and allotment percentage (45 percent) by utilizing sales estimates for 2003–2004 Scotch oil as provided by several of the industry's handlers, as well as historical and current Scotch oil sales levels. Between June 1, 2002, and September 27, 2002, 415,914 pounds of Scotch oil were sold, a level below the most recent five-year average of 490,926 pounds. Handlers are estimating that sales for the 2002–2003 marketing year may range from a low of 700,000 pounds to a high of 825,000 pounds. With 387,374 pounds carried in to the current marketing year and an estimated 472,608 pounds being produced, the total available supply this year, including the 415,914 pounds already sold, is 859,982 pounds.

The recommendation for the 2003–2004 Scotch spearmint oil volume regulation is consistent with the Committee's stated intent of keeping adequate supplies available at all times, while attempting to stabilize prices at a level adequate to sustain the farmers producing the oil. Furthermore, the recommendation takes into consideration the industry's desire to compete with less expensive oil produced outside the regulated area.

Although Native spearmint oil producers are facing market conditions similar to those affecting the Scotch spearmint oil market, unlike Scotch, over 90 percent of the U.S. production of Native spearmint is produced within the Far West production area. Also, unlike Scotch, most of the world's supply of Native spearmint is produced in the U.S.

The current, flat market contributed to the Committee's recommendation for a salable quantity of 808,528 pounds and an allotment percentage of 38 percent for Native spearmint oil for the 2003–2004 marketing year. The supply and demand characteristics of the current Native spearmint oil market are keeping the price relatively steady at about $9.00 per pound—a level the Committee considers too low for the majority of producers to maintain viability. The WSU study referenced earlier indicates that the cost of producing Native spearmint oil ranges from $10.26 to $10.92 per pound.

Although Native spearmint acreage has decreased about 11 percent over the last year, the Committee estimates that over a million pounds of Native oil is expected to be produced this year. With current sales approximating the five-year average of about 500,000 pounds, the current season's salable quantity of 800,761 pounds coupled with the June 1, 2002, carry-in of 202,872 pounds will likely produce a surplus of oil, adding to the nearly 1.2 million pounds already in reserve. Handlers are estimating that about 918,750 pounds of Native spearmint oil, on average, may be sold during the 2003–2004 marketing year. This estimate, combined with the information available regarding current supply and price, helped lead the Committee to its recommendation for a 2003–2004 salable quantity of 808,528 pounds. When considered in conjunction with the estimated carry-in of 104,562 pounds of oil on June 1, 2003, the recommended salable quantity results in a total available supply of Native spearmint oil next year of about 913,090 pounds.

Thus, with over 90 percent of the world production currently located in the Far West, the Committee's method of calculating the Native spearmint oil salable quantity and allotment percentage continues to primarily utilize information on price and available supply as they are affected by the estimated trade demand. The Committee's stated intent is to make adequate supplies available to meet market needs and improve producer prices.

Despite the downward trend in the price of both classes of spearmint oil in recent years, the Committee believes that the order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year to year. According to the National Agricultural Statistics Service, for example, the average price paid for both classes of spearmint oil ranged from about $4.00 per pound to about $12.50 per pound during the period between 1968 and 1980. Excluding the most recent four marketing years, prices since the order's inception have generally stabilized at about $11.00 per pound for Native spearmint oil and at about $13.00 per pound for Scotch spearmint oil. However, the prices for both classes of oil have dropped over the last few years due to several factors, including the general uncertainty being experienced through the U.S. economy and the continuing overall weak farm situation, as well as an abundant global supply of spearmint oil. As noted earlier,—although lower than what producers believe to be viable—prices currently appear to be stable at about $8.00 for Scotch and $9.00 for Native.

The Committee based its recommendation for the proposed salable quantity and allotment percentage for each class of spearmint oil for the 2003–2004 marketing year on the information discussed above, as well as the data outlined below.

(1) Class 1 (Scotch) Spearmint Oil

(A) Estimated carry-in on June 1, 2003—43,782 pounds. This figure is the difference between the estimated 2002–2003 marketing year trade demand of 816,200 pounds and the revised 2002–2003 marketing year total available supply of 859,982 pounds. The 2002–2003 marketing year total available supply was revised due to differences in the carry-in estimated on October 11, 2001, and the actual carry-in on June 1, 2002, as well as producer deficiencies on June 1, 2002. A producer is deficient when the producer is unable or unwilling to produce oil equal to his or her salable quantity and is unable to fill this deficiency from reserve pool oil or excess oil from another producer. When prices are below a producer's cost of production, they generally reduce acres and produce less oil.

(B) Estimated trade demand for the 2003–2004 marketing year—822,200 pounds. This figure represents the Committee's estimate based on the average of the estimates provided by producers at five Scotch spearmint oil production area meetings held in September 2002, as well as estimates provided by handlers and others at the October 2, 2002, meeting. Handler trade demand estimates for the 2003–2004 marketing year ranged from 750,000 to 800,000 pounds. The average of sales over the last five years was 912,209 pounds.

(C) Salable quantity required from the 2003–2004 marketing year production—778,418 pounds. This figure is the difference between the estimated 2003–2004 marketing year trade demand (822,200 pounds) and the estimated carry-in on June 1, 2003 (43,782 pounds).

(D) Total estimated allotment base for the 2003–2004 marketing year—1,905,430 pounds. This figure represents a one-percent increase over the revised 2002–2003 total allotment base. This figure is generally revised each year on June 1 due to producer base being lost due to the bona fide effort production provisions of § 985.53(e). The revision is usually minimal.

(E) Computed allotment percentage—40.9 percent. This percentage is computed by dividing the required salable quantity by the total estimated allotment base.

(F) Recommended allotment percentage—45 percent. This recommendation is based on the Committee's determination that a decrease from the current season's allotment percentage of 45 percent to the computed 40.9 percent would not adequately supply the potential 2003–2004 market. The recommended level of 45 percent is slightly higher than the 22-year average of sales.

(G) The Committee's recommended salable quantity—857,444 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

(H) Estimated available supply for the 2003–2004 marketing year—901,226 pounds. This figure is the sum of the 2003–2004 recommended salable quantity (857,444 pounds) and the estimated carry-in on June 1, 2003 (43,782 pounds).

(2) Class 3 (Native) Spearmint Oil

(A) Estimated carry-in on June 1, 2003—104,562 pounds. This figure is the difference between the estimated 2002–2003 marketing year trade demand of 900,000 pounds and the revised 2002–2003 marketing year total available supply of 1,004,562 pounds.

(B) Estimated trade demand for the 2003–2004 marketing year—875,000 pounds. This figure is based on input from producers at the five Native spearmint oil production area meetings held in September 2002, from handlers, and from Committee members and other meeting participants at the October 2, 2002, meeting. The average estimated trade demand provided at the five production area meetings was 907,000 pounds, whereas the average handler estimate was 918,750 pounds. According to the Committee, the more conservative estimate chosen for the 2003–2004 trade demand figure reflects a general lack of 2003 contract offers to date.

(C) Salable quantity required from the 2003–2004 marketing year production—770,438 pounds. This figure is the difference between the estimated 2003–2004 marketing year trade demand (875,000 pounds) and the estimated carry-in on June 1, 2003 (104,562 pounds).

(D) Total estimated allotment base for the 2003–2004 marketing year—2,127,706 pounds. This figure represents a one percent increase over the revised 2002–2003 total allotment base. This figure is generally revised each year on June 1 due to producer base being lost due to the bona fide effort production provisions of § 985.53(e). The revision normally involves a minimal amount of spearmint oil.

(E) Computed allotment percentage—36.2 percent. This percentage is computed by dividing the required salable quantity by the total estimated allotment base.

(F) Recommended allotment percentage—38 percent. This is the Committee's recommendation based on the computed allotment percentage, the average of the computed allotment percentage figures from the five production area meetings (38.6 percent), and input from producers and handlers at the October 2, 2002, meeting.

(G) The Committee's recommended salable quantity—808,528 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

(H) Estimated available supply for the 2003–2004 marketing year—913,090 pounds. This figure is the sum of the 2003–2004 recommended salable quantity (808,528 pounds) and the estimated carry-in on June 1, 2003 (104,562 pounds).

The salable quantity is the total quantity of each class of spearmint oil, which handlers may purchase from, or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The Committee's recommended Scotch and Native spearmint oil salable quantities and allotment percentages of 857,444 pounds and 45 percent and 808,528 and 38 percent, respectively, are based on the Committee's goal of maintaining market stability by avoiding extreme fluctuations in supplies and prices and the anticipated supply and trade demand during the 2003–2004 marketing year. The proposed salable quantities are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market demand for spearmint oil, which may develop during the marketing year, can be satisfied by an increase in the salable quantities. Both Scotch and Native spearmint oil producers who produce more than their annual allotments during the 2003–2004 season may transfer such excess spearmint oil to a producer with spearmint oil production less than his or her annual allotment or put it into the reserve pool.

This proposed regulation, if adopted, would be similar to those, which have been issued, in prior seasons. Costs to producers and handlers resulting from this proposed action are expected to be offset by the benefits derived from a stable market and improved returns. In conjunction with the issuance of this proposed rule, USDA has reviewed the Committee's marketing policy statement for the 2003–2004 marketing year. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume

regulations, fully meets the intent of § 985.50 of the order. During its discussion of potential 2003–2004 salable quantities and allotment percentages, the Committee considered: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) prospective production of each class of oil; (4) total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Conformity with the USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' has also been reviewed and confirmed.

The establishment of these salable quantities and allotment percentages would allow for anticipated market needs. In determining anticipated market needs, consideration by the Committee was given to historical sales, as well as changes and trends in production and demand. This rule also provides producers with information on the amount of spearmint oil, which should be produced for next season in order to meet anticipated market demand.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 7 spearmint oil handlers subject to regulation under the order, and approximately 98 producers of Class 1 (Scotch) spearmint oil and approximately 100 producers of Class 3 (Native) spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA)(13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000.

Based on the SBA's definition of small entities, the Committee estimates that 2 of the 7 handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 11 of the 98 Scotch spearmint oil producers and 13 of the 100 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. A typical spearmint oil-producing operation has enough acreage for rotation such that the total acreage required to produce the crop is about one-third spearmint and two-thirds rotational crops. Thus, the typical spearmint oil farmer has to have considerably more acreage than is planted to spearmint during any given season. Crop rotation is an essential cultural practice in the production of spearmint oil for weed, insect, and disease control. To remain economically viable with the added costs associated with spearmint oil production, most spearmint oil-producing farms fall into the SBA category of large businesses.

This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle for, producers during the 2003–2004 marketing year. The Committee recommended this rule to help maintain stability in the spearmint oil market by avoiding extreme fluctuations in supplies and prices. Establishing quantities to be purchased or handled during the marketing year through volume regulations allows growers to plan their mint planting and harvesting to meet expected market needs. The provisions of §§ 985.50, 985.51, and 985.52 of the order authorize this action.

Small spearmint oil producers generally are not as extensively diversified as larger ones and as such are more at risk to market fluctuations. Such small farmers generally need to market their entire annual crop and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because incomes from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers. Even though a majority of handlers and producers of spearmint oil may not be classified as small entities, the volume control feature of this order has small entity orientation.

Demand for spearmint oil tends to be relatively stable from year-to-year. The demand for spearmint oil is expected to grow slowly for the foreseeable future because the demand for consumer products that use spearmint oil will likely expand slowly, in line with population growth.

Demand for spearmint oil at the farm level is derived from retail demand for spearmint-flavored products at retail such as chewing gum, toothpaste, and mouthwash. The manufacturers of these products are by far the largest users of mint oil. However, spearmint flavoring is generally a very minor component of the products in which it is used, so changes in the raw product price have no impact on retail prices for those goods.

Spearmint oil production tends to be cyclical. Years of large production, with demand remaining reasonably stable, have led to periods in which large producer stocks of unsold spearmint oil have depressed producer prices for a number of years. Shortages and high prices may follow in subsequent years, as producers respond to price signals by cutting back production.

The wide fluctuations in supply and prices that result from this cycle, which was even more pronounced before the creation of the marketing order, can create liquidity problems for some producers. The marketing order was designed to reduce the price impacts of the cyclical swings in production. However, producers have been less able to weather these cycles in recent years because of the decline in prices of many of the alternative crops they grow. As noted earlier, almost all spearmint oil producers diversify by growing other crops.

Instability in the spearmint oil sub sector of the mint industry is much more likely to originate on the supply side than the demand side. Fluctuations in yield and acreage planted from

season-to-season tend to be larger than fluctuations in the amount purchased by buyers.

The significant variability is illustrated by the fact that between 1980 and 2001, the coefficient of variation (CV) of northwest spearmint oil production was about 0.24. The CV is a standard measure of variability above and below the average production level of 1,880,727 pounds. Production in the shortest crop year was about 48 percent of the 22-year average and the largest crop was approximately 164 percent. A key consequence is that in years of oversupply and low prices, the season average producer price of spearmint oil is below the average cost of production (as measured by the Washington State University Cooperative Extension Service).

Over the 22-year period, the CV for spearmint oil prices was about 0.13, well below the CV for production. This provides an indication of the price stabilizing impact of the marketing order.

In an effort to stabilize prices, the spearmint oil industry uses the volume control mechanisms authorized under the order. This authority allows the Committee to recommend a salable quantity and allotment percentage for each class of oil for the upcoming marketing year. The salable quantity for each class of oil is the total volume of oil that producers may sell during the marketing year. The allotment percentage for each class of spearmint oil is derived by dividing the salable quantity by the total allotment base.

Each producer is then issued an annual allotment certificate, in pounds, for the applicable class of oil, which is calculated by multiplying the producer's allotment base by the applicable allotment percentage. This is the amount of oil for the applicable class that the producer can sell.

By November 1 of each year, the Committee identifies any oil that individual producers have produced above the volume specified on their annual allotment certificates. This excess oil is placed in a reserve pool administered by the Committee.

There is a reserve pool for each class of oil that may not be sold during the current marketing year unless the Secretary approves a Committee recommendation to make a portion of the pool available. However, limited quantities of reserve oil are typically sold to fill deficiencies. A deficiency occurs when on-farm production is less than a producer's allotment. In that case, a producer's own reserve oil can be sold to fill that deficiency. Excess production (higher than the producer's allotment) can be sold to fill other producers' deficiencies.

In any given year, the total available supply of spearmint oil is composed of current production plus carry-over stocks from the previous crop. The Committee seeks to maintain market stability by balancing supply and demand, and to close the marketing year with an appropriate level of carry-out. If the industry has production in excess of the salable quantity, then the reserve pool absorbs the surplus quantity of spearmint oil, which goes unsold during that year, unless the oil is needed for unanticipated sales.

Under its provisions, the order may attempt to stabilize prices by (1) limiting supply and establishing reserves in high production years, thus minimizing the price-depressing effect that excess producer stocks have on unsold spearmint oil, and (2) ensuring that stocks are available in short supply years when prices would otherwise increase dramatically. The reserve pool stocks grown in large production years are drawn down in short crop years.

An econometric model was used to assess the impact that volume control has on the prices producers receive for their commodity. Without volume control, spearmint oil markets would likely be over-supplied, resulting in low producer prices and a large volume of oil stored and carried over to the next crop year. The model estimates how much lower producer prices would likely be in the absence of volume controls.

The Committee estimated the available supply during the 2003–2004 marketing year for both classes of oil at 1,814,356 pounds, and that the expected carry-in will be 148,344 pounds. Therefore, with volume control, sales by producers for the 2003–2004 marketing year should be limited to 1,665,972 pounds (the recommended salable quantity for both classes of spearmint oil).

The recommended salable percentages, upon which 2003–2004 producer allotments are based, are 45 percent for Scotch and 38 percent for Native. Without volume controls, producers would not be limited to these allotment levels, and could produce and sell additional spearmint. The econometric model estimated a $1.57 decline in the season average grower price per pound (from both classes of spearmint oil) resulting from the higher quantities that would be produced and marketed without volume control. Northwest grower prices for both classes of spearmint oil averaged $8.86 for 2000 and 2001, based on National Agricultural Statistics Service data, continuing a downward decline in recent years. The severe surplus situation for the spearmint oil market that would exist without volume controls in 2003–2004 also would likely dampen prospects for improved grower prices in future years because of the buildup in stocks.

The use of volume controls allows the industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. The use of volume controls is believed to have little or no effect on consumer prices of products containing spearmint oil and will not result in fewer retail sales of such products.

The Committee discussed alternatives to the recommendations contained in this rule for both classes of spearmint oil. The Committee discussed and rejected the idea of recommending that there not be any volume regulation for Scotch spearmint oil because of the severe price-depressing effects that would occur without volume control.

The Committee also considered various alternative levels of volume control for Scotch spearmint oil, including leaving the percentage the same as the current season, increasing the percentage to a less restrictive level, or decreasing the percentage. After considerable discussion in which there was no support for increasing the percentage and minimal support for decreasing it, the Committee chose to remain at the current level (45 percent). One Committee member voted in favor of establishing an allotment percentage of 40 percent due to his belief that anything more would not help improve the current depressed prices growers are receiving for their oil.

The Committee also discussed alternative allotment percentage levels for Native spearmint oil. With the current price for Native spearmint oil lower than the 20-year average, and demand fairly flat, the Committee, after considerable discussion, determined that 808,528 pounds and 38 percent would be the most effective salable quantity and allotment percentage, respectively, for the 2003–2004 marketing year. With a market situation similar to that of Scotch, none of those in attendance at the October 2, 2002, meeting were in support of a higher level of volume regulation, and only a few voiced support for levels less than 38 percent. After considerable discussion, the Committee unanimously supported the recommendation contained herein.

As noted earlier, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made

after careful consideration of all available information, including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Based on its review, the Committee believes that the salable quantity and allotment percentage levels recommended would achieve the objectives sought.

Without any regulations in effect, the Committee believes the industry would return to the pronounced cyclical price patterns that occurred prior to the order, and that prices in 2003–2004 would decline substantially below current levels.

As stated earlier, the Committee believes that the order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year-to-year. National Agricultural Statistics Service records show that the average price paid for both classes of spearmint oil ranged from about $4.00 per pound to about $12.50 per pound during the period between 1968 and 1980. Prices have been consistently more stable since the marketing order's inception in 1980. For much of the 1990's, prices had stabilized at about $13.00 per pound for Scotch spearmint oil and about $11.00 per pound for Native spearmint oil.

Over the last four years, however, large production and carry-in inventories have contributed to declining prices, despite the Committee's efforts to balance available supplies with demand. Further, over the same period, prices have ranged from $8.00 to $11.00 per pound for Scotch spearmint oil and between $9.00 to $10.00 per pound for Native spearmint oil.

According to the Committee, the recommended salable quantities and allotment percentages are expected to achieve the goals of market and price stability.

As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. Reporting and recordkeeping requirements have remained the same for each year of regulation. These requirements have been approved by the Office of Management and Budget under OMB Control No. 0581–0065. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically in order to avoid unnecessary and duplicative information collection by industry and public sector agencies. The USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate on all issues. In addition, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 20-day comment period is provided to allow interested persons the opportunity to respond to the proposal, including any regulatory and informational impacts of this action on small businesses. This comment period is deemed appropriate so that a final determination can be made prior to June 1, 2003, the beginning of the 2003–2004 marketing year. All written comments received within the comment period will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR Part 985 is proposed to be amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR Part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 985.222 is added to read as follows:

[**Note:** This section will not appear in the Code of Federal Regulations.]

§ 985.222 Salable quantities and allotment percentages—2003–2004 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2003, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 857,444 pounds and an allotment percentage of 45 percent.

(b) Class 3 (Native) oil—a salable quantity of 808,528 pounds and an allotment percentage of 38 percent.

Dated: March 6, 2003.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 03–5842 Filed 3–11–03; 8:45 am]

BILLING CODE 3410–02–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1218

[Doc. No. FV–03–701–PR]

Blueberry Promotion, Research, and Information Order; Amendment No. 2 To Change the Name of the U.S.A. Cultivated Blueberry Council and Increase Membership

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: The purpose of this rule is to seek comments on changing the title of the U.S.A. Cultivated Blueberry Council to the ''U.S. Highbush Blueberry Council'' (Council) to help avoid any further confusion in the industry regarding the specific type of blueberry and industry segment represented by the Council, and to make the name of the Council consistent with industry nomenclature and to add one member and alternate to the Council to represent the state of Washington-the sixth largest highbush blueberry producing state.

DATES: Comments must be received by May 12, 2003.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule to: Docket Clerk, Research and Promotion Branch, Fruit and Vegetable Programs (FV), Agricultural Marketing Service (AMS), USDA, Stop 0244, Room 2535–S, 1400 Independence Avenue, SW., Washington, DC 20250–0244. Comments should be submitted in triplicate and will be made available for public inspection at the above address during regular business hours. Comments may also be submitted

electronically to: *malinda.farmer@usda.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register.** A copy of this rule may be found at: *http://www.ams.usda.gov/fv/rpdocketlist.htm.*

FOR FURTHER INFORMATION CONTACT: Daniel Rafael Manzoni, Research and Promotion Branch, FV, AMS, USDA, Stop 0244, 1400 Independence Avenue, SW., Room 2535–S, Washington, DC 20250–0244; telephone (202) 720–5951, fax (202) 205–2800, or e-mail *daniel.manzoni@usda.gov.*

SUPPLEMENTARY INFORMATION: *Legal authority.* The Blueberry Promotion, Research, and Consumer Information Order (Order) (7 CFR part 1218) became effective on August 16, 2000 (65 FR 43961, July 17, 2000). It was issued under the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7401–7425).

Executive Orders 12866 and 12988

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action.

In addition, this rule has been reviewed under E.O. 12988, Civil Justice Reform. The rule is not intended to have retroactive effect. Section 524 of the Act provides that the Act shall not affect or preempt any other Federal or state law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the Act, a person subject to the Order may file a petition with the Secretary of Agriculture (Secretary) stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not established in accordance with the law, and requesting a modification of the Order or an exemption from the Order. Any petition filed challenging the Order, any provision of the Order, or any obligation imposed in connection with the Order, shall be filed within two years after the effective date of the Order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, the Secretary will issue a ruling on a petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Secretary's final ruling.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), AMS has examined the economic impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened.

There are approximately 2,000 producers, 200 first handlers, 50 importers, and 4 exporters of blueberries subject to the program. Most of the producers would be classified as small businesses under the criteria established by the Small Business Administration (SBA) (13 CFR 121.201). Most importers and first handlers would not be classified as small businesses, and, while most exporters are large, we assume that some are small. The SBA defines small agricultural handlers as those whose annual receipts are less than $5 million, and small agricultural producers are defined as those having annual receipts of not more than $500,000 annually.

This proposed rule would amend the Order to change the title of the U.S.A. Cultivated Blueberry Council to the ''U.S. Highbush Blueberry Council'' (Council) and to add one member and alternate to the Council to represent the state of Washington.

The proposed amendments are not considered to be substantial and will not significantly impact the blueberry industry. The name change will have a positive impact on the industry. Adding a producer member and alternate representing the state of Washington means that four additional producers will be required to submit background forms to USDA in order to be considered for appointment to the Council. Four producers will be affected because two names must be submitted to the Secretary for consideration for each position on the Council. However, serving on the Council is optional, and the burden of submitting the background form would be offset by the benefits of serving on the Council. The estimated annual cost of providing the information by four producers would be $6.00 for all four producers or $1.50 per producer.

There are no relevant Federal rules that duplicate, overlap, or conflict with the proposed rule.

We have performed this Initial Regulatory Flexibility Analysis regarding the impact of this proposed amendment to the Order on small entities, and we invite comments concerning potential effects of the proposed amendment.

Paperwork Reduction Act

In accordance with the OMB regulation (5 CFR 1320) which implements the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the background form, which represents the information collection and recordkeeping requirements that may be imposed by this rule, was previously submitted to and approved by OMB under OMB Number 0505–0001.

Title: National Research, Promotion, and Consumer Information Programs.

OMB Number: 0505–0001.

Expiration Date of Approval: October 31, 2003.

Type of Request: Increase in the information collection burden for research and promotion programs.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Act. The burden associated with this action is as follows:

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per response for each producer.

Respondents: Producers.

Estimated Number of Respondents: 4.

Estimated Number of Responses per Respondent: 1 every 3 years (0.3).

Estimated Total Annual Burden on Respondents: 0.6 hours.

The estimated annual cost of providing the information by the four producers would be $6.00 or $1.50 per producer.

This additional burden will be included in the existing information collections approved for use under OMB Number 0505–0001.

Background

During the rulemaking process to implement the Order in 2000, members of the wild blueberry industry in Maine raised objections to the original name of the U.S.A. Blueberry Council. However, USDA did not change the name at that time, and the wild blueberry industry continued to have concerns to the generic name of the Council. Therefore, USDA issued a proposed rule to change the name of the Council to the U.S.A. Cultivated Blueberry Council on September 21, 2000 (65 FR 57104). The new name became effective on August 16, 2001, with the publication of a final rule published in the **Federal Register** on July 17, 2001 (66 FR 37117).

Subsequently, the Council was appointed and decided that the term ''cultivated'' in its name should be changed to ''highbush'' because cultivated blueberries are commonly called highbush blueberries, and wild blueberries are commonly called

lowbush blueberries. In addition, horticultural publications use the nomenclature of highbush and lowbush for blueberries. Using the terms highbush and lowbush provides a simple means for the consumer to differentiate between these two types of blueberries and for industry members to determine whether or not they owe assessments to the Council. Accordingly, the Council recommends that the term highbush should be used to distinguish their blueberries from lowbush (wild).

Therefore, the Council voted unanimously on October 5, 2002, to change the Council's name to the U.S. Highbush Blueberry Council.

At the same meeting, the Council voted unanimously to add one member and alternate to the Council to represent the state of Washington.

The Council currently consists of nine producers, one importer, one exporter from a foreign production area, one handler, and one public member. Each member has an alternate. The nine producer members are allocated as follows: one producer member for each of the top five producing states and one producer member from each of the four regions. The states that currently have representation on the Council are Georgia, Michigan, New Jersey, North Carolina, and Oregon. In recent years, highbush blueberry production in the state of Washington has increased. In 2001, Washington represented 8 percent of U.S. production, and the estimated production for that state in 2002 is 12.5 million pounds of highbush blueberries. In addition, the five additional states producing highbush blueberries (Alabama, Arkansas, Florida, Indiana, and New York) together represent only 7 percent of U.S. production, and the seventh highest producing state-Indiana-is expected to produce a total of 3 million pounds. Therefore, the Council determined that it was appropriate for Washington producers to have a state member and alternate on the Council.

Therefore, this proposed rule would change all references in the Order from the U.S.A. Cultivated Blueberry Council to the U.S. Highbush Blueberry Council and change all references to the USACBC to the Council. In addition, this rule would revise § 1216.40(a)(2) to specify that there will be one producer member and alternate from each of the top six (rather than five) blueberry producing states. If this rule is adopted, the Council would have 14 members and alternates. Therefore, a conforming change would be made in § 1216.40(a) to remove the Council member limit of 13. USDA has also removed obsolete language from §§ 1218.40 and 1218.41.

List of Subjects in 7 CFR Part 1218

Administrative practice and procedure, Advertising, Blueberries, Consumer information, Marketing agreements, Blueberry promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1218 is proposed to be amended as follows:

1. The authority citation for part 1218 continues to read as follows:

Authority: 7 U.S.C. 7401–7425.

PART 1218—BLUEBERRY PROMOTION, RESEARCH, AND INFORMATION

Subpart A—Blueberry Promotion, Research, and Information Order

2. In § 1218.3, the words ''U.S.A. Cultivated Blueberry Council'' are removed and the words ''U.S. Highbush Blueberry Council'' are added in its place, and ''USACBC'' is removed, and ''Council'' is added in its place.

3. Revise § 1216.23 to read as follows:

§ 1216.23 U.S. Highbush Blueberry Council.

U.S. Highbush Blueberry Council or the *Council* means the administrative body established pursuant to § 1218.40.

4. The undesignated center heading preceding § 1218.40 is revised to read as follows:

U.S. Highbush Blueberry Council

5. In § 1218.40, the introductory text of paragraph (a) and paragraphs (a)(2) and (b) are revised to read as follows:

§ 1218.40 Establishment and membership.

(a) Establishment of the U.S. Highbush Blueberry Council. There is hereby established a U.S. Highbush Blueberry Council, hereinafter called the Council, appointed by the Secretary from nominations as follows:

* * * * *

(2) One producer member and alternate from each of the top six blueberry producing states, based upon the average of the total tons produced over the previous three years. Average tonnage will be based upon production and assessment figures generated by the Council.

* * * * *

(b) Adjustment of membership. At least once every five years, the Council will review the geographical distribution of United States production of blueberries and the quantity of imports. The review will be conducted through an audit of state crop production figures and Council assessment records. If warranted, the Council will recommend to the Secretary that the membership on the Council be altered to reflect any changes in the geographical distribution of domestic blueberry production and the quantity of imports. If the level of imports increases, importer members and alternates may be added to the Council.

6. Section 1218.41 is revised to read as follows:

§ 1218.41 Nominations and appointments.

(a) Voting for regional and state representatives will be made by mail ballot.

(b) When a state has a state blueberry commission or marketing order in place, the state commission or committee will nominate members to serve on the Council. At least two nominees shall be submitted to the Secretary for each member and each alternate.

(c) Nomination and election of regional and state representatives where no commission or order is in place will be handled by the Council staff. The Council staff will seek nominations for members and alternates from the specific states and/or regions. Nominations will be returned to the Council office and placed on a ballot which will then be sent to producers in the state and/or region for a vote. The final nominee for member will have received the highest number of votes cast. The person with the second highest number of votes cast will be the final nominee for alternate. The persons with the third and fourth highest number of votes cast will be designated as additional nominees for consideration by the Secretary.

(d) Nominations for the importer, exporter, first handler, and public member positions will be made by the Council. Two nominees for each member and each alternate position will be submitted to the Secretary for consideration.

(e) From the nominations, the Secretary shall select the members and alternate members of the Council.

§§ 1218.42, 1218.43, 1218.44, 1218.45, 1218.46, 1218.47, 1218.48, 1218.50, 1218.51, 1218.52, 1218.53, 1218.54, 1218.55, 1218.56, 1218.60, 1218.62, 1218.70, 1218.73, 1218.75, and 1218.77 [Amended]

7. In §§ 1218.42, 1218.43, 1218.44, 1218.45, 1218.46, 1218.47, 1218.48, 1218.50, 1218.51, 1218.52, 1218.53, 1218.54, 1218.55, 1218.56, 1218.60, 1218.62, 1218.70, 1218.73, 1218.75, and 1218.77, ''USCABC'' is removed and ''Council'' is added in its place.

Dated: March 6, 2003.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 03–5844 Filed 3–11–03; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 43 and 145

Performing Work on Products and/or Parts That Have Left a Production Approval Holder's (PAH's) Quality System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of policy statement; request for comments.

SUMMARY: The Production and Airworthiness Division (AIR–200) and the Aircraft Maintenance Division (AFS–300) propose to formally adopt policy regarding who is authorized to perform work on products and/or parts that have left a PAH's quality system.

DATES: Comments must be received by May 12, 2003.

FOR FURTHER INFORMATION CONTACT: Barbara A. Capron, Aircraft Certification Service, Production and Airworthiness Division, Production Certification Branch, AIR–210, Room 815, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3343; fax (202) 267–5580; e-mail: *barbara.capron@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to comment on this notice of policy statement. Please submit comments to the above address. The FAA will consider all comments received by the closing date before issuing a final policy statement.

Background

Part 21 Applicability

Title 14, Code of Federal Regulations (14 CFR) Part 21 Certification Procedures for Products and Parts (part 21) defines the regulations for the portion of the aviation industry that supports the design and manufacture of aviation products and parts. This includes the requirements for the issue of type certificates and changes to those certificates; the issue of production certificates (PCs); the issue of airworthiness certificates; the issue of export airworthiness approvals; the rules governing the holder of any of these certificates, and procedural requirements for the approval of certain materials, parts, processes, and appliances.

Part 43 Applicability

14 CFR Part 43 Maintenance, Preventive Maintenance, Rebuilding and Alteration (part 43) defines regulations for the portion of the aviation industry that supports continued airworthiness standards, or more specifically those that maintain the airworthiness status of products and parts. It describes rules governing the maintenance, preventive maintenance, rebuilding and alteration of any aircraft having a U.S. airworthiness certificate; foreign-registered civil aircraft used in common carriage or carriage of mail under the provisions of 14 CFR part 121 or 135; and airframe, aircraft engines, propellers, appliances, and component parts of such aircraft. Part 43 does not apply to any aircraft for which an experimental airworthiness certificate has been issued, unless a different kind of airworthiness certificate had previously been issued for that aircraft.

For products and parts that have already met the applicability requirements of part 43, § 43.3(j) authorizes a manufacturer *to rebuild or alter* (emphasis added) any aircraft, aircraft engine, propeller, appliance, or part manufactured by him under a type or PC, Technical Standard Order (TSO) Authorization, an FAA Parts Manufacturer Approval (PMA), or Product and Process Specification. Any maintenance, preventive maintenance and alterations are not included in the authority of § 43.3(j).

Part 145 Applicability

Part 145, Subpart D, Limited Ratings for Manufacturers, permits certain manufacturers to obtain, without further showing, a repair station certificate with a limited rating under Part 145. The FAA considered that the standards met by a manufacturer to obtain a PC, approved production inspection system (APIS), or other approved quality control system, provided a level of safety equivalent to that achieved under the standards applicable to a certificated repair station with a limited rating. This has permitted the holder of a limited rating for manufacturers to maintain and approve for return to service any article for which it is rated, and perform preventive maintenance on that article if certificated mechanics and repairmen are employed directly in charge of the maintenance and preventive maintenance in accordance with current § 145.103.

Elimination of the Limited Rating for Manufacturers

As proposed in Notice No. 99–09 (66 FR 41117, August 6, 2001) the FAA is eliminating the limited rating for manufacturers because maintenance practices and aircraft technologies have evolved since the establishment of limited ratings for manufacturers, and the FAA has determined that all repair facilities' systems for inspection, recordkeeping, and quality control should be consistent. These regulatory changes should also ensure uniform FAA surveillance activities.

Part 145 Regulatory Change

Effective April 6, 2003, Manufacturer Maintenance Facilities will no longer be permitted. Under the revised 14 CFR part 145, existing MMFs will be required to have a limited repair station rating under § 145.61 if they choose to continue exercising similar privileges.

Need To Define Part 21 vs. Part 43 Activities

A production approval holder (PAH) is a person who holds a PC, APIS, a PMA, or a TSO authorization that controls the design and quality of a product or part thereof. For many years, products and/or parts have been shipped from suppliers to PAHs, between PAHs, and from PAHs to airlines, repair stations, distributors, etc. This notice is designed to clarify at what point a supplier or PAH may no longer perform work on its product under part 21, and when that work must be performed by an appropriately certificated person under part 43, part 93, part 145, or any of the operating rules of 14 CFR Subchapter G, Air Carriers and Operations for Compensation or Hire: Certification and Operations.

Part 21 applies to new products or parts that remain under the control of a PAH. Any work performed on those products or parts while under the control of the PAH's quality system is to be accomplished in accordance with that system. However, once the products or parts leave that quality system, any work performed would be in accordance with part 43.

Part 43 applies to: (1) Aircraft having a U.S. airworthiness certificate; (2) Foreign-registered civil aircraft used in common carriage or carriage of mail under the provisions of part 121 or 135 of this chapter; and (3) Airframe, aircraft engines, propellers, appliances, and component parts of such aircraft. This indicates that any work performed on an article before it meets the applicability requirements of part 43 would not have

to be accomplished in accordance with part 43.

Discussion

In an effort to better define where the regulatory authority of part 21 ends and the regulatory authority of part 43 begins, the Aviation Rulemaking Advisory Committee (ARAC) for part 21 suggested incorporating new language into part 21 that would clarify a manufacturer's authority to maintain products and parts that do not meet part 43 applicability requirements, *i.e.,* new products and parts that have not yet left the PAH's quality system. This work would be done without the need for a repairman or mechanic certificate, and would not be considered to be maintenance as it pertains to part 43. Currently, aviation authorities such as Transport Canada and the Joint Aviation Authorities allow this. Rather than initiate a lengthy rule change to accommodate ARAC's recommendation, AFS and AIR are providing the following clarification:

Products or parts that leave a PAH or supplier (either foreign or domestic) and go to a PAH for incorporation into a higher level product/part (*e.g.* fuel control unit incorporated into an engine; or an engine incorporated into an aircraft) for which that PAH controls the type design must have work performed in accordance with the higher level of PAH's quality system regardless of who performs the work. Conditions are as follows:

(1) The supplier or PAH working on the product or part must have the appropriate design data to ensure that the product or part continues to conform to its type design.

(2) The PAH incorporating the product or part must have an approved system in place (*e.g.,* quality control system, material review board, configuration control, etc.) that defines how work is performed and documented. If the product or part is worked on by the supplier, it must then be accepted through the PAH's quality system.

(3) If the PAH incorporating the product or part chooses to work on it, the work must be accomplished by authorized personnel who are familiar with the product's or part's complexities.

(4) If a product or part has moved through several suppliers or PAHs during its assembly, the PAH that is incorporating the product or part into its type design must determine which of those organizations is the appropriate one to work on the product or part based on the above conditions.

Products or parts that leave a PAH's quality system and are delivered to an airline, repair station, distributor, etc., are intended to be installed on a higher assembly that has already met the applicability requirements of part 43. Therefore, any maintenance, preventive maintenance, or alterations on such articles will be performed by persons authorized under part 43.

Summary

Effective April 6, 2003, products or parts that leave a PAH or supplier (either foreign or domestic) and go to a PAH for incorporation into a higher level product/part for which that PAH controls the type design must have work performed in accordance with the higher level PAH's quality system under part 21.

Products or parts shipped to airlines, repair stations, distributors, etc., after leaving a PAH's approved quality system must be maintained in accordance with part 43. Any used products or parts returned to the manufacturer must be maintained in accordance with part 43 under the provisions of the new § 145.61. Any used products or parts installed on new production aircraft must have been maintained in accordance with part 43 prior to their installation. As noted in Notice Number 99–09, the FAA will give full consideration to the part 21 quality control system established by the manufacturer when it applies for the § 145.61, Limited rating under new § 145.51, Application for certificate.

Frank P. Paskiewicz,

Manager, Production and Airworthiness Division, AIR–200.

[FR Doc. 03–5926 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–271–AD]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 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 BAE Systems (Operations) Limited Model BAe 146 series airplanes. This proposal would require modification of the flight annunciator box. This action is necessary to prevent traffic collision avoidance system (TCAS) aural messages and resolution advisories of the TCAS from being inhibited following a ground proximity warning system alert or test message, which could prevent the TCAS from providing attention-getting alerts, and could result in the consequent possibility of a mid-air collision or near mid-air collision. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 11, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–271–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–271–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 British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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–271–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–271–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain BAE Systems (Operations) Limited Model BAe 146 series airplanes. The CAA advises that the manufacturer investigated an in-service problem and identified a specific combination of airplane modifications that can inhibit the traffic alert and collision avoidance system (TCAS). These airplane modifications interact with certain annunciator dimmer settings and cause aural messages and resolution advisories of the TCAS to remain inhibited following a ground proximity warning system alert or test message. This condition, if not corrected, could prevent the TCAS from providing attention-getting alerts, and could result in the consequent possibility of a mid-air collision or near mid-air collision.

Explanation of Relevant Service Information

BAE Systems (Operations) Limited has issued Modification Service Bulletin SB.34–339–50261Y, dated April 11, 2001, which describes procedures for modification of the flight annunciator box. The modification includes installing two diode modules with associated wiring, and re-routing existing wiring. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 003–04–2001 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is 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 CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, 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 require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between the Proposed AD and Relevant Service Information

Operators should note that, although the referenced service bulletin describes procedures for completing and submitting a sheet recording compliance with the service bulletin, this proposed AD would not require those actions.

Cost Impact

The FAA estimates that 20 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 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 $250 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $7,400, or $370 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:

BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Docket 2001–NM–271–AD.

Applicability: Model BAe 146 series airplanes on which Modifications HCM50261X; HCM01077L or HCM50273B; and HCM50040E or HCM50040N; have been installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For 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 aural messages and resolution advisories of the traffic collision avoidance system (TCAS) from being inhibited following a ground proximity warning system alert or test message, which could prevent the TCAS from providing attention-getting alerts, and could result in the consequent possibility of a mid-air collision or near mid-air collision, accomplish the following:

Modification

(a) Within 1 year after the effective date of this AD: Modify the flight annunciator box (including installing 2 diode modules with associated wiring, and re-routing existing wiring), per the Accomplishment Instructions of BAE Systems (Operations) Limited Modification Service Bulletin SB.34–339–50261Y, dated April 11, 2001. Although paragraph 2.F.(2) of the Accomplishment Instructions references a reporting requirement, such reporting is not required by this AD.

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, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Avionics 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

(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.

Note 3: The subject of this AD is addressed in British airworthiness directive 003–04–2001.

Issued in Renton, Washington, on March 5, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–5859 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–319–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–300 Series Airplanes Equipped with Certain Pratt & Whitney PW306B Engine Nacelles

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 Dornier Model 328–300 series airplanes. This proposal would require performing a check of the airplane maintenance records; inspecting the engine nacelle anti-ice tube for leaks, if necessary; and modifying, if necessary. This action is necessary to prevent an uncommanded engine shutdown in a critical phase of flight due to leakage of air from a loose clamp on the anti-ice tubing joint. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 11, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–319–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–319–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 Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, 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–319–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–319–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on certain Dornier Model 328–300 series airplanes equipped with certain Pratt & Whitney PW306B engine nacelles. The LBA advises that an engine flamed out and an in-flight engine shutdown occurred during an airplane rollback event. The event was caused by a P3 air leak from a loose clamp on the anti-ice tubing joint; the leak allowed air to blow directly on the P3 transducer. This leak resulted in a corrupt P3 signal, which, in turn, caused the Full Authority Digital Engine Control (FADEC) to ramp down fuel flow, resulting in engine shutdown. Such leakage of air, if not corrected, could result in an uncommanded engine shutdown in a critical phase of flight.

Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB–328J–71–107, Revision 1, dated July 4, 2001. The service bulletin describes procedures for performing a visual inspection of the anti-ice tubing in the engine nacelle at the joint between the anti-ice tubing adapter and duct, and also between the joint of the anti-ice shutoff valve and the same duct, to detect any air leakage at the joints. For airplanes on which leakage is found, the service bulletin describes procedures for modifying the clamps at the joints. The modification involves inspecting the flange faces for distortion and flatness; ensuring that the clamp bolt faces away from the P3 transducer; ensuring that the opening of the clamp faces away from the fan casing; and replacing certain ducts, if necessary. The service bulletin refers to Dornier Service Information SI–328J–75–033, dated July 31, 2001, as an additional source of service information for accomplishing the modification on certain airplanes.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 2001–296, dated October 18, 2001, in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

This airplane model is manufactured in Germany and is 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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 require performing a check of the airplane maintenance records, and accomplishment of the actions specified in the service bulletin described previously if necessary.

Clarification of Inspection Type

Operators should note that, although the Accomplishment Instructions of Dornier Service Bulletin SB–328J–71–107, Revision 1, dated July 4, 2001, calls for a visual inspection, the proposed AD would require a detailed inspection per Note 2 of the proposal.

Cost Impact

The FAA estimates that 48 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 records check, 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 $2,880, 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:

Dornier Luftfahrt GmbH: Docket 2001–NM–319–AD.

Applicability: Model 328–300 series airplanes equipped with Pratt & Whitney PW306B engine nacelles, from engine nacelle serial number DR0001 up to and including

serial number DR0051, 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 (d) 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 an uncommanded engine shutdown in a critical phase of flight due to leakage of air from a loose clamp on the anti-ice tubing joint, accomplish the following:

Records Check

(a) Within 45 days after the effective date of this AD, perform a check of the airplane maintenance records to determine if the airplane has had an engine change or if maintenance work has been carried out on the nacelle anti-ice system prior to the effective date of this AD. If records verify that the airplane has not had an engine change, or that no maintenance work has been carried out on the nacelle anti-ice system, no further action is required by this AD.

Inspection

(b) For airplanes on which an engine change has been accomplished or on which maintenance work has been carried out on the nacelle anti-ice system prior to the effective date of this AD: Within 45 days after the effective date of this AD, perform a detailed inspection of the anti-ice tubing in the engine nacelle at the joint between the anti-ice tubing adapter and duct, and also between the joint of the anti-ice shutoff valve and the same duct, to detect any air leakage at the joints, as specified in the Accomplishment Instructions of Dornier Service Bulletin SB–328J–71–107, Revision 1, dated July 4, 2001. If no leakage is detected, no further action is required by this AD.

Note 2: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Modification

(c) If air leakage is found during the detailed inspection required by paragraph (b) of this AD, before further flight, modify the joint by doing the applicable actions specified in the Accomplishment Instructions of Dornier Service Bulletin SB–328J–71–107, Revision 1, dated July 4, 2001.

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 Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: 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 4: The subject of this AD is addressed in German airworthiness directive 2001–296, dated October 18, 2001.

Issued in Renton, Washington, on March 5, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–5858 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–47–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of two existing airworthiness directives (AD), applicable to all Boeing Model 747 series airplanes, which currently require that the FAA-approved maintenance inspection program be revised to include inspections that will give no less than the required damage tolerance rating for each structural significant item, and repair of cracked structure. Those ADs were prompted by a structural re-evaluation that identified additional structural elements where, if damage were to occur, supplemental inspections may be required for timely detection of fatigue cracking. This action would require additional and expanded inspections, and repair of cracked structure. This action also would expand the applicability of the existing ADs to include additional airplanes. The actions specified by the proposed AD are intended to ensure the continued structural integrity of the entire fleet of Model 747 series airplanes.

DATES: Comments must be received by April 28, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–47–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. 2003–NM–47–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: Tamara L. Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6421; 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 2003–NM–47–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. 2003–NM–47–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In the early 1980's, as part of its continuing work to maintain the structural integrity of older transport category airplanes, the FAA concluded that the incidence of fatigue cracking may increase as these airplanes reach or exceed their design service objective (DSO). A significant number of these airplanes were approaching or had exceeded the DSO on which the initial type certification approval was predicated. In light of this, and as a result of increased utilization, longer operational lives, and the high levels of safety expected of the currently operated transport category airplanes, we determined that a supplemental structural inspection program (SSIP) was necessary to ensure a high level of structural integrity for all airplanes in the transport fleet.

Issuance of Advisory Circular

As a follow-on from that determination, the FAA issued Advisory Circular (AC) No. 91–56, ''Supplemental Structural Inspection Program for Large Transport Category Airplanes,'' dated May 6, 1981. That AC provides guidance material to manufacturers and operators for use in developing a continuing structural integrity program to ensure safe operation of older airplanes throughout their operational lives. This guidance material applies to transport airplanes that were certified under the fail-safe requirements of part 4b (''Airplane Airworthiness, Transport Categories'') of the Civil Air Regulations or damage tolerance structural requirements of part 25 (''Airworthiness Standards: Transport Category Airplanes'') of the Federal Aviation Regulations (FAR) (14 CFR part 25), and that have a maximum gross weight greater than 75,000 pounds. The procedures set forth in that AC are applicable to transport category airplanes operated under subpart D (''Special Flight Operations'') of part 91 of the FAR (14 CFR part 91); part 121 (''Operating Requirements: Domestic, Flag, and Supplemental Operations''); part 125 (''Certification and Operations: Airplanes having a Seating Capacity of 20 or More Passengers or a Maximum Payload of 6,000 Pounds or More''); and part 135 (''Operating Requirements: Commuter and On-Demand Operations'') of the FAR (14 CFR parts 121, 125, and 135). The objective of the SSIP was to establish inspection programs to ensure timely detection of fatigue cracking.

Development of the SSIP

In order to evaluate the effect of increased fatigue cracking with respect to maintaining fail-safe design and damage tolerance of the structure of Boeing Model 747 series airplanes, Boeing conducted a structural reassessment of those airplanes, using modern damage tolerance evaluation techniques. Boeing accomplished this reassessment using the criteria contained in AC No. 91–56, as well as Amendment (Amdt.) 25–45 of section 25.571 (''Damage-tolerance and fatigue evaluation of structure'') of the FAR (14 CFR 25.571). During the reassessment, members of the airline industry participated with Boeing in working group sessions and developed the SSIP for Model 747 series airplanes. Engineers and maintenance specialists from the FAA also attended these sessions to observe these developments. Subsequently, based on the working group's recommendations, Boeing developed the Supplemental Structural Inspection Document (SSID).

Current Model 747 Series Airplanes ADs

On July 18, 1994, the FAA issued AD 94–15–12, amendment 39–8983 (59 FR 37933, July 26, 1994), applicable to certain Boeing Model 747–100SR series airplanes. Additionally, on July 22, 1994, we issued AD 94–15–18, amendment 39–8989 (59 FR 41233, August 11, 1994), applicable to certain Boeing Model 747 series airplanes. Both of those ADs currently require that the FAA-approved maintenance inspection program be revised to include inspections that will give no less than the required damage tolerance rating (DTR) for each structural significant item (SSI), and repair of cracked structure. AD 94–15–12 references Boeing Document No. D6–35655, ''Supplemental Structural Inspection Document (SSID) for 747–100SR,'' dated April 2, 1986; and AD 94–15–18 references Boeing Document No. D6–35022, ''Supplemental Structural Inspection Document (SSID) for Model 747 Airplanes,'' Revision E, dated June 17, 1993; as the appropriate sources of service information. Those actions were prompted by a structural re-evaluation that identified additional structural components where fatigue cracking is likely to occur. The requirements of those ADs are intended to ensure the continued structural integrity of the entire Model 747 fleet in service at the time of issuance of those ADs.

Other ADs Regarding SSIPs

On December 30, 1998, the FAA issued SSIP AD 98–11–03 R1, amendment 39–10983 (64 FR 989, January 7, 1999) for Boeing Model 727 series airplanes and SSIP AD 98–11–04 R1 (64 FR 987, January 7, 1999) for Boeing Model 737 series airplanes. Those ADs, in addition to their primary purpose to require inspection of baseline structure, also address repairs, alterations, and modifications (RAMs). Those ADs require operators to provide damage tolerance-based inspection programs for RAMs that affect principal structural elements or that create new principal structural elements.

This proposed AD for Boeing Model 747 series airplanes will address a damage tolerance-based inspection program only for the baseline structure and will not include RAMs. If a RAM interferes with the inspection of baseline structure, then this area must be addressed per Note 1 of the proposed AD.

Addressing RAMs

In April of 2000, an FAA team was chartered to address standardization of the SSIP ADs with regard to RAMs. The team was formed due to concerns of operators regarding different approaches to addressing RAMs for the McDonnell Douglas series airplanes versus the Boeing Model 727 and 737 series airplanes. Also, since the issuances of AD 98–11–03 R1 and AD 98–11–04 R1, operators have had various problems addressing RAMs. As announced in a Notice of Public Meeting, published in the **Federal Register** on January 15, 2003 (68 FR 2103), a public meeting will be held to present our view and to receive comments from the public. Due to the many issues that have arisen in addressing RAMs, this proposed AD will not require damage tolerance-based inspections for RAMs on Boeing Model 747 series airplanes.

Aging Airplane Safety Rule (AASR)

The AASR was published in the **Federal Register** on December 6, 2002 (67 FR 72726). That rule requires the maintenance program applicable to affected airplanes to include damage tolerance-based inspections and procedures that include all major structural repairs, alterations, and modifications. The compliance time for these procedures is four years after December 8, 2003 (the effective date of the AASR). The FAA intends to eventually require damage tolerance-based inspections for RAMs during subsequent rulemaking. (See the information under the ''Interim Action'' paragraph of this proposed AD.)

Other SSIP Issues

Since the issuance of the current SSIP ADs for Model 747 series airplanes (ADs 94–15–12 and 94–15–18), the FAA has reconsidered the following two aspects of the existing SSIP:

1. *Candidate fleet vs. inspection threshold approach*. Paragraph 4.4 of AC No. 91–56, Change 2, dated April 15, 1983, states, ''Inspection thresholds for supplemental inspections should be established. These inspections would be supplemental to the normal inspection including the detailed internal inspections.'' Moreover, paragraph 4.4.2 of AC No. 91–56 states, '' * * * this threshold should be such as to include sufficient [high-cycle] airplanes in the inspection to develop added confidence in the integrity of the structure . . . .''

A properly established inspection threshold ensures that: (1) The SSI inspections are accomplished; (2) fatigue cracks in SSIs are detected in a timely manner; (3) airplanes are automatically added to the SSIP; and (4) the SSIP includes a statistically valid number of airplanes.

Among other things, SSID D6–35655 and Revision E of SSID D6–35022 (referenced as the appropriate service information in ADs 94–15–12 and 94–15–18) define a candidate fleet approach to ensure that fatigue cracks in SSIs are detected in a timely manner in the entire fleet of Model 747 series airplanes. The initial candidate fleet of Model 747–100 and –200 series airplanes, as defined in SSID D6–35022, consisted of a number of airplanes that had exceeded 10,000 total flight cycles by June 30, 1983. The initial candidate fleet of Model 747SR series airplanes, as defined in SSID D6–35655, consisted of a number of airplanes that had exceeded 12,000 total flight cycles by January 1, 1985. In other words, Boeing considered 10,000 total flight cycles for Model 747–100 and –200 series airplanes, and 12,000 total flight cycles for Model 747SR series airplanes, to be the threshold for the airplanes in the candidate fleets. Those airplanes were the most likely airplanes in the fleets to experience initial fatigue damage, because they had the highest number of flight cycles. Boeing produced those SSIDs with the assumption that the airplanes in the candidate fleets would continue to represent the entire fleet and would have the highest number of flight cycles in the fleet.

Under the existing SSIP, Boeing intended to periodically review the airplanes in the candidate fleet for significant changes in fleet distribution, composition, or utilization, and update of the candidate fleet, if any significant change was detected. It was intended that the FAA would then mandate any change to the SSID through the rulemaking process.

The FAA finds that the candidate fleet approach is deviating from Boeing's original philosophy in that the candidate fleet has not been updated to reflect changes in the fleet. This situation could result in a statistically invalid number of airplanes in the SSIP and undetected fatigue cracks in SSIs. The candidate fleet approach also does not automatically account for non-candidate airplanes that eventually accumulate more flight cycles than those of certain candidate airplanes. High-cycle airplanes are more likely to experience initial fatigue damage in the fleet. The confidence in the structural integrity of the fleet of airplanes could be reduced if high-cycle airplanes are excluded from the SSIP.

The FAA has reconsidered the candidate fleet approach described in SSID D6–35655 and Revision E of SSID D6–35022 because it does not meet the guidelines of AC No. 91–56. We have also determined that the Model 747 SSIP must contain inspection thresholds for all Model 747 series airplanes to ensure the timely detection of fatigue cracks in the SSIs.

The FAA has reviewed the thresholds derived from Boeing's statistical analysis. The analysis is based on a certain probability that cracks will be detected in the inspected fleet before they initiate on other airplanes that have not been inspected. We find that the thresholds recommended in Revision G of SSID D6–35022 for the Model 747 airplane fleet are acceptable. Therefore, we have determined that a threshold of 20,000 total flight cycles or 100,000 total flight hours, whichever comes first, on wing structure, and 20,000 total flight cycles on all other structures are necessary in order to produce a statistically valid assessment of the service history for these airplanes. The original threshold for the Model 747SR series airplane was set higher by the manufacturer because it was believed that these airplanes were not subject to the same fatigue cycles due to use of a lower cabin differential pressure. We have since determined that an adjustment of flight cycles due to a lower cabin differential pressure is not substantiated and will not be allowed for use in determining the flight cycle threshold and inspection intervals of the SSID program. Therefore, the threshold for Model 747SR series airplanes is now the same as that of other Model 747 series airplanes.

It should be noted that, although the proposed AD specifies a threshold, the FAA may approve requests for adjustments to the compliance time (i.e., under the provisions of paragraph (g)(1) of this proposed AD) provided that no cracking is detected in the airplane structure. The request should include a new proposed inspection threshold and must include data to substantiate that such an adjustment would provide an acceptable level of safety.

Operators also should note that the alternative inspection threshold may be based solely on the analysis of the data of the existing fleet. However, the FAA has determined that the analysis that derives the new inspection threshold must include: (1) Data relevant to a sufficient number of high-cycle airplanes, and (2) data that show accomplishment of the inspections of the SSIs. An adequate statistical sampling size will provide confidence in the structural integrity of the fleet of airplanes. Therefore, additional airplanes may need to be added to the inspected fleet until a sufficient number

of airplanes have been inspected with no crack findings.

2. *Transferability of airplanes.* Since issuance of AD 94–15–12 and AD 94–15–18, the FAA has issued several ADs that implement Corrosion Prevention and Control Programs (CPCP) for aging airplanes. While developing the ADs that mandated the CPCP, we recognized that an operator of an airplane that has been transferred from another operator could revise its maintenance or inspection program to restart the compliance times for the required corrosion tasks. This situation could lead to corrosion not being detected and corrected in a timely manner, which could reduce the structural integrity of the airplane.

As a result, the CPCP ADs require that operators establish a program for accomplishment of the subject corrosion tasks before any airplane can be added to an air carrier's operations specification. Establishment of such a program ensures that airplanes transferred from operator to operator are inspected and that corrosion is detected in a timely manner.

The FAA's intent in AD 94–15–12 and AD 94–15–18 was that operators of candidate fleet airplanes that have been previously operated under an FAA-approved maintenance or inspection program would accomplish the SSID inspections within the compliance time established by the previous operator. We assumed that, under the existing SSIDs, these airplanes would be inspected in a manner similar to CPCP requirements. However, the SSID ADs, AD 94–15–12 and AD 94–15–18, do not specifically address the transfer of airplanes in the candidate fleet from one operator to another.

AD 94–15–12 and AD 94–15–18 currently require that the revision to the maintenance inspection program be included and be implemented per the procedures specified in Sections 5.0 and 6.0 of the SSIDs. However, the FAA finds that those sections do not provide explicit instructions to repetitively inspect airplanes that have been transferred from one operator to another. Those sections also do not specify that new operators must continue the SSID inspections at the same frequency established by the previous operator.

In addition, as AD 94–15–12 and AD 94–15–18 are currently worded, the FAA finds that operators, who acquire candidate fleet airplanes that have been previously operated under a maintenance inspection program, could revise their programs to restart the compliance times. This situation is contrary to standard AD requirements. An AD typically mandates an initial compliance time and a repetitive interval that remains unchanged for all operators of the affected airplanes.

As a result of these omissions, the SSID inspections of a candidate fleet airplane could be deferred until it is required by the maintenance inspection program of the new operator. For airplanes that are transferred frequently, this situation could continue for the life of the airplane. As a result, the size of the candidate fleet is in effect reduced because fewer candidate fleet airplanes are being inspected. Even if airplanes are ultimately inspected under these circumstances, inspections would not be performed frequently enough to maintain the applicable DTR. The FAA has determined that such a reduction of the candidate fleet and the resulting reduction in the number of airplanes being inspected do not ensure the continued structural integrity of the entire fleet of Model 747 series airplanes.

Implementation of procedures in the SSID that are similar to the CPCP will ensure that: (1) Airplanes transferred from operator to operator are inspected; (2) the SSIP includes a statistically valid number of airplanes; and (3) fatigue cracks are detected in a timely manner.

Therefore, the FAA finds that, to ensure the continued structural integrity of the entire fleet of Model 747 series airplanes, AD 94–15–12 and AD 94–15–18 must be superseded to include provisions that address the transfer of airplanes. We also find that a program must be established to ensure that inspections are accomplished before any applicable airplane can be added to an air carrier's operations specifications.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Document No. D6–35022, ''Supplemental Structural Inspection Document'' (SSID), Revision F, dated May 1996, as an alternative method of compliance to AD 94–15–18. Revision F of SSID D6–35022 describes procedures for revising the FAA-approved maintenance inspection program for all Model 747–100, –200B, –200C, and –200F series airplanes. This revision of the SSID for Model 747 series airplanes incorporates additional and expanded inspections from those that were contained in the previous version and mandated by AD 94–15–18. We also reviewed and approved Boeing Document No. D6–35022, ''Supplemental Structural Inspection Document'' (SSID), Revision G, dated December 2000. Revision G affects all Model 747–SP, –SR, –100, –100B, –100SUD, –200B, –200C, –200F, –300, –400, –400D, and –400F series airplanes, and supersedes Boeing Document No. D6–35655 for 747–SR series airplanes. This revision also adds additional inspection requirements. We find that accomplishment of these inspections in Boeing Document No. D6–35022, ''Supplemental Structural Inspection Document'' (SSID), Revision G, dated December 2000, will ensure the continuing structural integrity of the identified fleet of Model 747 series airplanes. Accomplishment of the actions specified in Revision G 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 supersede AD 94–15–12 and AD 94–15–18 to require the following actions:

Paragraph (a) of the proposed AD restates the requirements of AD 94–15–12. Paragraph (b) of the proposed AD restates the requirements of paragraph (b) of AD 94–15–18. Although AD 94–15–18 specifies Revision E of Boeing Document No. D6–35022 as the appropriate source of service information for that AD, this proposed AD also permits incorporation of Revision F, of Boeing Document No. D6–35022, dated May 1996, until the compliance time for incorporation of Revision G is reached. (Paragraph (a) of AD 94–15–12 is no longer necessary because that paragraph required an earlier revision of the SSID than that required by paragraph (b).)

Paragraph (c) of the proposed AD would require incorporation of a revision into the FAA-approved maintenance or inspection program that provides no less than the required DTR for each SSI listed in Revision G of SSID D6–35022.

Paragraph (d) of the proposed AD would establish specific compliance times for performing the initial inspection of the structure identified in Revision G of SSID D6–35022. Once the initial inspection has been performed, operators would be required to perform repetitive inspections at the intervals specified in Revision G of SSID D6–35022 in order to remain in compliance with their maintenance or inspection programs, as specified in paragraph (c) of this proposed AD.

Paragraph (e) of the proposed AD would require that repair of any cracked structure is to be accomplished per an FAA-approved method.

Paragraph (f) of the proposed AD specifies the requirements of the inspection program for transferred airplanes. Before any airplane that is subject to this proposed AD can be added to an air carrier's operations specifications, a program for the accomplishment of the inspections required by this proposed AD must be established. Paragraph (f) of the proposed AD would require accomplishment of the following:

1. For airplanes that have been inspected per this proposed AD, the inspection of each SSI must be accomplished by the new operator per the previous operator's schedule and inspection method, or per the new operator's schedule and inspection method, at whichever time would result in the earlier accomplishment date for that SSI inspection. The compliance time for accomplishment of this inspection must be measured from the last inspection accomplished by the previous operator. After each inspection has been performed once, each subsequent inspection must be performed per the new operator's schedule and inspection method.

2. For airplanes that have not been inspected per this proposed AD, the inspection of each SSI must be accomplished either prior to adding the airplane to the air carrier's operations specification, or per a schedule and an inspection method approved by the FAA. After each inspection has been performed once, each subsequent inspection must be performed per the new operator's schedule.

Accomplishment of these actions will ensure that: (1) An operator's newly acquired airplanes comply with its SSIP before being operated; and (2) frequently transferred airplanes are not permitted to operate without accomplishment of the inspections defined in the SSID.

Interim Action

This is considered to be interim action. The FAA is currently considering requiring damage tolerance-based inspections and procedures that include all major structural RAMs in a superseding AD. That superseding AD would include appropriate recommendations from the previously mentioned FAA team and public meeting on how to address RAMs.

Differences Between SSID and Proposed AD

Operators should note the following differences between the procedures specified in Revision G of SSID D6–35022 and the proposed requirements of this AD:

1. Revision G of SSID D6–35022 provides for phased inspections or rotational sampling of inspections. This proposed AD would not allow phased inspections or rotational sampling.

2. Revision G of SSID D6–35022 allows individual operators to combine their affected airplanes with those of other operators to fulfill requirements of the SSIP. This proposed AD would not allow for phased inspections or a candidate fleet; therefore, this proposed AD would not allow an operator to take credit for inspections accomplished on another operator's airplane.

3. Revision G of SSID D6–35022 contains blanket provisions for touch-and-go training flights, which are not allowed by this proposed AD. Revision G of SSID D6–35022 also allows for fleet averaging, and arbitrary 10% escalations for flight cycles to achieve the required DTR. These procedures are not allowed in this proposed AD.

4. Revision G of SSID D6–35022 does not provide an implementation grace period when an operator's airplane is near or passed the threshold. This proposed AD will allow 12 months after the effective date of the AD to incorporate Revision G of SSID D6–35022 into the FAA-approved maintenance or inspection program. This proposed AD will also allow a grace period of 1,000 flight cycles measured from 12 months after the effective date of the proposed AD.

Cost Impact

There are approximately 1,000 airplanes of the affected design in the worldwide fleet.

The FAA estimates that 87 airplanes of U.S. registry are currently affected by the requirements of AD 94–15–12 and AD 94–15–18. Those required actions take approximately 1,000 work hours 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 actions on U.S. operators is estimated to be $5,220,000, or $60,000 per airplane, per inspection cycle.

The FAA estimates that 181 airplanes of U.S. registry would be affected by this proposed AD. The new actions that are proposed in this AD action would take approximately 1,275 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $13,846,500, or $76,500 per airplane, per inspection cycle.

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 number of proposed work hours, as indicated above, is presented as if the accomplishment of the actions proposed in this AD were to be conducted as ''stand alone'' actions. However, in actual practice, these actions for the most part would be accomplished coincidentally or in combination with normally scheduled airplane inspections and other maintenance program tasks. Therefore, the actual number of necessary additional work hours would be minimal in many instances. Additionally, any costs associated with special airplane scheduling would be minimal.

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 amendments 39–8983 (59 FR 37933, July 26, 1994) and 39–8989 (59 FR 41233, August 11, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 2003–NM–47–AD. Supersedes AD 94–15–12, amendment 39–8983, and AD 94–15–18, amendment 39–8989.

Applicability: All Model 747 series airplanes, 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 per paragraph (g)(1) 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 the continued structural integrity of the entire fleet of Model 747 series airplanes, accomplish the following:

Note 2: Where there are differences between this AD and the Supplemental Structural Inspection Document (SSID) specified in this AD, the AD prevails.

Inspection Program Required by AD 94–15–12

(a) For Model 747–100SR series airplanes having line numbers 346, 351, 420, 426, 427, and 601: Within 1 year after August 10, 1994 (the effective date of AD 94–15–12, amendment 39–8983), incorporate a revision into the FAA-approved maintenance inspection program that provides no less than the required damage tolerance rating (DTR) for each structural significant item (SSI) listed in Boeing Document No. D6–35655, ''Supplemental Structural Inspection Document (SSID) for 747–100SR,'' dated April 2, 1986. The revision to the maintenance program must include and be implemented per the procedures specified in Sections 5.0 and 6.0 of the SSID D6–35655. Revision to the maintenance program shall be per the SSID D6–35655, dated April 2, 1986, until Revision G of the SSID D6–35022 is incorporated into the FAA-approved maintenance or inspection program per the requirements of paragraph (c) of this AD.

Note 3: For the purposes of this AD, an SSI is defined as a principal structural element (PSE). A PSE is a structural element that contributes significantly to the carrying of flight, ground, or pressurization loads, and whose integrity is essential in maintaining the overall structural integrity of the airplane.

Inspection Program Required by AD 94–15–18

(b) For airplanes listed in Boeing Document No. D6–35022, Volumes 1 and 2, ''Supplemental Structural Inspection Document (SSID) for Model 747 Airplanes,'' Revision E, dated June 17, 1993; and manufacturer's line numbers 42, 174, 221, 231, 234, 239, 242, and 254: Within 12 months after September 12, 1994 (the effective date of AD 94–15–18, amendment 39–8989), incorporate a revision into the FAA-approved maintenance inspection program that provides no less than the required DTR for each SSI listed in Boeing Document No. D6–35022, Volumes 1 and 2, ''Supplemental Structural Inspection Document (SSID) for Model 747 Airplanes,'' Revision E, dated June 17, 1993, or Revision F, dated May 1996. (The required DTR value for each SSI is listed in the document.) The revision to the maintenance program shall include Sections 5.0 and 6.0 of the SSID D6–35022 and shall be implemented per the procedures contained in those sections. Revision to the maintenance program shall be per Revision E or F of SSID D6–35022, until Revision G of the SSID D6–35022 is incorporated into the FAA-approved maintenance or inspection program per the requirements of paragraph (c) of this AD.

New Inspection Program Requirements

(c) For all Model 747 series airplanes: Prior to reaching either of the thresholds specified in paragraph (d)(1)(i) or (d)(2)(i) of this AD, or within 12 months after the effective date of this AD, whichever occurs later, incorporate a revision into the FAA-approved maintenance or inspection program that provides no less than the required DTR for each SSI listed in Boeing Document No. D6–35022, ''Supplemental Structural Inspection Document,'' Revision G, dated December 2000 (hereinafter referred to as ''Revision G''). (The required DTR value for each SSI is listed in Revision G.) The revision to the maintenance or inspection program shall include and shall be implemented per the procedures in Section 5.0, excluding paragraphs 5.1.2, 5.1.6, item 5; 5.1.8; 5.2; 5.2.1; 5.2.2; 5.2.3; and 5.2.4; ''Damage Tolerance Rating (DTR) System Application;'' and Section 6.0, ''SSI Discrepancy Reporting;'' of Revision G. Upon incorporation of Revision G required by this paragraph, the revision required by either paragraph (a) or (b) of this AD, as applicable, may be removed.

Initial Inspection

(d) For all Model 747 series airplanes: Perform an inspection to detect cracks of all structure identified in Revision G of SSID D6–35022 at the time specified in paragraph (d)(1) or (d)(2) of this AD, as applicable.

(1) For wing structure: At the times specified in paragraph (d)(1)(i) or (d)(1)(ii) of this AD, whichever occurs later.

(i) Prior to the accumulation of 20,000 total flight cycles or 100,000 total flight hours, whichever comes first. Or,

(ii) Within 1,000 flight cycles measured from 12 months after the effective date of this AD.

(2) For all other structure: At the times specified in paragraph (d)(2)(i) or (d)(2)(ii) of this AD, whichever occurs later.

(i) Prior to the accumulation of 20,000 total flight cycles, or

(ii) Within 1,000 flight cycles measured after 12 months from the effective date of this AD.

Note 4: Notwithstanding the provisions of paragraphs 5.1.2, 5.1.6, item 5, 5.2, 5.2.1, 5.2.2, 5.2.3, and 5.2.4 of the General Instructions of Revision G, which would permit operators to perform fleet and rotational sampling inspections to perform inspections on less than whole airplane fleet sizes and to perform inspections on substitute airplanes, this AD requires that all airplanes that exceed the threshold be inspected per Revision G. Paragraph 5.1.8 allows provisions for touch-and-go training flights, fleet averaging, and 10% escalations of flight cycles to achieve the required DTR. This AD does not allow for these provisions as well.

Note 5: Once the initial inspection has been performed, operators are required to perform repetitive inspections at the intervals specified in Revision G in order to remain in compliance with their maintenance or inspection programs, as revised per paragraph (c) of this AD.

Repair

(e) Cracked structure found during any inspection required by this AD shall be repaired, prior to further flight, in accordance with an FAA-approved method.

Inspection Program for Transferred Airplanes

(f) Before any airplane that is subject to this AD and that has exceeded the applicable compliance times specified in paragraph (d) of this AD can be added to an air carrier's operations specifications, a program for the accomplishment of the inspections required by this AD must be established per paragraph (f)(1) or (f)(2) of this AD, as applicable.

(1) For airplanes that have been inspected per this AD, the inspection of each SSI must be accomplished by the new operator per the previous operator's schedule and inspection method, or the new operator's schedule and inspection method, at whichever time would result in the earlier accomplishment date for that SSI inspection. The compliance time for accomplishment of this inspection must be measured from the last inspection accomplished by the previous operator. After each inspection has been performed once, each subsequent inspection must be performed per the new operator's schedule and inspection method.

(2) For airplanes that have not been inspected per this AD, the inspection of each SSI required by this AD must be accomplished either prior to adding the airplane to the air carrier's operations specification, or per a schedule and an inspection method approved by the Manager, Seattle Aircraft Certification Office (ACO). After each inspection has been performed once, each subsequent inspection must be performed per the new operator's schedule.

Alternative Methods of Compliance

(g)(1) 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 ACO. 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.

(2) Alternative methods of compliance, approved previously per AD 94–15–12, amendment 39–8983, are approved as alternative methods of compliance with paragraphs (a) and (e) of this AD.

(3) Alternative methods of compliance, approved previously per AD 94–15–18, amendment 39–8989, are approved as alternative methods of compliance with paragraphs (b) and (e) of this AD.

(4) Alternative methods of compliance, approved previously per AD 94–15–18 and AD 94–15–12 that provide alternative inspections are approved as alternative methods of compliance for the inspections of that area only in this AD.

Note 6: 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

(h) Special flight permits may be issued per 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 March 5, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–5857 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

RIN 1219–AA76

Underground Coal Mine Ventilation—Safety Standards for the Use of a Belt Entry as an Intake Air Course To Ventilate Working Sections and Areas Where Mechanized Mining Equipment Is Being Installed or Removed

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Change of hearing dates.

SUMMARY: MSHA published hearing dates in the January 27, 2003 proposed rule on Safety Standards for the Use of a Belt Entry as an Intake Air Course to Ventilate Working Sections and Areas Where Mechanized Mining Equipment Is Being Installed or Removed (68 FR 3936). Three of the hearing dates published with the proposed rule conflict with other Agency hearings and are being changed. The hearing in Grand Junction, Colorado is changed from May 29, 2003 to April 3, 2003. The hearing in Charleston, West Virginia is changed from May 13, 2003 to April 8, 2003. The hearing in Washington, Pennsylvania is changed from May 15, 2003 to April 10, 2003. All of the hearing locations are printed under **SUPPLEMENTARY INFORMATION** for the convenience of the public.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director; Office of Standards, Regulations, and Variances, MSHA; phone: (202) 693–9440; facsimile: (202) 693–9441; E-mail: *nichols-marvin@msha.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Hearings

The table contains information on the hearing dates, locations, and phone numbers for all of the hearings on ''Safety Standards for the Use of a Belt Entry as an Intake Air Course to Ventilate Working Sections and Areas Where Mechanized Mining Equipment is Being Installed or Removed.''

Date	Location	Phone
April 3, 2003	Holiday Inn Grand Junction, 755 Horizon Drive, Grand Junction, CO 81506	(970) 243–6790
April 8, 2003	Marriott Town Center, 200 Lee Street, Charleston, WV 25301	(304) 345–6500
April 10, 2003	Holiday Inn at the Meadows, 340 Racetrack Road, Washington, PA 15301	(724) 222–6200
April 29, 2003	Holiday Inn—Birmingham Airport, 5000 10th Avenue North, Birmingham, AL 35212	(205) 591–6900
May 1, 2003	Holiday Inn Lexington—North, 1950 Newton Pike, Lexington, KY 40305	(859) 233–0512

Dated: March 7, 2003.

Dave D. Lauriski,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 03–5942 Filed 3–11–03; 8:45 am]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL–7463–1]

RIN 2040–AD53

Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantitation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes revisions to the procedures for determining the sensitivity of analytical (test) methods under EPA's Clean Water Act (CWA). EPA's method detection limit (MDL) and minimum level of quantitation (ML) are used to define test sensitivity under the CWA. The MDL is used to determine the lowest concentration at which a substance is detected or is ''present'' in a sample. The ML appears in many EPA methods and has been used to describe the lowest concentration of a substance that gives a recognizable signal, or as a quantitation limit. The proposed revisions include clarifications and improvements that are based on a recent EPA assessment of the MDL and the ML and of alternative approaches for defining test sensitivity, peer review of the Agency's assessment, and earlier stakeholder comments on the existing MDL procedure. This proposal also revises the definition of the MDL to reflect the proposed revisions to the procedure. The Agency's assessment of existing EPA procedures for determining test sensitivity and alternative approaches is also made available for public comment in a separate notice in today's **Federal Register** (see Notice of Document Availability and Public Comment Period on the Technical Support Document for the Assessment of Detection and Quantitation Concepts).

DATES: Comments must be postmarked, delivered by hand, or electronically mailed on or before July 10, 2003. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. Eastern Time on July 10, 2003.

ADDRESSES: Comments may be submitted by mail to Water Docket, U.S. Environmental Protection Agency (4101T), 1200 Pennsylvania Avenue NW., Washington DC 20460, or electronically through EPA Dockets at

http://www.epa.gov/edocket/, Attention Docket ID No. OW–2003–0002. See Unit C of the **SUPPLEMENTARY INFORMATION** section for additional ways to submit comments and more detailed instructions.

FOR FURTHER INFORMATION CONTACT: William Telliard; Engineering and Analysis Division (4303T); Office of Science and Technology; Office of Water; U.S. Environmental Protection Agency; Ariel Rios Building; 1200 Pennsylvania Avenue, NW.; Washington, DC 20460, or call (202) 566–1061 or E-mail at *telliard.william@epa.gov*.

SUPPLEMENTARY INFORMATION:

A. Potentially Regulated Entities

EPA Regions, as well as States, Territories and Tribes authorized to implement the National Pollutant Discharge Elimination System (NPDES) program, issue permits that comply with the technology-based and water quality-based requirements of the Clean Water Act (CWA). In doing so, NPDES permitting authorities, including States, Territories, and Tribes, make several discretionary choices when they write the permit. These choices include the selection of pollutants to be measured and, in many cases, limited in permits. If EPA has ''approved'' (*i.e.*, promulgated through rulemaking) standardized testing procedures under 40 CFR part 136 for the analysis of a given pollutant, the NPDES permit must include one of the approved testing procedures or an approved alternate test procedure. The testing procedures can include a specification for detection and quantitation levels that must be met. Therefore, entities with NPDES permits could potentially be regulated by the proposed revisions to the detection and quantitation procedures in this rulemaking. In addition, when an authorized State, Territory, or Tribe certifies Federal licenses under CWA section 401, they must use the standardized testing procedures and meet the associated detection and quantitation levels. Categories and entities that could potentially be regulated include:

Category	Examples of potentially regulated entities
State, Territorial, and Indian Tribal Governments	States, Territories, and Tribes authorized to administer the NPDES permitting program; States, Territories, and Tribes providing certification under Clean Water Act section 401
Industry	Facilities that must conduct monitoring to comply with NPDES permits
Municipalities	POTWs that must conduct monitoring to comply with NPDES permits

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

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 ID No. OW–2003–0002. 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 Water Docket in the EPA Docket Center, EPA West Building, Room B102, 1301 Constitution Avenue 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 Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

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, to 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 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. 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 B.1.

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 identification 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. However, late comments may be considered if time permits.

1. *Electronically*. If you submit an electronic comment as prescribed below, 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 No. OW–2003–0002. 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 electronic mail (e-mail) to: *OW-docket@epamail.epa.gov*, Attention Docket ID No. OW–2003–0002. 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 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 an original and three copies of your comments to Water Docket, U.S. Environmental Protection Agency (4101T), 1200 Pennsylvania Avenue NW., Washington, DC 20460, Attention Docket ID No. OW–2003–0002.

3. *By Hand Delivery or Courier*. Deliver your comments to the Water Docket Center, EPA West Building, Room B102, 1301 Constitution Avenue NW., Washington, DC, Attention Docket ID No. OW–2003–0002. Such deliveries are only accepted during the Docket's normal hours of operation as identified in Unit B.1.

C. 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 identified in the **FOR FURTHER INFORMATION CONTACT** section.

D. 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 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 your estimate.

5. Provide specific examples to illustrate your concerns.

6. Offer alternatives.

7. Make sure to submit your comments by the comment period deadline.

8. Ensure proper receipt by EPA by identifying the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

Outline of Document

I. Statutory Authority
II. Purpose of This Action
III. Background
  A. Analytical (Test) Methods Used for CWA Programs
  B. Settlement Agreement
  C. Detection, Quantitation, and Current Controversy
  D. Historical Use of Detection and Quantitation Limits under the Clean Water Act
IV. EPA's Assessment of Detection and Quantitation Concepts
  A. Study Plan
  B. Information and Data Used in the Assessment
  C. Concepts and Procedures Included in the Assessment
  D. Issues Considered during the Assessment
  E. Evaluation Criteria
V. EPA's Findings and Conclusions
VI. Peer Review of EPA's Assessment
VII. Proposed Revisions to the MDL and ML
  A. Definition of the Detection Limit
  B. Technical Revisions to the MDL Procedure
  C. Editorial Changes to the MDL Procedure
  D. Definition and Procedure for Determining the Minimum Level of Quantitation
  E. Acceptance of Test Methods Employing Alternative Detection and Quantitation Procedures
VIII. Industry Proposal
IX. Solicitation of Comments
X. 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 and Advancement Act

XI. References
Appendix A: Definitions, Acronyms, and Abbreviations Used in This Document

I. Statutory Authority

This action is being proposed pursuant to the authority of sections 301(a), 304(h), and 501(a) of the Clean Water Act (''CWA'' or the ''Act''), 33 U.S.C. 1311(a), 1314(h), 1361(a). Section 301(a) of the Act prohibits the discharge of any pollutant into navigable waters unless the discharge complies with a National Pollutant Discharge Elimination System (NPDES) permit issued under section 402 of the Act. Section 304(h) of the Act requires the Administrator of the EPA to ''promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to [section 401 of this Act] or permit application pursuant to [section 402 of this Act].'' Section 501(a) of the Act authorizes the Administrator to ''prescribe such regulations as are necessary to carry out this function under [the Act].'' EPA publishes analytical test method regulations for use in CWA programs at 40 CFR part 136. The Administrator has made these test methods applicable to monitoring and reporting of NPDES permits (40 CFR 122.21, 122.41, 122.44, and 123.25), and implementation of the pretreatment standards issued under section 307 of the Act (40 CFR 403.10 and 403.12).

II. Purpose of This Action

EPA recently completed an assessment of procedures for determining the sensitivity of analytical test methods (*i.e.*, procedures for determining detection and quantitation) and their application to Clean Water Act Programs. That assessment was conducted pursuant to a settlement agreement with the Alliance of Automobile Manufacturers, *et al.* (See III.B. below for details.) The assessment is contained in a document entitled, Technical Support Document for the Assessment of Detection and Quantitation Concepts or ''Assessment Document'' (EPA 821–R–03–005, February, 2003). A draft of the Assessment Document was peer-reviewed in August 2002 in accordance with EPA peer review guidelines. Following peer review, EPA incorporated peer review comments into the Assessment Document. EPA is providing an opportunity for public review and comment on the assessment and the Assessment Document through this notice and also in a separate notice in this **Federal Register** (see Notice of Document Availability and Public Comment Period on the Technical Support Document for the Assessment of Detection and Quantitation Concepts).

Based on findings from the assessment, EPA is proposing revisions to the method detection limit procedure codified at 40 CFR part 136, Appendix B and is seeking comment on the revisions proposed in this notice. EPA also is proposing to revise the definition of ''Detection limit'' at 40 CFR 136.2 and to add a definition of the ''Minimum level of quantitation (ML)'' for consistency with the proposed revisions to Appendix B.

III. Background

A. Analytical (Test) Methods Used for CWA Programs

Section 304(h) of the Clean Water Act requires that the EPA Administrator ''promulgate guidelines establishing test procedures for the analysis of pollutants'' to be monitored and regulated under the National Pollutant Discharge Elimination System (NPDES). EPA proposes and promulgates test methods at 40 CFR part 136 in accordance with section 304(h). The approved test methods have been drawn from a variety of sources, including methods developed by commercial vendors, EPA and other government agencies, as well as methods from voluntary consensus standards bodies (VCSBs), such as the American Public Health Association (APHA), the Water Environment Federation (WEF), and the American Water Works Association (AWWA), which jointly publish Standard Methods for the Examination of Water and Wastewater; the Association of Official Analytical Chemists (AOAC-International); and the American Society for Testing and Materials (ASTM International).

Among considerations for approval of a test method at 40 CFR part 136 are the demonstrated performance characteristics of precision, bias, and sensitivity (*i.e.*, detection and quantitation). EPA generally evaluates each of these characteristics to determine if the test method will yield results at concentrations of concern that are reliable enough to meet EPA needs for permitting and compliance monitoring under the CWA. Detection and quantitation limits have been among the most controversial of these characteristics, particularly among members of the regulated community.

B. Settlement Agreement

On June 8, 1999, EPA published a final rule adding EPA Method 1631, Revision B: Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry (Method 1631B) to the ''Guidelines Establishing Test Procedures for the Analysis of Pollutants'' under section 304(h) of the Clean Water Act. This method was developed specifically to measure concentrations of mercury at low (*i.e.*, ambient water quality criteria) levels. Following promulgation, the Alliance of Automobile Manufacturers, the Chemical Manufacturers Association, and the Utility Water Act Group (''Petitioners'') and the American Forest and Paper Association (''Intervenor'') filed a lawsuit challenging the method. *(Alliance of Automobile Manufacturers, et al.* v. *EPA,* No. 99–1420 (D.C. Cir.)). The challenge addressed specific aspects of EPA Method 1631 as well as the general procedures used to establish the method detection limit (MDL) and the minimum level of quantitation (ML) specified in the method. On October 19, 2000, EPA entered into a settlement agreement with the Petitioners and Intervenor (the ''settlement agreement''). The settlement agreement included six clauses. EPA has already satisfied the requirements of clauses 1 through 5, which addressed clarification and revision of specific method procedures and requirements. This proposal partially fulfills the requirements of clause 6 of the settlement agreement, which addresses procedures for determining the sensitivity of analytical test methods.

Clause 6 provides for EPA to assess existing Agency and alternative procedures for determining detection and quantitation limits under the Clean Water Act and to sign a notice for publication in the **Federal Register** on or before February 28, 2003, inviting public comment on the assessment. The assessment is to include, at a minimum, evaluation of the ''Definition and Procedure for Determination of the Method Detection Limit'' published at 40 CFR part 136, Appendix B and used in Method 1631, and evaluation of the corresponding ''minimum level'' of quantitation procedures.

Clause 6 further provides for EPA to submit its assessment to formal peer review by experts in the field of analytical chemistry and in the statistical aspects of analytical data interpretation. EPA conducted peer review of its assessment in August 2002. A summary of the results of the peer review is provided in section VI of this proposal; the peer reviewers' comments and EPA's responses are included in the docket for this proposal. As stipulated in the settlement agreement, EPA

provided the draft Assessment Document to the Petitioners and Intervenor for concurrent review and comment in August 2002. Their comments are also included in the docket for this proposal.

Finally, EPA agreed to invite public comment on the assessment for a period of no less than 120 days and to sign a notice taking final action on the assessment on or before September 30, 2004. Elsewhere in today's **Federal Register**, EPA is publishing a notice of availability of the Assessment Document, titled ''Technical Support Document for the Assessment of Detection and Quantitation Concepts,'' and announcing a 120-day comment period on it.

C. Detection, Quantitation, and Current Controversy

Generally speaking, a detection limit is the lowest concentration or amount of a substance that allows for differentiation between a sample that contains the substance and one that does not. A quantitation limit is the lowest concentration or amount of a substance that can be measured with some stated level of confidence. Establishing such detection and quantitation limits generally involves the application of statistics and chemistry expertise and judgement. The fact that scientific judgement is involved in the detection and quantitation decision is evidenced by the continuing debate on this subject; the number of different terms currently in use by different organizations; the number of concepts and procedures that have been advanced by different organizations to define or determine the detection and quantitation capabilities of analytical test methods; and the fact that there is no general consensus among various government agencies, method developers, or scientific organizations on a single detection and quantitation approach. EPA estimates that more than 50 different terms have been used in published analytical test methods to describe detection and quantitation capabilities of test methods and, in many instances, the same term is used by different organizations to mean different things.

Nearly all of the approaches advanced to date fall into one of two main categories: (1) Those that assume measurement error is constant or effectively constant in the low concentration range and are, therefore, based on the error observed in replicate measurements made at a single low concentration, and (2) those that assume measurement error varies as a function of concentration and are, therefore, based on the error observed in replicate measurements gathered in the region of detection and quantitation. Examples of the first category (referred to as the ''single concentration approach'' or ''constant error model'') include those first advanced by Lloyd Currie (1968) and later adopted in various forms by the American Chemical Society (ACS), the International Organization for Standardization (also known as ''ISO''), the International Union of Pure and Applied Chemistry (IUPAC), and EPA. Examples of the latter category (the ''variable error model'') were adopted in various forms by the U.S. Army Toxic and Hazardous Materials Agency (USATHAMA, now the U.S. Army Environmental Center, or USAEC) and ASTM International. The two categories represent two somewhat different conceptual approaches to the problem of assessing detection and quantitation capabilities. Both approaches require estimates of measurement variability in the low concentration range, but the philosophy behind the first category is based on direct measurement of variability at a fixed concentration in the concentration region most relevant to the problem. The philosophy behind the second category is based on the concept that measurement variability throughout the low end of the measurement range is relevant to the problem of setting detection and quantitation limits. The methodology used in implementing procedures in the second category involves statistical estimation methods that allow data collected throughout the low end of the range to contribute to estimation of measurement variability in detection and quantitation region.

There are also differences in the experimental procedures used to determine detection and quantitation limits. Again, these tend to fall into two categories. The first category of single-laboratory detection limits uses data from an experiment in a single laboratory to estimate detection limits. The second category of multi-laboratory detection limits uses data from experiments from multiple laboratories to estimate detection limits. The rationale for the latter proposal is that actual measurement sensitivity varies among laboratories, regardless of the approach used to estimate the sensitivity of a given method. The Interlaboratory Detection Estimate (IDE) and the Interlaboratory Quantitation Estimate (IQE) adopted by ASTM International is an example of such an approach. Although EPA's MDL procedure does not incorporate specific procedures to account for multiple laboratory variability, EPA nonetheless has accounted for this variability during method validation as described in Section D.1 below.

D. Historical Use of Detection and Quantitation Limits Under the Clean Water Act

The procedure for estimating the MDL was originally published in 1981 by staff at EPA's environmental research laboratory in Cincinnati, Ohio (Glaser, *et al.*, 1981). The MDL is based on the constant error model described by Currie (1968). EPA promulgated the procedure for determining the MDL for use in CWA programs on October 26, 1984 (49 FR 43234).

The ML was originally proposed on December 5, 1979 (44 FR 69463), in footnotes to Table 2 of EPA Method 624 and to Tables 4 and 5 of EPA Method 625. Between 1980 and 1984, EPA developed Methods 1624 and 1625 and included the ML in similar tables in those two methods. When these four methods were promulgated for use in CWA programs on October 26, 1984 (49 FR 43234), EPA replaced the MLs in Methods 624 and 625 with MDLs, and retained the MLs in Methods 1624 and 1625. Unlike the MDL, there have been changes to the definition of the ML over the years. For example, the term ''recognizable signal'' has been used instead of ''recognizable mass spectra'' for non-GC/MS methods.

Since 1984, the MDL and ML have been used in a variety of ways by analytical laboratories, permitting authorities, and regulatory communities. The three most significant uses of the MDL are described below, along with some concerns with those uses.

1. Method Development

The primary purpose of the MDL and ML is to characterize the sensitivity of a particular test method for a particular pollutant. Information about method sensitivity is critical when deciding which method is needed to accomplish a specific measurement objective.

The MDLs published in some EPA methods have been criticized because they are based on the performance of a single laboratory that may not reflect the capabilities of the laboratory community. EPA has responded to this criticism in recent years by gathering MDL information from multiple laboratories. During development of several analytical methods, EPA's Office of Science and Technology addressed the issue by using single laboratory studies to develop an initial estimate of the MDL for each analyte and then verified these MDLs in interlaboratory

studies or in additional single-laboratory studies at other facilities. For example, when EPA initially drafted Method 1631 for measurement of mercury, EPA estimated the MDL to be 0.05 ng/L, based on results produced by a contract research laboratory. Additional single-laboratory studies suggested that the MDL should be raised to 0.2 ng/L to better reflect existing capabilities of the laboratory community. During EPA's interlaboratory study for Method 1631, twelve participant laboratories were asked to conduct MDL studies. Each laboratory obtained an MDL less than 0.2 ng/L, the value published in the promulgated version of Method 1631.

The ML has been used in the 1600-series of EPA chemical methods promulgated for use under the CWA since 1984 as an additional means to characterize method sensitivity, establish the lower end of the calibration range, and serve as a quantitation limit in those methods. Although its use has thus far been limited to the 1600-series methods, the ML concept is applicable to any analytical procedure to which the MDL can be applied under the CWA.

2. Demonstrating Laboratory Performance

The MDL also has been used as a means of demonstrating laboratory capability or performance. For example, a laboratory often publishes results of an MDL study to advertise its ability to detect a pollutant at a low level. Similarly, a laboratory client or a certification program may require that a laboratory demonstrate its ability to achieve a specified MDL using a particular method.

EPA also has used MDLs in approved EPA CWA methods (*i.e.*, promulgated at 40 CFR part 136) to provide a standard for allowing increased flexibility and encouraging advances in technology. Under EPA's CWA Alternate Test Procedures (ATP) program and in EPA's performance-based methods, a laboratory is permitted to modify certain aspects of approved method procedures provided that it is able to achieve an MDL that is less than or equal to one-third the regulatory compliance limit or less than or equal to the MDL specified in the approved method, whichever is greater (see section 9.0 of EPA Method 1631, for example).

3. Use of the MDL and ML in Clean Water Act Programs

Both the MDL and ML have been used as reporting limits for a variety of studies and monitoring efforts under the CWA. For example, EPA often uses the MDL as a reporting threshold in surveys designed to determine levels of human exposure from consumption of water or fish under the CWA in order to characterize health risks from a variety of pollutants. In recent years, EPA has used the ML as the reporting limit in setting numeric limits for effluent guidelines limitations. EPA recommended in a 1994 draft guidance document that the ML be included in a National Pollutant Discharge Elimination System (NPDES) permit as a footnote to the water quality-based effluent limit (WQBEL) when the WQBEL is below either the MDL or ML of the most sensitive method. (See U.S. EPA Draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-based Effluent Limitations Set Below Analytical Detection/Quantitation Levels, 1994.) This 1994 draft guidance document was very controversial and was never finalized. Because individual States are responsible for implementation and enforcement of NPDES permits, use of the MDL and ML in the NPDES program varies among the States.

4. Concerns Regarding Use of the MDL

Over the years, a number of concerns have been raised about the MDL procedure. Some of these concerns are technical in nature (*e.g.*, selection of appropriate spiking levels and treatment of outliers), while others focus on implementation (*e.g.*, use of the MDL as a regulatory compliance limit). As part of EPA's assessment of detection and quantitation limits, the Agency identified and investigated a number of issues, including concerns that had been presented to the Agency by a variety of sources (*e.g.*, commercial laboratories, permittees, State laboratory and permitting authorities, EPA and other Federal laboratories, and others). Section IV.D of this proposal highlights the most significant issues addressed during the recent assessment. A comprehensive discussion of these issues is provided in the Assessment Document that is available in the docket supporting today's proposed rule and noticed elsewhere in today's **Federal Register** for public comment.

IV. EPA's Assessment of Detection and Quantitation Concepts

EPA first began a comprehensive assessment of detection and quantitation limits in the mid-1990s as concerns about the increased use of water quality-based permitting began to push permit limits for many pollutants below the measurement capabilities of some laboratories for a number of environmental chemistry methods. One of the key areas of concern centered on the nature of measurement error in the region of detection and quantitation. Because EPA was not aware of studies that included replicate testing across or within the vicinity of this region, EPA focused its early efforts on developing such data, first with a single-laboratory study of measurement error using inductively coupled plasma-mass spectrometry (ICP-MS) techniques, and later with a similar single-laboratory study of measurement error using 10 different analytical techniques commonly used in Clean Water Act monitoring programs.

The October 2000 settlement agreement described in section III.B. of this preamble committed EPA to a fixed timetable and established specific milestones for completing its assessment. The general approach used in the Agency's assessment of detection and quantitation concepts and procedures is summarized below. Additional details concerning the assessment are presented in the Assessment Document that is available in the public docket supporting this proposed rule. EPA is also providing an opportunity for public review and comment on this assessment and the Assessment Document in a separate notice in today's **Federal Register** (see Notice of Document Availability and Public Comment Period on the Technical Support Document for the Assessment of Detection and Quantitation Concepts).

A. Study Plan

In December of 2001, EPA produced a draft Plan for the Assessment of Detection and Quantitation Limits Under Section 304(h) of the Clean Water Act. The December 2001 plan described roles and responsibilities for implementing the plan, provided a background discussion of detection and quantitation limit concepts, and outlined a series of events necessary to support EPA's assessment of detection and quantitation concepts and procedures as required to comply with the terms and schedules set forth in Clause 6 of the settlement agreement.

The draft plan was circulated for review by EPA staff, the Petitioners and Intervenor, and external peer reviewers. The external peer review was performed in accordance with EPA's Science Policy Council Handbook—Peer Review, 2nd Edition (EPA 100–B–00–001, December 2001; the ''Peer-review Handbook''). EPA evaluated the comments and recommendations provided by reviewers and, where appropriate, integrated these comments

into a revised version of the Plan for the Assessment of Detection and Quantitation Limits Under Section 304(h) of the Clean Water Act (EPA 821–R–02–010, April, 2002; the ''study plan''). The study plan is included in the docket for this proposal, along with the peer review comments and the Agency's response to them..

B. Information and Data used in the Assessment

In 1997 and 1998, EPA searched the published literature to identify documents that discussed detection and quantitation concepts and procedures. EPA conducted a follow-up search in 2001. The principal goal of these efforts was to identify concepts, procedures, and issues that should be considered by EPA during its assessment. EPA identified more than 100 documents describing detection and quantitation concepts and issues and has included a list of these documents in the docket supporting this proposed rule. Additional information concerning the literature search is presented and discussed in the Assessment Document.

EPA initially hoped to identify a large body of data containing a sufficient number of results that were generated at, below, and above the region of interest (*i.e.*, at concentration levels targeting limits of detection and quantitation). EPA determined, however, that few such data sets exist. EPA identified six useful data sets for fully evaluating measurement variability in the range of analytical detection and quantitation. These included three data sets generated by EPA expressly for the purpose of characterizing measurement variability in the region of interest and three data sets suggested by the Petitioners and Intervenor. Although the Petitioners and Intervenor suggested other data sets, EPA found that these data sets either did not include a sufficient number of data results that were at, below, and above the region of detection and quantitation to yield information for the assessment or that the data included in the data sets were of questionable validity. These data, and EPA's decisions regarding the data, are discussed in the Assessment Document.

As noted above, three of these studies were conducted by EPA for the purpose of evaluating the relationship between measurement variation and concentration. In these studies, replicate measurements from each combination of analyte and measurement technique (*i.e.*, analytical method) were produced by a single laboratory over a wide range and large number of concentrations. A fourth data set was developed as part of a study conducted by the American Automobile Manufacturers Association (AAMA) for the purpose of estimating a quantitation value based on a concept called the alternative minimum level that had been described in the literature (Gibbons *et al.*, 1997). In that study, replicate samples were measured at a limited number of concentrations by multiple laboratories. The final two data sets were jointly gathered by EPA and the Electric Power Research Institute (EPRI) to support interlaboratory validation of EPA Methods 1631 and 1638.

Additional details concerning each of these studies are provided in the Assessment Document available in the docket supporting this proposed rule. Data from these studies also are available in the docket.

C. Concepts and Procedures Included in the Assessment

As mentioned earlier in this document, EPA identified numerous terms that have been used to describe the sensitivity of a particular method or instrument. Examples of these terms are analytical detection limit, lower limit of detection, limit of sensitivity, minimum detectable quantity, system detection limit, and approximate detection limit. For its assessment, EPA considered detection and quantitation terms, concepts, or procedures advanced in the published literature and by various EPA offices, the American Chemical Society (ACS), the International Union of Pure and Applied Chemistry (IUPAC), the International Organization for Standardization (ISO), ASTM International, industry groups, and others. EPA found that most of the terms or concepts considered have no corresponding definition or procedure for calculating a value, and it may be that these terms reflect the method developer's estimate of the lowest concentration of a substance that a test method is capable of measuring. EPA did not evaluate any such terms in the assessment. EPA also did not consider terms that do not reflect the entire measurement process (such as the ''Instrument Detection Limit''), concepts that are uniquely designed for a single program (such as the ''Contract Required Detection Limit'' used in the Superfund Contract Laboratory Program), or concepts no longer advanced by the originating organization (such as the ''Compliance Monitoring Detection Limit'' and the ''Alternative Minimum Level'').

After eliminating terms and concepts for the reasons described above, EPA focused its assessment on four sets of concepts that are widely referenced and generally reflect the diversity of concepts advanced to date. These include (1) The EPA MDL and ML used under CWA programs, (2) the Interlaboratory Detection Estimate (IDE) and Interlaboratory Quantitation Estimate (IQE) adopted by ASTM International, (3) the Limit of Detection (LOD) and Limit of Quantitation (LOQ) adopted by the American Chemical Society (ACS), and (4) the Critical Value (CRV), Minimum Detectable Value (MDV) and Limit of Quantification (LOQ) adopted by the International Union of Pure and Applied Chemistry (IUPAC) and the International Organization for Standardization (ISO). Although the ACS, IUPAC and ISO concepts are functionally similar to EPA's MDL and ML, these organizations have not developed detailed procedures for calculating detection and quantitation values. Only the EPA and ASTM concepts are supported by detailed procedures for calculating detection and quantitation values. Without such procedural details, the ACS, IUPAC and ISO concepts are unlikely to be useful for establishing detection and quantitation limits in analytical methods for use in CWA programs. Therefore, the discussion below addresses the EPA and ASTM concepts only. Results of EPA's evaluation of the additional concepts are discussed in detail in the Assessment Document included in the docket supporting this proposed rule.

1. Method Detection Limit (MDL) and Minimum Level (ML) of Quantitation

As discussed in section III.D of this document, the MDL is based on the constant error model proposed by Currie in 1968 and was initially promulgated in 1984 for use in CWA programs. The MDL and ML are supported by a procedure that involves the analysis of at least seven replicate samples containing the target analyte(s) at an estimate of the detection limit. Determination of the MDL is based on multiplication of the standard deviation among the replicate measurements by the 99th percentile of a t-distribution with n-1 degrees of freedom. The ML is also based on the constant error model proposed by Currie in 1968. The ML is derived by multiplying the standard deviation of the replicate measurements by 10. The primary differences between the MDL, ML, and detection and quantitation limit concepts first proposed by Currie are that (1) The MDL and ML are supported by detailed procedures for implementing the concepts, and (2) the EPA CWA procedures extend Currie's proposed replicate measurements of a blank with replicate measurements of reagent water

(or other reference matrix) to which a small amount of the analyte is added. This latter difference results from the fact that the concepts developed by Currie assume that measurements on blank samples will produce a signal that can be used to estimate measurement variability. This is the case with radiochemistry analyses, where there is usually some background radiation that produces a response in the analysis of a blank sample. For many other types of environmental analyses, the analysis of a blank sample produces no instrumental response. Thus, the EPA CWA MDL procedure involves adding the analyte to a reference matrix (*e.g.*, a blank sample) at low concentrations to ensure that a response is produced.

2. Interlaboratory Detection Estimate (IDE) and Interlaboratory Quantitation Estimate (IQE)

The IDE was approved by ASTM International's Committee D 19 for Water in 1997, as ASTM Designation 6091–97: Standard Practice for 99%/95% Interlabortory Detection Estimate (IDE) for Analytical Methods with Negligible Calibration Error. Subsequently, members of ASTM Committee D 19 developed the interlaboratory quantitation estimate (IQE) that was approved in 2000 as ASTM Designation D 6512–00: Standard Practice for Interlaboratory Quantitation Estimate. The IDE and IQE concepts are based on the variable error model and include procedures that require that data gathered in a formal study of a method be used to select from one of four possible models of the interlaboratory error and concentration. The possible models include: the ''constant model,'' applicable to both the IDE and IQE, in which the interlaboratory standard deviation does not change with concentration; the ''straight-line model,'' applicable to both the IDE and IQE, in which the interlaboratory standard deviation is a linear function of concentration; the ''exponential model'' applicable to the IDE, in which the interlaboratory standard deviation is an exponential function of concentration; and the ''hybrid model'' applicable to the IQE, in which the interlaboratory standard deviation has both additive (constant) and multiplicative (linear) components that follow the model of Rocke and Lorenzato (1995). Such studies involve samples representing at least five different concentration levels and analyzed in a minimum of six (required) to ten (recommended) laboratories. The ASTM procedures are also designed to take into account all possible sources of variability, including interlaboratory variability, when estimating detection and quantitation limits. As a result, the IDE and IQE generally produce higher limits than are produced using other procedures.

D. Issues Considered During the Assessment

In performing the assessment, EPA identified a number of statistical and analytical chemistry issues that should be considered when evaluating detection and quantitation limit concepts and procedures in general, and in the specific context of Clean Water Act applications. The issues considered include six specific issues raised by the Petitioners and Intervenor, as well as issues identified by EPA staff, peer reviewers, and others. The six issues raised by the Petitioners are: Criteria for selection and appropriate use of statistical models; methodology for parameter estimation; statistical tolerance and prediction; criteria for design of detection and quantification studies, including selection of concentration levels (''spiking levels''); interlaboratory variability; and incorporation of elements of probability design.

Some of the significant additional issues considered by EPA in its assessment include: Matrix effects; minimization of false positives and false negatives; cost and ease of implementation; and how well detection and quantitation limits published in methods reflect individual laboratory capability. These and other issues considered by EPA are identified and discussed in Chapter 3 of the Assessment Document.

E. Evaluation Criteria

After identifying and considering the issues, EPA developed six evaluation criteria that reflect EPA's views concerning the issues. These six criteria formed the primary basis for evaluating the ability of each detection and quantitation limit approach identified in section III.C. above to meet EPA needs under the Clean Water Act. A complete discussion of these criteria and EPA's assessment of each approach against these criteria is provided in the Assessment Document that is available in the docket supporting this proposed rule. The six criteria are summarized below.

Criterion 1: The detection and quantitation limit approaches should be scientifically valid. In evaluating this criterion, EPA considered the following factors: (1) Whether the concept can be (and has been) tested; (2) whether the concept has been subjected to peer review and publication; (3) whether the error rate associated with the concept or methodology is either known or can be estimated; (4) whether standards exist and can be maintained to control the concept's operation (i.e., it is supported by well-defined procedures for use); and (5) whether the concept has attracted (i.e., achieved) widespread acceptance within a relevant scientific community.

EPA believes that these considerations are helpful for demonstrating the scientific validity of a detection or quantitation concept.

Criterion 2: The approach should address demonstrated expectations of laboratory and method performance, including routine variability. EPA believes that the detection and quantitation limit procedures should be capable of providing a realistic expectation of laboratory performance. In evaluating different approaches against this criterion, EPA considered the sources of variability captured by the procedure and the degree to which the statistics that underlie the procedure realistically reflect these sources.

Criterion 3: The approach should be supported by a practical and affordable procedure that a single laboratory can use to evaluate method performance. Ideally, any required procedure for calculating analytical method sensitivity should be simple, complete, and cost-effective to implement. The laboratories that can be expected to use detection and quantitation procedures will range from large laboratories and laboratory chains with a wide range of technical capability to small laboratories operated by one or a few people with a limited set of statistical or analytical skills. If a procedure is complicated, it will be, generally, more error prone in its use. Similarly, if a procedure requires investment of extensive resources that cannot be billed to a client, laboratories will have a disincentive to use the procedure. Therefore, if EPA wishes to encourage the development and use of innovative techniques that improve measurement performance or lower measurement cost, the Agency should consider practicality and affordability as significant, if not co-equal, considerations to scientific validity.

Criterion 4: The detection level approach should identify the signal or estimated concentration at which there is 99% confidence that the substance is actually present when the analytical method is performed by experienced staff in a well-operated laboratory. Any approach to developing detection limits should be capable of providing regulators, the regulated community, and data users with confidence that a pollutant reported as being present really is present. Historically, nearly

every detection limit approach has set the criterion for detection at 99 percent confidence (i.e., the lowest level at which a pollutant will be detected with a probability of 99 percent). This criterion results in the probability of a false positive; i.e., that a pollutant will be stated as being present when it is not really present (a Type I error), of one percent.

Criterion 5: The quantitation limit approach should identify the concentration that gives a recognizable signal that is consistent with the capabilities of the method when a method is performed by experienced staff in well-operated laboratories. Measurement capabilities among laboratories vary depending on a number of factors, including, but not limited to, instrumentation, training, and experience. Similarly, measurement capabilities among different analytical methods vary depending on a number of factors, including the techniques and instrumentation employed and the clarity of the method itself. Historical approaches to recognizing laboratory capabilities in establishing detection and quantitation limits have varied between two extremes of establishing the limit in a state-of-the-art research laboratory to reflect the lowest possible limit that can be achieved, and establishing the limit based on statistical prediction intervals calculated from a large number of laboratories with varying levels of experience, instrumentation and competence. Generally, use of the former has been employed to serve as a goal or performance standard to be met by other laboratories, whereas use of the latter treats the limit, not as a performance standard that needs to be met by each laboratory, but rather as a characterization of the future performance of the entire universe of laboratory capabilities at the time of method development. Rather than using one of these two extremes, EPA prefers to establish a quantitation limit at a concentration that is achievable with a defined level of confidence in well-operated laboratories.

Criterion 6: Detection and quantitation approach should be applicable to the variety of decisions made under the Clean Water Act, and should support State and local obligations to implement measurement requirements that are at least as stringent as those set by the Federal Government. The Clean Water Act requires EPA to conduct, implement, and oversee a variety of data gathering programs. These programs include, but are not limited to, surveys to monitor changes in ambient water quality, screening studies to identify pollutants of concern, data gathering to support effluent guidelines, environmental assessments to establish water quality standards, and studies to evaluate human health and environmental risks under the Clean Water Act. In addition, EPA should be able to apply detection and quantitation limits to permitting, quality control in analytical laboratories, method promulgation, and other uses of the 40 CFR part 136 methods.

V. EPA's Findings and Conclusions

As noted previously, EPA considered four sets of detection and quantitation limit approaches advanced by EPA, ASTM International, ACS, and both ISO and IUPAC. Each approach was assessed against the suite of criteria described above for use under the Clean Water Act. The EPA approaches (*i.e.,* the MDL and ML) and the ASTM International approaches (*i.e.,* the IDE and IQE) are supported by clearly defined procedures for implementing the concepts. Neither the ACS nor the ISO/IUPAC approaches are supported by detailed procedures for implementation; this lack of supporting procedures was reflected in the outcome of EPA's overall assessment. Briefly, EPA found that (1) no single pair of detection and quantitation limit concepts perfectly meets EPA's criteria for use under the Clean Water Act, (2) the MDL and ML most closely meet EPA's criteria, and (3) minor revisions and clarifications to the MDL and ML would allow both concepts to fully meet the Agency's needs under the CWA. Details of these revisions and clarifications are described in section VII of this proposed rule. EPA also found that, although the IDE and IQE procedures may be acceptable for establishing detection and quantitation values derived from interlaboratory validation studies, the complexity and subjectivity of the procedures, along with their inability to address individual laboratory performance, make them unsuitable as the primary means of establishing sensitivity under the Clean Water Act. However, EPA believes that the IDE and IQE can be used to establish sensitivity under certain conditions. EPA would be willing to consider and approve under 40 CFR part 136, new test methods that include the IDE and IQE. Details of EPA's findings are provided in the Assessment Document that is available in the docket supporting this proposed rule.

VI. Peer Review of EPA's Assessment

In August 2002, EPA conducted a peer review of its assessment as presented in a draft Technical Support Document (draft Assessment Document). The peer review was performed in accordance with EPA's peer review policies, which are described in the Science Policy Council Handbook (EPA 100–B–00–001), and performed by two experts in the field of analytical chemistry and two experts in the statistical aspects of analytical data interpretation. Reviewers were provided with a draft copy of EPA's Assessment Document, copies of all data evaluated in the assessment, statistical programs used to analyze the data, and copies of the detection and quantitation approaches evaluated.

In the charge to the peer reviewers, EPA requested a written evaluation of whether the assessment approach described by EPA is valid and of the conceptual soundness of the assessment. Reviewers also were asked to consider and address eight specific questions pertaining to the adequacy of the concepts and procedures, the issues considered, the evaluation criteria developed by EPA, EPA's assessment and conclusions, the data used to perform the assessment, suggested improvements to the procedures discussed, and EPA's consideration of interlaboratory vs. intralaboratory issues. A copy of all materials associated with the peer review, including the peer review charge, the materials provided to the peer reviewers for review, complete copies of the peer reviewers' comments, and detailed EPA responses to each of the comments is provided in the docket supporting this proposed rule.

The comments from the peer reviewers were generally supportive of EPA's assessment and its presentation of the assessment in the draft Assessment Document. The peer reviewers stated that EPA's assessment of detection and quantitation concepts appears valid based on the evaluation criteria and is consistent with the Data Quality Act and EPA's Quality System. The peer reviewers stated further that the detection and quantitation concepts and procedures considered, the issues addressed, and the evaluation criteria developed based on those issues are sufficiently complete and adequate. Although two of the four peer reviewers believe that the use of interlaboratory measurements is important for a general understanding of the laboratory communities' capabilities, they also believe that the MDL and ML are more appropriate to address the issues that

EPA must consider in support of a permittee's CWA requirements. These commenters concluded that EPA's approach between inter- and intra-laboratory studies is balanced and reasonable. Overall, the peer reviewers supported the continued use of the MDL and ML procedures, almost to the exclusion of the other approaches. The most notable exception was a suggestion that EPA consider abandoning the ''traditional'' concept of a quantitation limit, such as the ML, and instead consider that any measured result reported with an associated estimate of measurement precision is a quantifiable value. Reviewers stated, however, that use of the ML is practical if EPA desires to establish a quantitation limit.

Although the peer reviewers were generally supportive of the assessment and EPA's current approach to detection and quantitation under the CWA, they had some recommendations for improvement to the Agency's assessment and to the MDL procedure. The reviewers suggested that EPA consider the following: (1) Providing additional references; (2) expanding the discussion of outliers; (3) establishing a repository of reference materials that demonstrate the ability to handle interferences and low level detection; (4) making minor modifications to Evaluation Criterion 4 (i.e., edit to reflect equivalence to an implementation of Currie's critical level); (5) clarifying the MDL confidence interval calculations discussed in Chapter 5 of the Assessment Document; and (6) enhancing the focus on the impact of operational procedures (quality control) in method performance. The Assessment Document available in the docket supporting today proposed rule addresses each of these suggestions.

The peer reviewers also suggested the following improvements to the MDL procedure: (1) Provide clarification to indicate that blank samples can be used to estimate the MDL if those blanks generate a signal; (2) revise the language in Step 1 of the MDL procedure to address certain common misunderstandings (*e.g.*, strengthen the discussion of the selection of the spiking level used for the MDL study); and (3) specify that the spike level used to establish the MDL should not be more than a factor of three times greater than the calculated MDL. The first two suggestions from the peer reviewers regarding improvements to the MDL procedure, have been included in the proposed revision to the MDL procedure. Although EPA agrees with the theoretical arguments related to the last suggestion regarding the spike level, EPA already tested this suggestion in one of its studies of detection and quantitation concepts and found that it could create laboratory burdens that far exceed the benefits. Specifically, EPA required a spike-to-MDL ratio of three in its multi-technique variability studies (the ''Episode 6000 studies''), which are described in the Assessment Document supporting this rule. Two laboratories reported that a large number of iterations would be required (particularly in multiple-analyte methods) in order to achieved a spike-to-MDL ratio of three, and would result in increased laboratory burden and cost. Therefore, this suggestion is not incorporated into the revised MDL procedure in this proposed rule.

Based on peer review comments and comments received over the years from the laboratory community, the Petitioners, and other stakeholders, EPA is proposing revisions to the MDL procedure (see section VII below).

VII. Proposed Revisions to the MDL and ML

This proposal would revise the definition of detection limit for use under the CWA. It also would revise certain aspects of the existing procedure for determining the Method Detection Limit (MDL) in 40 CFR part 136, Appendix B (Definition and Procedure for the Determination of the Method Detection Limit) and modify the discussion to clarify implementation of the procedure. It also requests comment on whether to add a stand-alone definition of quantitation limit and procedure for determining the Minimum Level of Quantitation (ML) in Appendix B.

This proposal incorporates the results of EPA's recent assessment of detection and quantitation concepts and procedures discussed throughout this preamble and in the Assessment Document, and address various stakeholder comments received by EPA since the 1984 promulgation of the MDL (49 FR 43234, October 26, 1984).

The following discussion is divided into five sections: (1) Revisions to the definition of the detection limit are discussed in section VII.A; (2) technical revisions to the MDL procedure are discussed in section VII.B; (3) clarifications and other minor editorial changes to the MDL procedure are discussed in section VII.C; (4) the addition of a definition of quantitation limit and the addition of a procedure to calculate the ML are discussed in section VII.D; (5) section VII.E discusses EPA's continued acceptance of analytical methods from organizations that do not necessarily use EPA's MDL and ML procedures.

A. Definition of the Detection Limit

Section 136.2(f) currently defines the term ''detection limit'' to mean ''the minimum concentration of an analyte (substance) that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined by the procedure set forth at appendix B of this part.'' EPA is proposing to revise § 136.2(f) to explicitly equate the term ''detection limit'' with the ''method detection limit'' and to reflect the proposed revisions to the MDL procedure at Appendix B as follows: ''*Detection limit* means the method detection limit (MDL), as determined by the procedure set forth at Appendix B of this part. The MDL is an estimate of the measured concentration at which there is 99% confidence that a given analyte is present in a given sample matrix.'' EPA also is proposing to revise the definition of the Method Detection Limit included in Appendix B as follows: ''The MDL is an estimate of the measured concentration at which there is 99% confidence that a given analyte is present in a given sample matrix.'' The MDL is the concentration at which a decision is made regarding whether an analyte is detected by a given analytical method. The MDL is calculated from replicate analyses of a matrix containing the analyte and is functionally analogous to the ''critical value'' described by Currie (1968, 1995) and the Limit of Detection described by the American Chemical Society (Keith *et al.*, 1980, McDougal *et al.*, 1983).

EPA also is requesting comment on an alternative approach in which the term *limit of detection* would be defined at § 136.2 as ''the critical value, which is the concentration at which there is 99% confidence that a given analyte is present in a given sample matrix,'' and the *method detection limit* would be defined as ''the procedure set forth in Appendix B of this part, which can be used to estimate the limit of detection (*i.e.*, critical value).''

B. Technical Revisions to the MDL Procedure

This notice proposes several technical revisions to the MDL procedure at 40 CFR part 136, Appendix B. These revisions are based on EPA's recent assessment of detection and quantitation concepts described in the Assessment Document, as well as comments received from stakeholders, the Petitioners, and the peer reviewers of the assessment. Specifically, the proposed revisions would:

1. Revise the definition of the MDL to replace the term ''minimum concentration'' with the term ''estimate of the measured concentration'' and replace the phrase ''greater than zero'' with the phrase ''present in a given sample matrix.'' The revised definition would note the functional analogy of the MDL with the ''critical value'' described by Currie (1968 and 1995) and the ''limit of detection'' (LOD) described by the American Chemical Society in 1980 and 1983. The revised definition also would note that the MDL represents the concentration at which the detection decision is made. These proposed revisions are intended to make the definition of the MDL more consistent with the MDL procedure. The proposed revisions reflect peer review comments on EPA's recent assessment of detection and quantitation concepts and procedures.

2. Expand the Scope and Application discussion to recognize that there are a variety of purposes and analytical methods for which the MDL procedure may be employed. The revised text provides examples of four common uses of the MDL procedure (*i.e.*, demonstrating laboratory capability with a particular method; monitoring trends in laboratory performance; characterizing method sensitivity in a particular matrix; and establishing an MDL for a new or revised method for nationwide use). The revised text also clarifies that the procedure may not be applicable to certain test methods such as those used to measure pH or temperature, for example. These revisions are based on questions from stakeholders about the scope and applicability of the MDL procedure.

3. Revise three of the four considerations for estimating the detection limit (see Step 1 of the current MDL procedure and section 4.3 of the proposed revisions), and suggest that the method-specified MDL can be used as the initial estimate when performing an MDL study to verify laboratory performance or to demonstrate that the MDL can be achieved in a specific matrix. The proposed revisions to the original considerations include: (1) Clarifying that, if analysis of blank samples yields an instrument response, the detection limit can be estimated as approximately equal to three times the standard deviation of replicate measurements of the analyte in the blank; (2) replacing ''that region of the standard curve where there is a significant change in sensitivity (*i.e.*, a break in the slope of the standard curve)'' with ''a concentration in the region of constant or effectively-constant standard deviation at low concentrations;'' and (3) replacing ''instrumental limitations'' with ''the lowest concentration that can be detected by analyzing samples containing successively lower concentrations of the analyte.''

4. Revise the specifications for establishing the test concentration range according to the intended application of the MDL as follows: (1) If verifying a published MDL, the test concentration should be no more than five times the published MDL; (2) if verifying an MDL to support a regulatory objective or the objective of a study or program, the test concentration should be no more than one third the compliance or target limit; (3) if determining an MDL for a new or revised method, the test concentration should be no more than five times the estimated detection limit; and (4) if performing an iteration, the test concentration should be no more than five times the MDL determined in the most recent iteration. (See Step 3.1 of the current procedure and section 4.3.1 of the proposed revisions.)

5. Delete the calculation of a 95% confidence interval estimate for the MDL. EPA has determined that these calculations are neither routinely performed by laboratories, nor are the results employed by regulatory agencies, including EPA.

6. Revise the discussion of the iterative procedure to require that the iterative procedure be used to verify the reasonableness of the MDL when developing an MDL for a new or revised method or when developing a matrix-specific MDL, but that it remain optional when determining an MDL to verify a method-, matrix-, program-, or study-specific MDL. This change recognizes that the iterative procedure is rarely used to verify laboratory performance, but is considered important during method development. The discussion, as revised, also would provide specific instructions on how to assess the reasonableness of an MDL used to verify laboratory performance. (See Step 7 of the current procedure and section 4.8 of the proposed revision.)

7. Add a new section (section 4.9) to the MDL procedure to address the treatment of suspected outliers. EPA is proposing to add this section in response to frequent questions from stakeholders with regard to outliers in the absence of any affirmative statements in the current MDL procedure. The discussion in this proposed section specifies that suspected outliers be examined for spurious errors that may occur as a result of human error or instrument malfunction, recommends that correctable errors be corrected before calculation of the MDL, and requires that any corrective actions be documented. The proposed section specifically would provide for invalidation of results from noncorrectable errors and preclude their use in calculating the MDL. The proposed section also describes the use of the Grubbs test for outlying values as a means to screen the results of the replicate samples for possible outliers, and provides an example application of the Grubbs test. Finally, the proposed section would reiterate the requirement that any results generated from more than seven replicates must be used to calculate the MDL unless they are determined to be outliers by the use of an appropriate outlier test. This proposed change addresses the possibility that some laboratories could prepare more than the requisite seven samples and then select only the seven results that yield the most desirable MDL value. Laboratory auditors from various agencies have identified this practice as a problem that can distort the MDL, but it is not specifically prohibited or addressed in the current procedure.

8. Delete the discussion of analysis and use of blanks included in section 4(a) of the current procedure. The current discussion applies to methods in which a blank measurement is required to calculate the measured level of an analyte; it requires separate measurements of blank samples for each MDL sample aliquot analyzed and subtraction of the average result of the blank samples from each respective MDL sample measurement. The proposed deletion of this discussion is in recognition that subtraction of a single (or average) blank sample result from the result for each MDL sample would not change the standard deviation and thus, would have no effect on the resulting MDL. Although EPA believes laboratories would be prudent to analyze blanks for assessing potential contamination, EPA also believes that requiring analysis of blanks or subtraction of blank results during MDL determinations is unnecessarily burdensome.

9. Revise the optional pre-test described in section 4(b) of the current procedure. The current procedure suggests analyzing two aliquots to evaluate the estimated detection limit before proceeding with the full seven-replicate test. Results from these analyses are evaluated to determine if the sample is in the ''desirable range for determining the MDL,'' but no criteria are provided for establishing this desirable range. The proposed revisions

to the pre-test procedure are intended to address this issue. These revisions now appear in section 4.1 of the proposed procedure. Specifically, the pre-test has been modified to suggest analysis of three aliquots. Results from these analyses are evaluated by calculating a preliminary MDL based on the standard deviation of the analyses, and then determining if this preliminary MDL is within 0.2 to 1.0 times the concentration spiked in the sample. This revision is consistent with the current procedure's recommendation that samples used to determine an MDL contain the analyte at a concentration that is ''between 1 and 5 times the estimated method detection limit.''

C. Editorial Changes to the MDL Procedure

This notice proposes editorial changes to the MDL procedure at 40 CFR part 136, Appendix B that are designed to clarify the existing procedure and improve readability. These editorial changes include changes to the numbering scheme, the addition of clearer titles to some of the procedural steps, and minor clarifications. Specifically, the proposed changes would:

1. Add a summary section to provide an overview of the various steps included in the MDL procedure. The summary section is consistent with the current format for analytical methods and should be particularly helpful to non-laboratory readers.

2. Clarify in the Scope and Application discussion that the MDL procedure is intended for use in EPA's Clean Water Act programs, and that alternative procedures may be used to establish test method sensitivity provided the resulting detection value meets the sensitivity needs for a specific application.

3. Clarify throughout the procedure that not all of the steps are required for every application. This clarification provides consistency with the proposed revisions in the Scope and Application section of the procedure.

4. Expand the discussion of matrix selection to address use of an MDL in either a reference matrix or an alternate matrix. (See Step 2 of the current procedure and section 4.2 of the proposed revisions.) Use of matrices other than reagent water are not discussed until Step 3b of the current procedure. The expanded discussion is intended to provide additional clarity and consistency with the description of the four applications added to the MDL Scope and Application section (see section VII.B.2 above).

5. Expand the discussion of establishing the test concentration range to more clearly describe the steps required and prepare the test samples. (See Step 3 of the current procedure and section 4.3 of the proposed revisions.) These proposed changes are editorial and describe the process that may be used for determining a matrix-specific MDL as well as determining an MDL in a reference matrix such as reagent water. Additional clarifications include recognition that some analytes may require that seven aliquots be prepared individually, as opposed to preparing a bulk sample of sufficient volume to be split into seven aliquots. EPA is proposing this clarification in response to questions from laboratories regarding the appropriate means for preparing the MDL aliquots.

6. Expand the discussion of performing the analyses to include a brief introduction clarifying that the samples used for MDL analyses must be processed using the sample handling, processing, and result calculations specified in the analytical method. (See Step 4 of the current procedure and section 4.4 of the proposed revisions.) This proposed change includes moving this statement from the Reporting section of the current procedure to the more appropriate location in section 4 of the revised procedure. This proposed change also would clarify that blank-correction or recovery-correction procedures are applied to the MDL analyses only when those procedures are employed for routine sample analyses, and precludes their use if they are not specified in the test method. EPA is proposing these changes in response to questions raised by laboratories, the Petitioners, and as a result of the recent assessment.

7. Reorganize the procedural steps contained in Step 4 of the current procedure, such that the optional pre-test of the MDL is discussed before the procedure for performing the full seven-replicate test. (See section 4.4 of the proposed revisions.) EPA is proposing this change strictly to improve ease of use.

8. Expand and reorganize the description of the seven-replicate version of the MDL described in Step 4(a) of the current procedure. The revised version would appear in section 4.5 and reflects comments from stakeholders that the discussion in the current procedure is not sufficiently clear. The revised procedure also would state explicitly that all analytical results must be positive numbers, and that the results from all aliquots analyzed must be used in the calculations, except those identified as outliers using the procedures described in section 4.9 of the revised procedure (see the discussion regarding outliers in VII.B above). These proposed changes would clarify stakeholder concerns regarding those analytical methods (e.g., for metals) that may produce negative numbers at very low concentrations and would emphasize the revision made in response to concerns regarding inappropriate screening of results used for MDL determinations.

9. Simplify the calculations of standard deviation of replicate measurements in Step 5 of the current procedure. (See section 4.6 of the proposed revisions.) For example, the current procedure details the calculation of the sample variance (s^2), and then details the calculation of the sample standard deviation (s) in a separate equation. Given that the variance term does not factor into the MDL calculation directly, the proposed revision would require only calculation of the standard deviation. The proposed revision also would include a caution warning the reader to calculate the sample standard deviation (s), not the population standard deviation (sigma), when using automated programs such as spreadsheets. This error was not as likely to occur in 1984, prior to the ready availability of personal computers and laboratory data systems, but is commonly seen today.

10. Move the table of Student's *t*-values from its current location following the text in Step 7 to section 4.7, where the *t*-value is employed. EPA is proposing this change to improve ease of use and increase readability.

11. Add a table of F-statistic values to the iterative procedure described in section 4.8. EPA is proposing this change to improve ease of use and address those instances in which an iterative MDL might be determined from other than seven replicates per data set.

12. Delete the ''Reporting'' section of the MDL procedure. The existing procedure includes a section listing the information that must be provided with the MDL for each analyte. EPA is proposing to delete this section because it is not relevant to the procedure and it is generally duplicative of reporting and recordkeeping requirements that States, other regulatory entities, or laboratory certification officials already require.

D. Definition and Procedure for Determining the Minimum Level of Quantitation

Although ML values for analytes were published in 1984 in EPA Methods 1624 and 1625 (49 FR 43234, October 26, 1984), the definition of the ML was

provided in a footnote to the tables within those methods. The original definition was intended to define a minimum level of quantitation for these isotope dilution GC/MS methods. However, as described in the Assessment Document, EPA has changed the definition of the ML over the years and has expanded its applicability to other 40 CFR part 136 methods. This proposal requests comment on whether to add the following definition of the ML to Appendix B of 40 CFR part 136: '' the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration point for the analyte, as determined by the procedure set forth at Appendix B of this part. The ML represents the lowest concentration at which an analyte can be measured with a known level of confidence.'' In addition to the definition, EPA requests comment on whether Appendix B should contain an explicit explanation of the calculation of the ML from an MDL value determined using the revised MDL procedure, including a table of multiplier values that may be used when the MDL value is calculated from other than seven replicate analyses.

An alternative is to not incorporate a definition in § 136.2 but to continue to specify the ML on a method-by-method basis. In this case, the ML may continue to be determined and supported with data gathered during method validation studies. This approach would allow maximum flexibility to design studies that are appropriate for the intended use of the method.

A second alternative is to incorporate into § 136.2 the definition of limit of quantitation as ''The lowest concentration of an analyte that can be measured with a defined level of confidence'' and to incorporate the definition of ML (minimum level) as ''The procedure set forth in Appendix B of this part of the same name, which can be used to estimate the limit of quantitation.''

In this proposal, EPA is also requesting comment on whether it should encourage or require that laboratories periodically demonstrate target analyte recovery at the ML by preparing and analyzing a reference matrix sample spiked at the ML using all sample handling and processing steps described in the method. EPA recognizes that existing methods do not provide acceptance criteria for such ''ML standards.'' Therefore, EPA suggests that, if the method does not provide acceptance criteria for an ML standard, acceptance criteria for other spiked reference matrix samples (e.g., laboratory control samples, laboratory fortified blanks, ongoing precision and recovery samples, etc.) may be used to evaluate analyte recovery at the ML. EPA is soliciting comment on whether this recommendation should be made into a mandatory requirement, retained as a recommendation, or replaced by an alternative recommendation for demonstrating recovery at the ML.

E. Acceptance of Test Methods Employing Alternative Detection and Quantitation Procedures

This proposed rule would allow use of alternative detection and quantitation procedures to establish detection and quantitation limits in an analytical method, provided that the resulting detection and quantitation limits meet the sensitivity needs for the specific application. The use of detection and quantitation approaches from voluntary consensus standards bodies (VCSBs) and other organizations is encouraged under the National Technology Transfer and Advancement Act (NTTAA), because it facilitates the approval of analytical methods from these organizations at 40 CFR part 136 without requiring that these organizations specifically employ EPA's MDL and ML procedures to establish method sensitivity. This allowance would result in greater flexibility to establish or improve the sensitivity of methods for use under the Clean Water Act. It also would facilitate approval of analytical methods from VCSBs and other organizations. In selecting an appropriate test method for a specific purpose, the laboratory must always consider the sensitivity of the approved test methods. Only those test methods with the desired sensitivity should be used to meet the objective of the CWA ''to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.''

EPA recognizes that there are alternative detection and quantitation approaches that may be used for determining test method sensitivity. EPA has included test methods at 40 CFR part 136 that employ alternative approaches, although some of these approaches have not been rigorously defined. In its recent assessment of detection and quantitation approaches, EPA evaluated the interlaboratory detection estimate (IDE) and the interlaboratory quantitation estimate (IQE) procedures published by ASTM International. However, EPA is not aware at this time of any published test methods from any source that include specific values for the IDE and the IQE, including test methods published by ASTM International. EPA will consider test methods that include these procedures for use in CWA programs when such methods are available. If ASTM International is successful in developing single-laboratory adaptations of the IDE and IQE that may be used to verify the ability of a given laboratory to achieve the IDE and IQE, then EPA also may consider those single-laboratory approaches in evaluating both method and laboratory performance.

VIII. Industry Proposal

On December 27, 2002, the Inter-Industry Analytical Group (IIAG) submitted a proposal that recommends (1) a sensitivity test intended to ''replace the MDL as a test of whether an individual laboratory is performing adequately,'' and (2) an interlaboratory validation study design intended to characterize precision and accuracy of methods used for regulatory compliance. EPA did not have the opportunity to evaluate IIAG's proposal against the criteria discussed in Section IV of this preamble, but intends to do so prior to publication of a final rule. EPA is providing a summary of the recommendations contained in the ''Inter-Industry Analytical Group Proposal for Sensitivity Test and Full-Range Interlaboratory Validation Study'' here. The complete text of the recommendations has been placed in the docket supporting this proposed rule. EPA is soliciting comment on the industry recommendations.

IIAG is proposing a sensitivity test in place of the MDL for determining laboratory performance capability. The proposed sensitivity test includes the provision that EPA first determine the lowest calibration point of a method, prescribe a dilution of that calibration point as the spike level (e.g., at one-half or two-thirds the lowest calibration point), specify a required number of replicates, and set a quality control acceptance criterion. IIAG asserts that an advantage of such a test is that it would provide all laboratories with a single spike level and an ''unambiguous pass or no-pass test.'' EPA is soliciting comment on approaches that might be considered appropriate for such determinations (i.e., the lowest calibration point of a method, an appropriate dilution, a number of replicates, and an acceptance criterion for standard deviation between measurements of the replicates). EPA also is soliciting comment on how IIAG's recommended sensitivity test would be either more appropriate or less appropriate than either the current MDL and ML procedures or the MDL and ML

procedures if revised according to this proposed rule.

IIAG's proposed ''full range'' validation study is intended to determine precision and bias across the entire working range of an analytical method (*i.e.,* from a blank to the upper end of the working range) and would account for variability between laboratories. IIAG recommends that, unlike the MDL and IIAG's proposed sensitivity test, the ''full-range'' validation study could be used to characterize bias and precision across the entire working range of the method and results of such a study could be used to establish an interlaboratory method detection level. EPA is requesting comment on the use of data generated through a ''full range'' validation study to determine a quantitation level, detection level, and corresponding bias and precision criteria that are applicable throughout the entire working range of the method. EPA also is soliciting comment on how IIAG's recommended ''full range'' validation study would be either more appropriate or less appropriate than EPA's use of interlaboratory validation studies, which are designed in accordance with ASTM Standard D 2777, or other appropriate standards. For example, EPA used the ASTM standard to validate EPA Method 1631 (see Interlaboratory Validation Study of EPA Method 1631).

IX. Solicitation of Comments

EPA is hereby requesting public comment on the proposed revisions discussed in section VII of this preamble and on the industry proposal discussed in section VIII. Specifically, EPA is requesting comment on the proposed revisions to the Definition and Procedure for the Determination of the Method Detection Limit at 40 CFR part 136 (Appendix B), to the proposed revision to the definition of ''Detection Limit,'' on whether EPA should add definition of ''Minimum Level'' at 40 CFR 136.2, and on whether and how the sensitivity test described in the industry proposal could be used in CWA programs. EPA is also requesting public comment on the Assessment Document supporting the proposed revisions discussed in this notice elsewhere in today's **Federal Register** (see Notice of Document Availability and Public Comment Period for the Technical Support Document for the Assessment of Detection and Quantitation Concepts).

Commenters are encouraged to support their views with data or information that would assist EPA in making a final decision on detection and quantitation procedures for EPA's CWA applications. To ensure that EPA can properly respond to comments, commenters should cite, where possible, the paragraph(s) or section(s) in this proposal to which each comment refers. For further details on submission of comments, please see the **DATES; ADDRESSES;** and ''How to Submit Comments'' sections at the beginning of this preamble.

EPA is particularly requesting comment on the following:

1. EPA is requesting comment on whether to include a definition and procedure for the ML in Appendix B of 40 CFR part 136 (see section VII.D of this preamble). EPA is soliciting comment on whether the proposed addition of an ML definition and procedure in Appendix B is appropriate, or whether either of the alternatives discussed in section VII.D are more appropriate to maintain flexibility in the application of different quantitation approaches.

2. EPA is proposing a recommendation that laboratories periodically demonstrate target analyte recovery at the ML by preparing and analyzing a reference matrix sample spiked at the ML (see section VII.D of this preamble). Specifically, EPA is soliciting comment on whether this recommendation should be made into a mandatory requirement, retained as a recommendation, or replaced by an alternative recommendation for demonstrating recovery at the ML. EPA also is soliciting comments and recommendations regarding procedures for establishing acceptance criteria for ML recovery, and when application of the criteria would be appropriate (*e.g.*, development of new methods, validation of data), if such a requirement were mandatory.

3. EPA is proposing to add a new Step 8 to the MDL procedure to address the identification and treatment of suspected outliers (see Section VII.B.7 of this preamble). This proposed step includes provision for invalidation of results from noncorrectable errors and precludes their use in calculating the MDL. The proposed step also states: ''Given the small number of replicates typically used to determine the MDL, it is inappropriate to use a data set that contains more than one statistical outlier.'' EPA requests comment on (1) the procedures for identifying outliers, (2) the specification that only one outlier may be removed from a data set that is used for MDL determination, and (3) the appropriateness of allowing use of a data set containing six results if an outlier is identified and removed from a data set containing results from the required minimum of seven replicate samples.

4. EPA is proposing to revise the specifications for establishing the test concentration (spike level) that will be used in the determining the MDL according to the intended application of the MDL (see Section VII.A.4 of this preamble). EPA is soliciting comment on these levels and on the appropriateness of applying these levels according to the intended use of the MDL.

5. EPA is soliciting comment on the sensitivity test and ''full-range'' validation study described by IIAG and included in the public docket supporting this proposed rule (see Section VII of this preamble). EPA is specifically soliciting comment on those aspects of IIAG's proposed study that relate to detection and quantitation issues.

6. EPA is proposing to delete the Reporting section of the existing MDL procedure. EPA is soliciting comments on whether this change is appropriate.

X. 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 this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq*. This action imposes no information collection, reporting or recordkeeping requirements. 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 (RFA) 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 this rule on small entities, small entity is defined as: (1) A small business as defined by the U.S. Small Business Administration definitions at 13 CFR 121.201; (2) 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 (3) 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 this proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This rule proposes to modify existing procedures in 40 CFR part 136, appendix B for determination of detection and quantitation in analytical methods. This modification would clarify and improve existing procedures.

Overall, the costs of this modification are minimal. Many laboratories using analytical test methods are already implementing aspects of the modification, further minimizing any potential cost increases. Therefore, EPA believes that this rule will not have a significant economic impact on a substantial number of small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

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, Tribal, and local governments and the private sector. Under section 202 of the UMRA, 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 to State, Tribal, and local governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires 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 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 of why that alternative was not adopted.

Before 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 the notification of potentially affected small governments, enabling officials of 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.

This proposed rule contains no Federal mandate (under the regulatory provisions of Title II of the UMRA) for State, Tribal, and local governments or the private sector in any one year. This rule imposes no enforceable duty on any State, local, or Tribal governments or the private sector. This rule proposes to modify existing procedures in 40 CFR part 136, appendix B for determination of detection and quantitation in analytical methods. This modification would clarify and improve current procedures. Overall, the costs of this modification are minimal. Thus, this rule is not subject to sections 202 and 205 of the UMRA. For the same reasons, EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, this rule also is not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This proposed rule does not have federalism implications. 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. This rule proposes to modify existing procedures in 40 CFR part 136, Appendix B for determination of detection and quantitation in analytical methods. This modification would clarify and improve existing procedures. The costs of this rule for State and local governments are minimal. Thus, Executive Order 13132 does not apply to this rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comments on this proposed rule from State and local officials.

F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

Executive Order 13175, titled ''Consultation and Coordination With Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.'' ''Policies that have Tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes.''

This proposed rule does not have Tribal implications. It will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes, as specified in Executive Order 13175. This rule proposes to modify existing procedures in 40 CFR part 136, Appendix B for determination of detection and quantitation in analytical methods. This modification would clarify and improve existing procedures. The costs of this rule for Tribal governments are minimal. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and Tribal governments, EPA specifically solicits comments on this proposed rule from Tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health & 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 EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency 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 Agency. This proposed rule is not subject to Executive Order 13045 because it is not ''economically significant'' as defined in Executive Order 12866. Furthermore, it does not concern an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) 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 104–113, section 12(d) (15 U.S.C. 272 note), directs 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.,* material specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through the Office of Management and Budget (OMB), explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking involves technical standards. Therefore, the Agency identified and evaluated potential voluntary consensus standards. Specifically, EPA identified and evaluated potential detection and quantitation concepts and procedures published by the American Society for Testing and Materials (ASTM International), from the International Organization for Standardization (ISO), the International Union of Pure and Applied Chemistry (IUPAC), and the American Chemical Society (ACS). EPA determined that, although ISO, IUPAC, and ACS have published terms and definitions for detection and quantitation, these organizations have not published an applicable standard (*i.e.,* a step-by-step protocol to make a detection or quantitation determination). EPA did identify applicable standards from ASTM International (the IDE and IQE). This proposed rulemaking would allow the use of these procedures for methods development purposes and would allow the use of any analytical methods with an IDE and IQE, provided these test methods meet the analytical sensitivity requirements for a specific data use. There is currently no applicable voluntary consensus standard for detection and quantitation for laboratory quality control purposes. EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

XI. References

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Appendix A: Definitions, Acronyms, and Abbreviations Used in This Document

AAMA—American Automobile Manufacturers Association
ACS—American Chemical Society
AOAC—Association of Official Analytical Chemists (now AOAC-International)
APHA—American Public Health Association
ASTM—American Society for Testing and Materials (now ASTM International)
ATP—Alternate Test Procedure
AWWA—American Water Works Association
CBI—confidential business information
CFR—Code of Federal Regulations
CRV—critical value
CWA—Clean Water Act—Federal Water Pollution Control Act Amendments (33 U.S.C. 1251 *et seq.*)
EPA—Environmental Protection Agency
EPRI—Electric Power Research Institute
FR—**Federal Register**

IDE—interlaboratory detection estimate
IIAG—Inter-Industry Analytical Group
IQE—interlaboratory quantitation estimate
ISO—International Organization for Standardization
IUPAC—International Union of Pure and Applied Chemistry
LOD—limit of detection
LOQ—limit of quantitation
MDL—method detection limit
MDV—minimum detectable value
ML—minimum level of quantitation
NBS—National Bureau of Standards (now NIST)
NIST—National Institute of Standards and Technology (formerly NBS)
NPDES—National pollutant discharge elimination system
NTTAA—National Technology Transfer and Advancement Act
OMB—Office of Management and Budget
POTW—Publicly-owned treatment works
RFA—Regulatory Flexibility Act
SBREFA—Small Business Regulatory Enforcement Fairness Act
SCC—Sample Control Center
TSD—technical support document
UMRA—Unfunded Mandates Reform Act
USATHAMA—U.S. Army Toxic and Hazardous Materials Agency (now the U.S. Army Environmental Center [USAEC])
U.S.C.—United States Code
WQBEL—water-quality-based effluent limit
WEF—Water Environment Federation

List of Subjects at 40 CFR Part 136

Environmental protection, Reporting and recordkeeping requirements, Water pollution control.

Dated: February 28, 2003.

Christine Todd Whitman,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations, is proposed to be amended as follows:

PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

1. The authority citation for part 136 continues to read as follows:

Authority: Secs. 301, 304(h), 307, and 501(a), Pub. L. 95–217, 91 Stat. 1566, *et seq.* (33 U.S.C. 1251, *et seq.*) (The Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977).

2. Section 136.2 is amended by revising paragraph (f) and adding paragraph (g) to read as follows:

§ 136.2 Definitions.

* * * * *

(f) Detection limit means the method detection limit (MDL), as determined by the procedure set forth at Appendix B of this part. The MDL is an estimate of the measured concentration at which there is 99% confidence that a given analyte is present in a given sample matrix.

(g) Minimum level of quantitation (ML) means the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration point for the analyte, as determined by the procedure set forth at Appendix B of this part. The ML represents the lowest concentration at which an analyte can be measured with a known level of confidence.

3. Appendix B of part 136 is revised to read as follows:

Appendix B to Part 136

A. Definition and Procedure for the Determination of the Method Detection Limit—Revision 2

1.0 Definition

The method detection limit (MDL) is an estimate of the measured concentration at which there is 99% confidence that a given analyte is present in a given sample matrix. The MDL is the concentration at which a decision is made regarding whether an analyte is detected by a given analytical method. The MDL is calculated from replicate analyses of a matrix containing the analyte and is functionally analogous to the ''critical value'' described by Currie (1968, 1995) and the Limit of Detection (LOD) described by the American Chemical Society (Keith et al., 1980, McDougal et al., 1983).

2.0 Scope and Application

2.1 This procedure is for the determination of an MDL for a given analyte (parameter) in a given matrix (the component or substrate that contains the analyte) using a given test procedure (analytical method). It is applicable to a wide variety of analytes, matrices, and instruments, and to a broad variety of physical and chemical analytical methods, with some exceptions (e.g., pH, temperature). This procedure is intended for use in EPA's Clean Water Act (CWA) programs. An alternative procedure may be used (e.g., from a voluntary consensus standards body) to establish the sensitivity of an analytical method, provided the resulting detection limit meets the sensitivity needs for the specific application.

2.2 This procedure requires a complete, specific, and well-defined analytical method. It is essential that all sample processing steps of the analytical method that are applied to routine analyses be included in determination of an MDL.

2.3 This procedure may be used for a variety of applications, including, but not limited to:

2.3.1 Demonstrating laboratory capability with a particular method. A laboratory using this procedure to demonstrate capability with a particular method is not required to perform the iterative verification of the MDL (section 4.8) if the laboratory-determined MDL is less than or equal to either the MDL in the method, the MDL required to support a regulation, or the objectives of a study (see section 4.8.5).

2.3.2 Monitoring trends in laboratory performance. When used in this manner, the MDL for a given analyte measured using a given analytical method may vary as a function of laboratory experience and the matrix tested.

2.3.3 Characterizing method sensitivity in a particular matrix. An MDL is typically determined in a reference matrix. However, it also may be determined in a real-world matrix to verify that the target MDL can be achieved in that matrix.

2.3.3.1 If the MDL required for a specific application can be achieved in a real-world matrix, that MDL may be used in lieu of a reference-matrix MDL, and iteration (section 4.8) is not necessary.

2.3.3.2 If the MDL needed for a specific application cannot be achieved in the real-world matrix (i.e., if the purpose of the MDL study is to demonstrate the effects of matrix interferences in a real world sample), the laboratory must (1) perform an MDL study in a reference matrix to demonstrate the laboratory's ability to apply the method in the absence of interferences, and (2) verify the matrix-specific MDL through the iterative procedure given in section 4.8.

2.3.3.3 Refer to section 4.2 for additional information concerning the selection of test matrices.

2.3.4 Establishing an MDL for a new or revised method for nationwide use. When the procedure is used to establish an MDL for a new or revised method, the MDL should be derived from data obtained from multiple laboratories. Organizations developing or revising methods must document and make available the data and procedures used to establish an MDL to obtain approval for use under Clean Water Act programs.

3.0 Summary of the Procedure

3.1 The procedural steps required for determining an MDL vary with the intended application of the MDL. However, regardless of the intended application, all MDL determinations must include the following steps:

(a) Estimating the detection limit of the method as practiced,

(b) Selecting the appropriate matrix to be used in the determination,

(c) Selecting the appropriate test concentration,

(d) Preparing and analyzing a minimum of seven replicate aliquots of a blank or spiked matrix,

(e) Calculating the mean concentration of the analyte, the standard deviation of that mean, and the MDL, using the formula provided in this procedure,

(f) Comparing the calculated MDL to a method-specified MDL, relevant regulatory requirements, or project-specific objectives, as appropriate.

3.2 When developing MDLs for new or revised methods, or developing matrix-specific MDLs for nationwide use, the procedure also may include:

(a) Conducting an optional pre-test using fewer replicates to verify that an appropriate

concentration was selected to perform the MDL test,

(b) Conducting an iterative procedure involving analyses of additional replicates to verify the reasonableness of the MDL (required for method development),

(c) Determining the MDL in additional relevant matrices or in multiple laboratories.

4.0 Procedure

4.1 Estimate the detection limit of the method

If the purpose of determining the MDL is to verify laboratory performance using a specific method or to determine the MDL in a specific matrix, the laboratory should use the MDL published in the method as the initial estimate. If the MDL is being determined for other reasons (e.g., method development), the experience of the laboratory is important to properly estimate the detection limit. The laboratory must include at least one of the following considerations in producing this initial estimate:

4.1.1 The concentration of analyte that produces an instrument signal/noise in the range of 2.5 to 5 for those instances in which an instrument is used for the determination.

4.1.2 The concentration approximately equal to three times the standard deviation of replicate measurements of the analyte in a blank. If analysis of the blank produces no response (zero), use the concentration approximately equal to three times the standard deviation of replicate measurements at the lowest concentration that always produces a response.

4.1.3 A concentration in the region of constant or effectively constant standard deviation at low concentrations. This assumes that the model of Glaser et al. (1981), which includes a low concentration region where the standard deviation of the measurement error is constant or effectively constant, is suitable to describe the measurement process for the analytical method under consideration.

4.1.4 The lowest concentration that can be detected by analyzing samples containing successively lower concentrations of the analyte.

4.2 Select the matrix to be used to develop the MDL. The MDL is typically determined in a reference matrix. However, it may be determined in a real-world matrix to verify that the MDL required for a specific application can be achieved in that matrix.

4.2.1 Reference Matrix

The most common reference matrix is reagent water. Reagent water is defined as water in which the analyte and interferences are not detected at the MDL or, if this is the initial estimate, detected at the detection limit estimated in section 4.1. An interference is defined as a systematic error in the measured analytical signal caused by the presence of a substance other than the analyte. Other common reference matrices are sand as a reference matrix for soils, sediments, and other solid samples; and corn oil as a reference matrix for tissue samples. After selecting the reference matrix to be tested, proceed to section 4.3.

4.2.2 Matrices other than a reference matrix

4.2.2.1 If the MDL determined in a matrix other than a reference matrix is sufficient to meet requirements of the specific application (e.g., the laboratory is able to meet the MDL required for compliance monitoring or published in the method), it is not necessary to determine the MDL in a reference matrix.

4.2.2.2 If the purpose of a matrix-specific MDL is to determine the effects of matrix interferences in a real-world sample, the laboratory also must determine the MDL in a reference matrix to demonstrate the laboratory's ability to apply the method in the absence of interferences.

Note to Section 4.2.2.2: A laboratory seeking to develop a matrix-specific MDL for a specific method must use the same cleanup steps that will be used for analysis of samples.

4.3 Establish the test concentration range and prepare test samples Establish the test concentration range per section 4.3.1. Prepare the test samples from a reference matrix per section 4.3.2, or from an alternative matrix per section 4.3.3. Prepare a sufficient quantity of the matrix to provide samples for a minimum of seven analyses.

Note to Section 4.3: For analytes for which a single-volume (bulk) sample or spiked single-volume sample would result in non-homogenous replicates (e.g., for determination of ''oil and grease''), or for which preparation of a spiked single-volume sample is impractical, a minimum of seven individual aliquots should be prepared at the test concentration.

4.3.1 Establish the test concentration range as follows.

4.3.1.1 If verifying an MDL that is published in an analytical method, the test concentration should be no more than five times the published MDL.

4.3.1.2 If verifying an MDL required to support a regulatory objective or the objective of a specific study or program, the test concentration should be no more than one third the compliance or target limit.

4.3.1.3 If performing an MDL study for a new or revised method, the test concentration should be no more than five times the detection limit estimated in section 4.1.

4.3.1.4 If performing an iteration (see section 4.8), the test concentration should be no more than five times the MDL determined in the most recent iteration.

4.3.2 Preparing test samples from a reference matrix

If a blank sample produces an acceptable signal (see section 4.3.2), spiking is not required; otherwise, spike the reference matrix at the concentration established in section 4.3.1. Proceed to section 4.4.

Note to Section 4.3.2: The laboratory must ensure that the levels in blanks are not too high. Otherwise, the resulting MDL produced may be artificially biased. For a spiked sample, the concentration of the contaminant in the blank should not be a significant portion of the total concentration since this also could result in an artificial bias for the MDL. It is important to spike the analyte at the proper concentration (section 4.3) to ensure the MDL is determined accurately.

4.3.3 Preparing test samples from a matrix other than a reference matrix

Analyze three aliquots of the sample matrix to characterize the concentration of the target analyte(s) present in the matrix.

4.3.3.1 If the average measured concentration of the analyte in the matrix is less than five times the concentration established in section 4.3.1, proceed to section 4.4.

4.3.3.2 If the average measured concentration of the analyte in the matrix is less than the concentration range established in section 4.3.1, spike the matrix to bring the concentration of the analyte to the established concentration range and proceed to section 4.4.

4.3.3.3 If the average measured concentration of the analyte in the matrix is greater than the concentration range established in section 4.3.1, reduce the concentration of the analyte to the established concentration range, using one of the following techniques before proceeding to section 4.4:

4.3.3.3.1 Selectively remove the analyte from the matrix.

4.3.3.3.2 Obtain another matrix with a lower concentration of the analyte.

4.3.3.3.3 Dilute a sample of the matrix with the appropriate reference matrix. For example, if the matrix is aqueous, dilute the sample with reagent water.

Note to Section 4.3.3.3.3: Dilution should be used only if the analyte cannot be selectively removed (3.3.3.1) or if another matrix with a lower analyte concentration cannot be obtained (3.3.3.2) because dilution of the sample has the potential to dilute any interferences present.

4.4 Perform the analyses

4.4.1 The analyses in section 4.4.3 (optional pre-test of estimated detection limit) and 4.2 (MDL analyses) must be performed using all of the routinely employed calibration, sample handling, processing, and result calculations specified in the analytical method. For example, many methods contain multiple sample cleanup options; any and all cleanup options routinely used to analyze a sample must be used when analyzing the replicate samples prepared in section 4.3.

4.4.2 Similarly, if the analytical method employs recovery-correction or blank-correction procedures for calculating results, those procedures must be used when calculating results of an analysis of each aliquot. If a recovery- or blank-correction procedure is not specified in the test method, such correction must not be used.

4.4.3 Optional pre-test

It may be economically and technically desirable to evaluate the estimate of the detection limit (section 4.1) before proceeding with determination of the MDL in section 4.5. This pre-test attempts to ensure that the MDL study is being conducted at the correct concentration to prevent repeating the entire study; it may be particularly useful when the analytical costs are high. To evaluate the estimated detection limit, proceed as follows:

4.4.3.1 Process three aliquots of the test sample prepared in section 4.3 through the entire method, per section 4.5.

4.4.3.2 Calculate the standard deviation of results for the three aliquots as follows:

$$s = \sqrt{\frac{\sum_{i=1}^{n}\left(X_i - \bar{X}\right)^2}{n-1}}$$

Where:

X_i = a result in the method reporting units obtained from analysis of a sample aliquot, i=1 to 3

$\bar{X}$ = mean of the three results, and

n = number of sample aliquots (3 in this case)

4.4.3.3 Calculate a preliminary MDL as follows:

Preliminary MDL = 6.96s

Where:

6.96 = Student's *t*-value appropriate for a 99% confidence level and two degrees of freedom

s = standard deviation of the results of analyses of the three replicates from section 4.4.3.2

4.4.3.4 If the preliminary MDL is in the range of 0.2—1.0 times the concentration in the spiked sample (section 4.3), analyze a minimum of four additional aliquots and proceed using the procedure in section 4.5. Use all seven measurements for calculation of the MDL. Otherwise, produce a new bulk sample per section 4.3, with the analyte at the concentration of the preliminary MDL and either repeat section 4.4.3, or proceed to section 4.5 for determination of the MDL.

4.5 MDL determination

4.5.1 Process at least seven aliquots of the test sample prepared in section 4.4 or section 4.4.3 through the entire analytical method.

4.5.2 Make all computations as specified in the method, with final results in the method-specified reporting units.

4.5.3 To obtain a valid MDL, all of the analytical results must be positive numbers. If any of the results are negative or zero, increase the test concentration (per section 4.3) and repeat the MDL procedure.

4.5.4 If more than seven aliquots are prepared and analyzed, the results from all the aliquots must be used to calculate the MDL, except as described in section 4.9.

4.6 Calculate the standard deviation, s, as follows:

$$s = \sqrt{\frac{\sum_{i=1}^{n}\left(X_i - \bar{X}\right)^2}{n-1}}$$

Where:

X_i = a result, in the method reporting units, obtained from analysis of a sample aliquot, i=1 to n

$\bar{X}$ = mean of the results, and

n = number of sample aliquots

Note to Section 4.6: When using a program such as a spreadsheet to calculate the standard deviation (s), make certain that the sample standard deviation, which uses (n − 1) in the denominator, is calculated, rather than the population standard deviation (σ), which uses n in the denominator.

4.7 Calculate the MDL

The MDL is calculated as:

$$MDL = s \times t_{(n-1,\ 1-\alpha=0.99)}$$

Where:

s = standard deviation of the results calculated in section 4.6

$t_{(n-1,\ 1-\alpha=0.99)}$ = Students' $_{t\text{-value}}$ appropriate for a 99% confidence level and (n − 1) degrees of freedom, from the table below.

TABLE OF STUDENT'S *t*-VALUES AT THE 99% CONFIDENCE LEVEL

Number of replicates for		Degrees of freedom (df)	$t_{(n-1,\ 1-\alpha=0.99)}$
Singles MDL (df = n − 1)	Iterative MDL (df = n − 2)		
7	N/A	6	3.143
8	N/A	7	2.998
9	N/A	8	2.896
10	N/A	9	2.821
11	N/A	10	2.764
12	N/A	11	2.718
13	14	12	2.681
14	15	13	2.650
15	16	14	2.624
16	17	15	2.602
17	18	16	2.583
18	19	17	2.567
19	20	18	2.552

Note to Section 4.7: Degrees of freedom = (n − 1) if a single MDL study is performed. If an iterative MDL study is performed, degrees of freedom = (n_h + n_l − 2), as described in section 4.8; N/A indicates that the number of degrees of freedom in this row does not apply to an iterative MDL study.

4.8 Iterate and verify the reasonableness of the MDL

When developing an MDL for a new or revised method, or when developing a matrix-specific MDL, the MDL procedure must be iterated and the reasonableness of the MDL determined using an F-test, as described in sections 4.8.1 through 4.8.4. When verifying a method-, matrix-, program-, or study-specific MDL, the MDL is determined as described in section 4.8.5 and iteration may not be necessary.

4.8.1 Iteration

When developing an MDL for a new or revised method, the spiking, analysis, and calculation steps (sections 4.3 to 4.6) must be repeated using a spike at no more than five times the MDL determined initially or in the most recent iteration, to confirm the reasonableness of the MDL.

4.8.2 Once the iteration is complete (*i.e.*, two successive MDL estimates have been produced), calculate the F-ratio (F) as:

$$F = \frac{\left(\frac{s_h^2}{n_h - 1}\right)}{\left(\frac{s_l^2}{n_l - 1}\right)}$$

Where:

s_h^2 = variance estimate from the higher spike concentration

s_l^2 = variance estimate from the lower spike concentration

n_h = number of observations at the higher concentration

n_l = number of observations at the lower concentration

4.8.3 For seven replicates at each concentration, the 90th percentile of the distribution of the F-statistic is 3.055.

4.8.3.1 If seven replicates were analyzed at each spike concentration and F >3.055, the two variances are different and the MDL determined at the higher spike concentration is not a reasonable estimate. In this case, return to section 4.3 and produce another sample at a test concentration below the higher of the two previous iterations, analyze a minimum of seven aliquots, calculate the MDL, and repeat the F-test in section 4.8.2.

4.8.3.2 If F ≤ 3.055 for seven replicates at each concentration, the two variances are not different. Proceed to section 4.8.4.

Note to Section 4.8.3.2: If more than seven replicates are used, the appropriate F-statistic is determined from the table below.

TABLE OF F-STATISTIC VALUES

	F-statistic			
	6	7	8	9
6	3.055	3.014	2.983	2.958
7	2.827	2.785	2.752	2.725
8	2.668	2.624	2.589	2.561
9	2.551	2.505	2.469	2.440

4.8.4 When the process has been iterated and the results pass the F-test in section 4.8.3, the final MDL is calculated by pooling the results from the two iterations that passed the F-test. The pooled standard deviation is calculated as:

$$s_{pooled} = \sqrt{\frac{(n_h - 1)(s_h)^2 + (n_l - 1)(s_l)^2}{(n_h + n_l - 2)}}$$

Where:

$(s_h)^2$ = variance estimate from the higher spike concentration

$(s_l)^2$ = variance estimate from the lower spike concentration

n_h = number of sample aliquots used for the higher spike concentration

n_l = number of sample aliquots used for the lower spike concentration

4.8.5 The pooled MDL is calculated using the pooled standard deviation and the Student's *t*-value for $(n_h + n_l - 2)$ degrees of freedom (*e.g.*, 12 degrees of freedom for two iterations with seven aliquots each).

$$MDL_{pooled} = s_{pooled} \times t_{(n_h + n_l - 2,\ 1-\alpha = 0.99)}$$

Where:

S_{pooled} = pooled standard deviation of the results

$t_{(nh\ +\ n1\text{-}2,\ 1\text{-}\alpha\ =\ 0.99)}$ = Student's *t*-value appropriate for a 99% confidence level and (n_h+n_l) aliquots

For 12 degrees of freedom, the t-value is 2.681. If more than seven replicates were used for either iteration, the appropriate *t*-value must be determined from the table given in section 4.7.

4.8.5 When verifying a method-, matrix-, program-, or study-specific MDL, the determined MDL is compared to the method-specified MDL, the MDL required to support a regulatory objective, or the MDL required to support an objective of a specific study or program. If the required MDL is not met for the analyte, make sure that all instrumentation and technical aspects of the process (reagent concentrations, temperature, clean glassware, proper dilutions, etc.) are checked and assessed to be working properly before a repeat of the analyses. If the second attempt fails, iteration at a more appropriate spiking level for that analyte is necessary until the requirement is met. If the regulatory, study, or program objective is not known, the MDL is verified if the determined MDL is less than or equal to the method-specified MDL.

4.9 Suspected Outliers

4.9.1 Results associated with a known, spurious error that occurred during analysis should be discarded, or where appropriate, corrected. Spurious errors include those that arise through human error or instrument malfunction, such as transposing digits in a number while recording data, arithmetical errors when calculating results, double-spiking of an aliquot, or the presence of an air bubble lodged in a spectrophotometer flow-through cell. Recording or arithmetical errors can and should be corrected, and the corrective actions documented prior to use of results. Results associated with spurious errors that cannot be corrected will invalidate the measurement and should not be incorporated into the MDL determination.

4.9.2 If random or spurious errors are suspected, it may be appropriate to apply a statistically accepted analysis of outliers, such as Grubbs test described below. Any outlying result should be considered with care to identify potential causes. It is generally not an accepted practice to reject a value purely on statistical grounds. Therefore, EPA recommends that when the cause of a potential outlier cannot be attributed to spurious causes, the MDL test be repeated for the analyte(s) in which such an outlier occurs.

Note to Section 4.9.2: If more than seven aliquots are prepared and analyzed, results from all aliquots must be used in the MDL determination unless they have been determined to be outliers as described above. Given the small number of replicates typically used to determine the MDL, it is inappropriate to use a data set that contains more than one statistical outlier.

4.9.3 The use of Grubbs test for outliers is described below, followed by an example (section 4.9.4).

4.9.3.1 Rank the n observed data points in the order of increasing numerical value: $X_1 \leq X_2 \leq ... \leq X_n$

4.9.3.2 Using the mean, $\bar{X}$, and standard deviation, s, from section 4.6, calculate:

$$T_l = \frac{(\bar{X} - X_1)}{s} \text{ and } T_n = \frac{(X_n - \bar{X})}{s}$$

Where:

X_1 = lowest observed value of X

X_n = highest observed value of X

4.9.3.3 Choose the larger of T_1 and T_n.

4.9.3.4 Compare the larger calculated value of T (*e.g.*, T_1 or T_n) with the critical value appropriate for the number of observations (n) from the table below. If T is larger than the critical value in the table, then the smallest (when testing T_1) or largest (when testing T_n) observed data point is considered to be an outlier with 95% confidence.

TABLE OF CRITICAL VALUES FOR T IN THE GRUBBS TEST

Number of data points (n)	Critical values for T
7	2.020
8	2.126
9	2.215
10	2.290
11	2.355
12	2.412
13	2.462
14	2.507
15	2.549

4.9.4 Example application of the outlier test

4.9.4.1 Consider the following ranked data set with seven observations: 0.0449, 0.0458, 0.0462, 0.0469, 0.0471, 0.0475, and 0.0508.

4.9.4.2 Its mean, $\bar{X}$, is 0.0470, and its standard deviation, s, is 0.0019.

4.9.4.3 Calculate: $T_1 = (0.0470 - 0.0449)/0.0019 = 1.132$ and $T_n = (0.0508 - 0.0470)/0.0019 = 2.007$

4.9.4.4 Select the larger value: $T = \max\{1.132, 2.007\} = 2.007$

4.9.4.5 Compare T with the corresponding critical value in the second line of the table above, where n=7 and the critical value of T = 2.020.

Since the calculated value of T, 2.007, is not larger than the critical value in the table, 2.020, there is insufficient evidence to conclude that any of the observed data points is an outlier, and the MDL would be calculated from all seven results.

5.0 References

5.1 Currie, Lloyd A. (1968), Limits for Quantitative Detection and Quantitative Determination, Analytical Chemistry 40: 586–593.

5.2 Currie, Lloyd A. (1995), Nomenclature in Evaluation of Analytical Methods including Detection and Quantification Capabilities, Pure and Appl. Chem. 67:10, 1699–1722.

5.3 Glaser, J.A., D.L. Foerst, J.D. McKee, S.A. Quave and W.L. Budde (1981), Trace Analyses for Wastewaters, Environ. Sci. Technol., 15:1426.

5.4 Keith, Lawrence H., *et al.* (1983), Principles of Environmental Analysis, Analytical Chemistry 55:14, 2210–2218.

5.5 McDougal, Daniel, *et al.* (1980), Guidelines for Data Acquisition and Data Quality Evaluation in Environmental Chemistry, Analytical Chemistry 52:14, 2242–2249.

B. Definition and Procedure for the Determination of the Minimum Level of Quantitation (ML)

1.0 Definition

The minimum level of quantitation (ML) is the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration point for the analyte. The ML represents the lowest concentration at which an analyte can be measured with a known level of confidence. It may be equivalent to the concentration of the lowest calibration standard, assuming that all method-specified sample weights, volumes, and cleanup procedures have been employed. It is functionally analogous to the ''determination limit'' described by Currie (1968) and the Limit of Quantification (LOQ) described by the American Chemical Society (Keith *et al.*,1980, McDougal *et al.*, 1983) and Currie (1995).

Note to Section 1.0: The ML is directed at obtaining a 10% relative standard deviation for determination of an analyte in an environmental sample. This error may be reduced by making multiple determinations of the analyte in the sample.

2.0 Scope and Application

2.1 The ML is typically established by the organization that develops or modifies an analytical test method. A laboratory that employs the method would be expected to include calibration standards that encompass the ML when it calibrates an analytical system, unless a higher quantitation level is acceptable for a specific application. If an ML is not specified in a method, a laboratory may use the ML procedure to establish the lowest calibration point.

2.2 This procedure is intended for use in EPA's Clean Water Act (CWA) programs. An alternative procedure may be used (*e.g.*, from a voluntary consensus standards body) to establish the sensitivity of an analytical method provided the resulting quantitation limit meets the sensitivity needs (*i.e.*, data quality objective) for the specific application.

2.3 Laboratories are encouraged, but not required, to periodically demonstrate recovery of the target analyte near the published ML or laboratory-established ML by preparing a reference matrix sample spiked at the ML and analyzing it using all sample handling and processing steps described in the method. If the method does not provide acceptance criteria for such an ML standard, the laboratory can make an assessment of whether acceptance criteria for other spiked reference matrix samples (*e.g.*, laboratory control samples, laboratory fortified blanks, ongoing precision and recovery samples, etc.) are appropriate to evaluate analyte recovery at the ML. Alternatively, the laboratory may develop its own acceptance criteria based on data gathered by the laboratory over time.

3.0 Procedure

3.1 The ML is based on 10 times the standard deviation of the results of replicate analyses of a matrix containing the analyte. The method detection limit (MDL) is also based on the same standard deviation, multiplied by the Student's *t*-value appropriate for a 99% confidence level and corresponding degrees of freedom. Because the standard deviation may not be readily available, the ML is often calculated as a factor times the MDL.

3.1.1 Calculating the ML based on MDL study data

When available, obtain the actual standard deviation value from the MDL study and calculate the ML directly, as 10 times the standard deviation. If an iterative MDL study is performed, calculate the MDL as 10 times the pooled standard deviation.

3.1.2 Calculating the ML based on the MDL Assuming a single iteration of seven replicates is used to determine the MDL, the number of degrees of freedom is 6, and the Student's *t*-value is 3.143. Therefore, the MDL is:

$MDL = 3.143 \times s$

and the ML is:

$$ML = 10 \times s = \frac{10}{3.143} \times MDL \approx 3.18 \times MDL$$

3.1.3 If the MDL is calculated from other than seven replicates or using the iterative procedure, the factor of 3.18 will change, and the table below is used to establish the correct multiplier. For example, if an iterative MDL study is performed consisting of exactly 7 replicates in each iteration, the resulting pooled MDL would incorporate 12 degrees of freedom, and the equation for the ML above would be modified accordingly, using a multiplier of 3.73.

TABLE OF STUDENT'S *t*-VALUES AT THE 99% CONFIDENCE LEVEL AND ML MULTIPLIERS

Number of replicates for		Degrees of freedom (df)	$t_{(n-1,1-\alpha=0.99)}$	ML multiplier
Single MDL (df=n − 1)	Iterative MDL (df=n − 2)			
7	N/A	6	3.143	3.18
8	N/A	7	2.998	3.34
9	N/A	8	2.896	3.45
10	N/A	9	2.821	3.54
11	N/A	10	2.764	3.62
12	N/A	11	2.718	3.68
13	14	12	2.681	3.73
14	15	13	2.650	3.77
15	16	14	2.624	3.81
16	17	15	2.602	3.84
17	18	16	2.583	3.87
18	19	17	2.567	3.90
19	20	18	2.552	3.92

Note to Table: Degrees of freedom = (n − 1) if a single iteration MDL study is performed and (n_h + n_l − 2) if an iterative MDL study is performed; N/A indicates that the number of degrees of freedom in this row does not apply to an iterative MDL study.

4.0 Rounding

The ML may be used to establish the lowest calibration point for the analyte. Therefore, in order to facilitate the preparation of calibration standards containing the analyte without undue difficulty, the ML may be rounded to the nearest multiple of 1, 2, or 5×10^n, where n is an integer.

5.0 References

5.1 Currie, Lloyd A. (1968), Limits for Quantitative Detection and Quantitative Determination, Analytical Chemistry 40: 586–593.

5.2 Currie, Lloyd A. (1995), Nomenclature in Evaluation of Analytical Methods including Detection and Quantification Capabilities, Pure and Appl. Chem. 67:10, 1699–1722.

5.3 Glaser, J.A., D.L. Foerst, J.D. McKee, S.A. Quave and W.L. Budde (1981), Trace Analyses for Wastewaters, Environ. Sci. Technol., 15:1426.

5.4 Keith, Lawrence H., *et al.* (1983), Principles of Environmental Analysis, Analytical Chemistry 55:14, 2210–2218.

5.5 McDougal, Daniel, *et al.* (1980), Guidelines for Data Acquisition and Data Quality Evaluation in Environmental Chemistry, Analytical Chemistry 52:14, 2242–2249.

[FR Doc. 03–5712 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL–7462–9]

Technical Support Document for the Assessment of Detection and Quantitation Concepts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability and public comment period.

SUMMARY: Today's action announces the availability of a recent assessment of detection and quantitation procedures used by EPA to determine the sensitivity of analytical (test) methods under EPA's Clean Water Act (CWA). EPA's method detection limit (MDL) and minimum level of quantitation (ML) are used to define test sensitivity under the CWA. The MDL is used to determine the lowest concentration at which a substance is detected or is ''present'' in a sample. The ML appears in many EPA methods and has been used to describe the lowest concentration of a substance that gives a recognizable signal, or as a quantitation limit. The Assessment Document includes an evaluation of the MDL and ML procedures and alternative approaches for defining test sensitivity. This Assessment Document has been peer-reviewed and is now available for public review and comment.

DATES: Comments must be postmarked, delivered by hand, or electronically mailed on or before July 10, 2003. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. Eastern Time on July 10, 2003.

ADDRESSES: Comments may be submitted by mail to Water Docket, U.S. Environmental Protection Agency (4101T), 1200 Pennsylvania Avenue NW., Washington DC 20460, or electronically through EPA Dockets at *http://www.epa.gov/edocket/,* Attention Docket ID No. OW–2003–0003. See Unit C of the **SUPPLEMENTARY INFORMATION** section for additional ways to submit comments and more detailed instructions.

FOR FURTHER INFORMATION CONTACT: William Telliard; Engineering and Analysis Division (4303T); Office of Science and Technology; Office of Water; U.S. Environmental Protection Agency; Ariel Rios Building; 1200 Pennsylvania Avenue NW., Washington, DC 20460, or call (202) 566–1061 or e-mail at *telliard.william@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. 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 ID No. OW–2003–0003. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. The official public docket is the collection of materials that is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 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 telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

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, to 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 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. 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 I.A.1.

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.

B. 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 identification 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. However, late comments may be considered if time permits.

1. Electronically. If you submit an electronic comment as prescribed below, 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 No. OW–2003–0003. 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 electronic mail (e-mail) to *OW–docket@epa.gov* Attention Docket ID No. OW–2003–0003. 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 I.B.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 an original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. OW–2003–0003.

3. *By Hand Delivery or Courier.* Deliver your comments to EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. OW–2003–0003. Such deliveries are only accepted during the Docket's normal hours of operation as identified in I.A.1.

C. 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 identified in the **FOR FURTHER INFORMATION CONTACT** section.

D. 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 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 your estimate.

5. Provide specific examples to illustrate your concerns.

6. Offer alternatives.

7. Make sure to submit your comments by the comment period deadline.

8. Ensure proper receipt by EPA by identifying the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. Summary of EPA's Assessment

EPA completed an assessment for determining the sensitivity of analytical test methods (*i.e.*, procedures for determining detection and quantitation) and their application to Clean Water Act (CWA) programs. The assessment examines the method detection limit (MDL) and minimum level of quantitation (ML) procedures currently used by the Agency for determining test sensitivity for CWA applications. It also considers alternative concepts and procedures. EPA conducted the assessment to partially fulfill certain provisions of a settlement agreement with the Alliance of Automobile Manufacturers, *et al.*, which is discussed further below.

On June 8, 1999, EPA published a final rule adding EPA Method 1631, Revision B: Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry (Method 1631) to the ''Guidelines Establishing Test Procedures for the Analysis of Pollutants'' under section 304(h) of the Clean Water Act. Following promulgation, the Alliance of Automobile Manufacturers, the Chemical Manufacturers Association, and the Utility Water Act Group (''Petitioners'') and the American Forest and Paper Association (''Intervenor'') filed a lawsuit challenging the method. The challenge addressed specific aspects of EPA Method 1631 as well as the general procedures used to establish the method detection limit (MDL) and minimum level of quantitation (ML) specified in the method. On October 19, 2000, EPA entered into a settlement agreement with the Petitioners and Intervenor (*Alliance of Automobile Manufacturers, et al.* v. *EPA,* No. 99–1420 (D.C. Cir.); the ''settlement agreement'').

Clause 6 of the settlement agreement provides for EPA to assess existing Agency and alternative procedures for determining detection and quantitation limits under the Clean Water Act and to sign a notice for publication in the **Federal Register** on or before February 28, 2003, inviting comment on the assessment. The settlement agreement further provides for EPA to submit its assessment to formal peer review by experts in the fields of analytical chemistry and in the statistical aspects of analytical data interpretation. EPA drafted an Assessment Document describing the issues associated with the assessment process, the detection and quantitation concepts and procedures evaluated, the criteria used for the evaluation, the evaluation results, and the conclusions of the assessment. EPA then conducted a peer review of the draft Assessment Document in August 2002. As stipulated in the settlement agreement, EPA provided the draft Assessment Document to the Petitioners and Intervenor for concurrent review and comment in August 2002.

Following peer review, EPA revised the Assessment Document to incorporate peer review comments. The revised assessment is contained in a document titled, ''Technical Support Document for the Assessment of Detection and Quantitation Concepts'' (EPA 821– R–03–005, February, 2003), or ''Assessment Document.'' The

Assessment Document, the peer review comments, and comments from the Petitioners and Intervenor are available in the docket for this notice. The purpose of this notice is specifically to request comment on the Assessment Document.

Elsewhere in today's **Federal Register**, the Agency is proposing revisions to the MDL definition and procedure codified at 40 CFR part 136, Appendix B, and is also proposing to add a definition of the ML at 40 CFR 136.2. The proposed revisions are based on the findings from the assessment and are fully discussed in the proposed rule. To comment on these proposed revisions, readers are referred to the Proposed Rules section of today's **Federal Register** for the Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantitation.

The settlement agreement stipulates that EPA's assessment of concepts and procedures for detection and quantitation be submitted for public review and comment for a period of no less than 120 days. The settlement agreement also requires EPA to sign a final notice taking action on the assessment on or before September 30, 2004. By this notice, EPA invites the public to comment on the Assessment Document. The public comment period is open for 120 days and will close on July 10, 2003.

After EPA considers public comments, it will publish a notice taking final action on the assessment by September 30, 2004.

Dated: February 28, 2003.

Christine Todd Whitman,

Administrator.

[FR Doc. 03–5711 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 022403D]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFPs would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator proposes to issue EFPs that would allow four vessels to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFPs would exempt these vessels from minimum mesh size requirements of the Gulf of Maine (GOM) and Georges Bank (GB) Regulated Mesh Areas (RMAs) and from the seasonal GOM Rolling Closure Areas II and III. The proposed experiment would test a separator panel designed to separate haddock from cod in the GOM and GB RMAs. All experimental work would be monitored by Manomet Center for Conservation Sciences (Manomet) personnel. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received at the appropriate address or fax number (see **ADDRESSES**) on or before March 27, 2003.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Manomet Separator Trawl EFP Proposal.'' Comments may also be sent via fax to (978) 281–9135. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Heather Sagar, Fisheries Management Specialist, 978–281–9104.

SUPPLEMENTARY INFORMATION: An initial application from Manomet was received on December 6, 2002, and the application was completed on January 31, 2003. The proposed study would test a modified trawl net with a separator panel, designed to separate haddock from cod. The modified net would be built with a 4–inch mesh horizontal separator panel dividing the trawl codend into an upper and lower codend. Both codends would be constructed with legal minimum mesh size and the net would be fully compliant with current regulations except for the insertion of a small mesh separator panel. The study would involve four phases. The first phase would consist of development and construction of a separator trawl net. Phase two would involve a series of sea trials conducted with an underwater video camera to ensure that the trawl and separator panel are fishing properly. Trials would take place in shallow water to ensure high quality video imaging. This process would take up to 2 days. Phase three would be the experimental sea trials. Four commercial vessels would fish 5 days each, making approximately five tows per day for a total of 100 tows for this portion of the study. Tow length would be approximately 30 minutes and experimental tows would mimic normal fishing practices. This would result in a total of 22 sea days for the entire study (including 2 days for preliminary sea trials). Participating vessels would be required to notify NMFS prior to commencing an experimental fishing trip. The final phase of the experiment would be data analysis and reporting, including a video analysis.

The proposed study area would take place off the coast of Cape Cod, MA, inside the area defined by the following coordinates: 42°15' N. lat., 70°15' W. long.; 42°15' N. lat., 69°30' W. long.; 42°00' N. lat., 69°30' W. long.; 42°00' N. lat., 68°30' W. long.; 41°30' N. lat., 68°30' W. long.; 41°30' N. lat. 70°00' W. long. following the Cape Cod shoreline north to 42°00' N. lat., 70°00' W. long.; 42°00' N. lat., 70°15' W. long.; and 42°15' N. lat., 70°15' W. long. Areas subjected to permanent closures would be avoided. The EFPs would allow for exemptions from the GOM and GB RMA minimum mesh size requirements specified at 50 CFR 648.80(a)(1) and (a)(2), and seasonal GOM Rolling Closure Areas II and III specified at 50 CFR 648.81(g).

Under this experiment, target species would be cod, haddock, yellowtail flounder, American plaice, witch flounder, pollock, and windowpane flounder. Incidental species would include skate, smooth dogfish, spiny dogfish, sculpins, sea raven and sea robin. All biological and environmental information would be recorded by trained observers (supplied by Manomet) on relevant NMFS observer logbooks. Each participating vessel would have an observer on board. All catch would be sorted and weighed on board the vessel. In addition, all

commercially important species would be measured. Species that do not meet minimum size requirements would be returned to the sea immediately following scientific processing. Experimental fishing operations would take place from approximately April 1 through September 30, 2003. A final report containing the results of the study would be provided to NMFS no later than 6 months following completion of the study.

A portion of the experimental fishing area proposed in this EFP is in the GOM RMA. However, the majority of the experiment area is on GB, and all vessels participating in the proposed experimental fishery would be required to abide by existing trip limits for GB cod and haddock for the duration of this experiment. Current regulations restrict vessels fishing on GB to landing no more than 2,000 lb (907.2 kg) of cod per days-at-sea (DAS), up to a maximum of 20,000 lb (9,071.8 kg) per trip. Because each vessel is expected to utilize 5 sea days, these vessels would be limited to landing a maximum of 2,000 -10,000 lb (907.2 - 4,536 kg) of cod per trip. Vessels would also be restricted to landing no more then 30,000 lb (13,608 kg) of haddock per trip from May through September, and 50,000 lb (22,680 kg) of haddock per trip, from October through April. In addition, vessels would be subject to the haddock trip limit, by day or by trip, as required by the regulations, should a daily haddock trip limit or overall trip limit be in effect for the commercial fishery (i.e., at the start of the May 1, 2003, fishing year, and if a daily limit is imposed prior to the end of the fishing year in order to prevent the haddock TAC from being exceeded).

EFPs would be issued to four vessels, exempting them from the specific minimum mesh size requirements restrictions and seasonal GOM Rolling Closure Area II and III of the FMP.

Based on the results of the EFP, this action may lead to future rulemaking.

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

Dated: March 6, 2003.

Richard W. Surdi,

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

[FR Doc. 03–5903 Filed 3–11–03; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 030303053–3053–01; I.D. 022403C]

RIN 0648–AQ70

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Revision of Charter Vessel and Headboat Permit Moratorium Eligibility Criterion

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to revise, consistent with the actions taken by the Gulf of Mexico Fishery Management Council (Council), one of the eligibility criteria for obtaining a charter vessel/headboat permit under the moratorium established in Amendment 14 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (Amendment 14) and Amendment 20 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Amendment 20). This proposed rule would also reopen the application process for obtaining Gulf charter vessel/headboat moratorium permits and extend the applicable deadlines; extend the expiration dates of valid or renewable open access permits for these fisheries; clarify, as requested by the Gulf of Mexico Fishery Management Council (Council), a constraint on issuance of historical captain permits under the moratorium; and extend the expiration date of the moratorium to account for the delay in implementation. The intended effect of this proposed rule is to implement the charter vessel/headboat moratorium in the Gulf of Mexico consistent with the actions taken by the Council.

DATES: Comments must be received no later than 5 p.m., eastern time, on March 27, 2003.

ADDRESSES: Written comments on the proposed rule must be sent to Phil Steele, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments also may be sent via fax to 727–570–5583. Comments will not be accepted if submitted via e-mail or Internet. Copies of documents supporting this proposed rule, which include an environmental assessment, a regulatory impact review (RIR), and an initial Regulatory Flexibility Act analysis (IRFA) and copies of two minority reports opposing the revision of the eligibility criterion and the procedural approach for implementation are available from the same address.

Comments on the collection-of-information requirements contained in this rule should be sent to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Phil Steele, telephone: 727–570–5305, fax: 727–570–5583, e-mail: Phil.Steele@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for reef fish is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP) that was prepared by the Council. The fisheries for coastal migratory pelagic resources are managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (Coastal Migratory Pelagics FMP) that was prepared jointly by the Council and the South Atlantic Fishery Management Council. These FMPs were approved by NMFS and implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Background

The Council, in cooperation with the Gulf charter vessel/headboat industry, developed Amendments 14 and 20 to address issues of increased fishing mortality and fishing effort in the for-hire sector of the recreational fishery in the Gulf of Mexico. These amendments require charter vessels and headboats operating in the fisheries for Gulf reef fish or Gulf coastal pelagic fish to obtain a moratorium permit and also establish a 3–year moratorium on issuance of additional permits for these for-hire fisheries. NMFS approved Amendments 14 and 20 and promulgated the charter vessel/headboat moratorium regulations (67 FR 43558, June 28, 2002) to implement the amendments. However, after a recent review of the administrative record, the Council and

NMFS determined that the amendments contained an error relating to the permit eligibility criteria and, therefore, did not correctly reflect the action taken by the Council. Thus, the regulations implementing the amendments also contained this error, and not all persons who should have been entitled to receive charter vessel/headboat permits under the moratorium approved by the Council would be able to receive permits under the erroneous amendments and regulations. The Council, at its September and November 2002 meetings, provided further clarification of Council intent regarding the eligibility criteria that resulted in corrected Amendments 14 and 20 (corrected Amendments) and requested that NMFS implement the necessary revisions.

On December 17, 2002, NMFS issued an emergency rule (67 FR 77193), that deferred the date that the ''moratorium permit'' is required; automatically extended the expiration date of valid or renewable ''open access'' permits for these fisheries; and extended the deadlines for issuance of ''moratorium permits'' and for resolution of appeals. These actions allow those applicants who otherwise would have been denied, inappropriately, initial access to the fisheries to continue participating in these fisheries, pending resolution of the error. In addition, those applicants who qualified under the existing regulations will be issued ''moratorium permits'' as soon as possible.

Revisions Contained in This Proposed Rule

This proposed rule would: (1) Revise, consistent with the Council's clarification of intent, one of the eligibility criteria for obtaining a Gulf charter vessel/headboat moratorium permit; (2) reopen the moratorium permit application process with appropriate extension of associated deadlines for application, issuance, appeals, etc.; (3) further extend, automatically, the expiration dates of valid or renewable ''open access'' permits for these fisheries until such time that moratorium permits would be required under a final rule implementing the corrected Amendments; (4) clarify, consistent with the Council's intent, a constraint on issuance of moratorium permits under the historical captain provision; and (5) extend the expiration date of the moratorium, consistent with the Council's intent, to account for the unanticipated delay in its implementation.

Revision of Eligibility Criterion

One of the three eligibility criteria for obtaining a Gulf charter vessel/headboat moratorium permit, as contained in Amendments 14 and 20 and their implementing regulations, was subsequently determined to be inconsistent with the Council's intent. The incorrect criterion was worded as follows: '' An owner of a vessel that had a valid charter vessel/headboat permit for Gulf reef fish or coastal migratory pelagic fish, or whose application for such permit had been received by NMFS, at some time during the period March 29, 2000, through March 29, 2001, and who has such a valid permit on the effective date of the final rule that contains this paragraph (r)(2)(i).'' Based upon the Council's clarifications at its September and November 2002 meetings, the criterion is proposed to be reworded to read as follows: '' An owner of a vessel that had a valid charter vessel/headboat permit for Gulf reef fish or coastal migratory pelagic fish on March 29, 2001, or held such a permit during the preceding year or whose application for such permit had been received by NMFS, by March 29, 2001, and was being processed or awaiting processing.'' The proposed revision removes the requirement to have had a valid permit on the effective date of the final rule that implemented Amendments 14 and 20 (i.e., on July 29, 2002) and, therefore, would be less restrictive.

Reopening of the Moratorium Permit Application Process

Because of the error in the eligibility criterion, NMFS is proposing to reopen the application process for Gulf charter vessel/headboat moratorium permits. The procedures for application, documentation of eligibility, permit issuance, and appeals are the same as the procedures in the existing regulations, except for the revision to the eligibility criterion described above and necessary reestablishment of applicable deadlines. The complete text of these procedures is provided in § 622.4(r)(1) through (r)(8) of this proposed rule and is not repeated here. Although this reopening would apply to all applicants, those applicants who previously applied under the existing regulations and were advised by NMFS that they were eligible or have already been issued a moratorium permit, need not, and should not, reapply.

Automatic Extension of Expiration Date of Valid Open Access Permits

This proposed rule would extend, automatically, the expiration dates of valid or renewable ''open access'' charter vessel/headboat permits for these fisheries until such time that moratorium permits would be required under a final rule implementing the corrected Amendments. This will allow those applicants who would be ineligible for a moratorium permit under the existing regulations, due to the error in the eligibility criterion, to participate in these fisheries while the error is addressed through the normal rulemaking initiated by this proposed rule.

Clarification Regarding Historical Captain Moratorium Permits

NMFS determined that it needed to clarify that a historical captain moratorium permit would not be issued to a person who has a fishery permit issued in his/her name. Section 622.4(r)(2)(iii)(A) of this proposed rule has been revised to reflect that intent.

Extension of the Expiration Date of the Moratorium

The Council intended that the moratorium remain in effect for 3 years from the date of effectiveness of the final rule implementing the moratorium, i.e., through July 29, 2005. Because of the recently discovered error in the eligibility criterion and subsequent need to reopen the moratorium permit application process, final implementation of the moratorium would be substantially delayed. Therefore, this proposed rule would extend the expiration date of the moratorium through a date that would be 3 years from the effective date of the final rule that would implement the moratorium as revised by the corrected Amendments.

Minority Report

Two Council minority reports contained objections to the proposed revision of the eligibility criterion and to the procedural approach for implementing the revision -the September 2002 report was signed by two Council members; the December 2002 report was signed by one Council member. Copies of the minority reports are available from NMFS (see **ADDRESSES**).

Classification

At this time, NMFS has not determined whether the corrected Amendments that this proposed rule would implement are consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the

comment period on the corrected Amendments.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared an IRFA that describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the SUMMARY section of the preamble. This proposed rule would not duplicate any other requirements. A summary of the analysis follows.

NMFS prepared an IRFA and concluded that this proposed rule, if adopted, would have a significant economic impact on a substantial number of small business entities. A summary of the IRFA follows.

The Magnuson-Stevens Act provides the statutory basis for the rule. Under a rule promulgated on June 28, 2002 (67 FR 43558), all for-hire operators in the reef fish and/or coastal migratory pelagic fisheries in the Gulf of Mexico exclusive economic zone (EEZ) were required to have a valid limited access moratorium permit beginning December 26, 2002. The objective of that rule is to cap the number of for-hire vessels permitted to fish for reef fish or coastal migratory pelagics in the EEZ of the Gulf of Mexico at the current level while the Council assesses the actions necessary to restore overfished reef fish and king mackerel stocks and determine whether a more comprehensive effort management system is appropriate for these fisheries. Subsequent to publication of the rule, it was determined that the amendment did not correctly reflect the actions approved by the Council, resulting in the unintentional exclusion of 935 historical participants in the fishery. As an interim measure prior to correcting this error via normal rulemaking, NMFS promulgated an emergency rule that extended several dates associated with the moratorium to allow those participants erroneously excluded from qualifying for a moratorium permit to continue participation in the fishery while the current proposed rule is prepared. The primary objective of the proposed rule is, therefore, to correct the error associated with the eligibility criterion for the for-hire moratorium permit. The proposed rule would revise, consistent with the Council's clarification of intent, one of the eligibility criteria for obtaining a Gulf charter vessel/headboat moratorium permit to remove a restrictive provision requiring that a valid permit was held on July 29, 2002. Complementary logistical adjustments, e.g., reopening the application process, extension of deadlines, etc., are also included.

The qualification requirements for the initial issuance of the moratorium permit will mandate the provision of information necessary to establish qualification for the permit, such as information on income, record of past participation in the fishery, and proof of the time a vessel was under construction. Permit renewal will require that permitted vessels participate in the standard data collection programs implemented in the region which will require that information be maintained on standard vessel operation information, such as trips, passenger loads, catch success, etc. All information elements required for these actions are standard elements essential to the successful operation of the business and should already be collected and maintained as standard operating practice by the business. These requirements do not require professional skills, and, therefore, may be deemed not to be onerous on the affected participants.

No duplicative, overlapping, or conflicting Federal rules have been identified.

Two categories of impacted entities are presumed, those that qualify for the for-hire permit and those that do not. Those who qualify for permits fall under two groups; those who qualify based on permit records and those who qualify based on the provisions for historical captains or vessel-under-construction. Based on permit records, an estimated 3,071 permitted for-hire vessels would qualify for the moratorium permit, of which 1,917 would qualify for both reef fish and coastal migratory pelagic permits, 974 would qualify for only the coastal migratory pelagic permit, and 180 would qualify for only the reef fish permit. In addition to these vessels, an indeterminate number of entities would qualify for the initial issuance of the for-hire moratorium permit under the historical captain or vessel-under-construction criteria. In total, the two groups would constitute the universe of qualified entities. A precise estimate of this universe cannot be provided as, although it can be presumed that all active permits will be maintained to allow either sale of the permit or continued use, it cannot be determined how many entities will qualify under the historical captain or vessel-under-construction criteria. Of the 3,071 qualifying vessels, 2,136 vessels qualify under the status quo moratorium program, of which 1,373 vessels qualify for both permits, 99 vessels qualify for only the reef fish permit, and 664 vessels qualify for only the coastal migratory pelagic for-hire permit. The proposed action would, therefore, allow the qualification of an additional 935 vessels, of which 544 vessels would qualify for both permits, 81 vessels would qualify for the reef fish permit, and 310 vessels would qualify for the coastal migratory pelagic permit. These 935 vessels represent approximately 30 percent of the historic fleet. It should be noted that all 3,071 vessels, including the 935 vessels that would additionally qualify as a result of the proposed rule, are all historical participants in the fishery. This condition is reflective of the Council's intent to stabilize participation at historical levels.

Business operations in the for-hire sector consist primarily, if not exclusively, of small business entities. For-hire vessel operations are considered small business entities if they generate receipts not in excess of $5.0 million per year. The average gross revenues for charter boats operating in 1997 was $83,000 for vessels operating in Alabama, Mississippi, Louisiana, and Texas (based on average numbers of trips per vessel and average fee per trip) and $68,000 for vessels in Florida, while the average gross revenues for head boats/party boats was $328,000 from Alabama through Texas and $324,000 in Florida. Current revenues may exceed those of 1997, but the revenue performance of the fishery clearly qualifies the participants to fit the definition of small business entities. Since all entities operating in the fishery as well as the 935 new qualifiers will be affected by the proposed rule, the criterion of a substantial number of the small business entities being affected by the proposed rule will be met.

The determination of significant economic impact can be ascertained by examining two criteria, disproportionality and profitability. The disproportionality question is: Will the regulations place a substantial number of small business entities at a significant competitive disadvantage to large business entities? Although some variation exists between vessel operation type (guide boat, charter boat, and head/party boat), vessel length, and degree of participation in the fishery (number of trips per year), all vessels are classified as small business entities. Thus, the issue of disproportionality is not relevant in the present case.

The profitability question is: Will the regulations significantly reduce profit for a substantial number of small entities? Two categories of operations will be affected by the final rule, qualifying vessels and non-qualifying

vessels. Effects on qualifying vessels may accrue through the permit fee, the reporting requirement, and the limitation on passenger capacity expansion. While permit fees are $50 for the first permit and $20 each for any additional permit, all vessels are currently required to possess a permit. Thus, permit costs should not be substantially affected, nor should they significantly affect profits. The reporting requirement impacts time expenses rather than actual monetary outlays and, therefore, do not directly affect profitability. However, the time expenses are estimated at $13 for charterboat participants (5.5 interviews x 7 minutes per interview x $20 per hour) and $700 for headboat participants (140 logbooks per headboat x 15 minutes per logbook x $20 per hour). The effects on profits of the limitation on passenger capacity expansion cannot be estimated because neither the cost of purchasing an existing permit, the expected rate of expansion (what portion of vessels might be expected to expand their passenger capacity), or the expected average capacity expansion can be forecast.

Additionally, the 935 vessels that were previously erroneously excluded from qualification for the moratorium permit, and that would now be qualified under the proposed action, will be allowed to continue their historic participation and accompanying profit performance and in addition will experience a substantial increase in profitability over what would occur under the status quo since they would have been precluded from continued participation under the June 28, 2002 rule.

Effects on non-qualifying vessels would consist of the effects on business profits of not being allowed to continue participation in the fishery or enter the fishery without purchasing an existing permit. The effects on profits of these vessels is unknown since neither the price of the necessary permit nor the alternative business options (what they might do and what the profitability profile of this option is in lieu of participating in the for-hire fishery) for these vessels are known. It is also not possible to estimate the number of small entities this would affect.

The proposed rule would allow qualification for the moratorium permit and continued operation of 935 vessels, or approximately 30 percent of the historic participants, in addition to the 2,136 vessels qualified under the status quo moratorium program, plus an unknown number of qualifiers under the historic captain and boat-under-construction provisions. Continued participation by these 935 vessels will allow the avoidance of a significant loss in performance and profits of these small business entities and the fishery as a whole. It is, therefore, concluded that the proposed rule would result in a significant economic impact on a substantial number of small entities.

Ten alternatives to the initial eligibility requirements were considered. These were: allowing all persons who held a for-hire permit on the date of implementation of the amendment; allowing all persons who held a for-hire permit on either September 16, 1999 or November 11, 1999; using a control date of November 18, 1998 and allowing for continuous participation under permit, vessel replacement by current permitted participant and issuance of new permit, purchase of permitted vessel, or purchase of a new vessel and issuance of a new permit; establishment and eligibility requirements for a Class 1 (fully transferable) species endorsements; establishment and eligibility requirements for a Class 2 (non-transferable) species endorsements; historical captain permit/endorsement provisions (2 alternatives); boat-under-construction provisions (2 alternatives); and allowing all persons who held a for-hire permit on or before January 1, 2002. Since the intent of the Council is to accommodate actual participation existent at the time of amendment development and the perception was strong that many active participants did not possess the required permits, control dates more restrictive than the proposed control date would increase the negative impacts on the fishery through the exclusion of active participants, contrary to the intent of the Council. More liberal control dates, however, while reducing the potential universe of excluded vessels, would also be contrary to the Council's intent of stabilizing participation at the level existent at the time of amendment development. The transferability provisions could result in contraction of the fleet, contrary to the intent of stabilization and would increase the negative impacts on the fishery. The alternative historical captain provisions would have increased the burden of eligibility and increased the negative impacts. The alternative provisions for boats under construction are more restrictive than those of the proposed rule because they would have made it more difficult for fishermen to qualify for a permit. This would have increased the negative impacts on the fishery because more permit holders would have been excluded. In summary, the proposed rule accomplishes the Council's intent while minimizing impacts.

Copies of the IRFA and RIR are available upon request(see ADDRESSES).

This proposed rule contains two collection-of-information requirements subject to the Paperwork Reduction Act (PRA)—namely a requirement to submit a charter vessel/headboat permit application and submission of appeals of NMFS' initial denial of a charter vessel/headboat permit -that have been approved by OMB under control number 0648–0451. The public reporting burdens for these collections of information are estimated to average 20 minutes and 5 hours per response, respectively, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates, or any other aspect of these data collections, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: March 6, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.4, the suspensions of the first sentence of paragraph (r)(1), the first sentence of paragraph (r)(6), and paragraph (r)(8)(v) are lifted; paragraph (r)(8)(vi) is removed; and paragraph (r) introductory text, paragraphs (r)(1) through (r)(8) are revised to read as follows:

§ 622.4 Permits and fees.

* * * * *

(r) *Moratorium on charter vessel/headboat permits for Gulf coastal migratory pelagic fish and Gulf reef fish.* The provisions of this paragraph (r) are applicable through the date that is three years after the effective date of the final rule implementing the corrected Amendments. Notwithstanding the other provisions of this paragraph (r), the expiration dates of all charter vessel/headboat permits for Gulf reef fish or Gulf coastal migratory pelagic fish that were not issued under the provision of this paragraph (r) and that were valid or renewable as of December 17, 2002, will be extended through the date that is 150 days after the effective date of the final rule implementing the corrected Amendments provided that a permit has not been issued under this paragraph (r) for the applicable vessel.

(1) *Applicability.* Beginning 150 days after the effective date of the final rule implementing the corrected Amendments, the only valid charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish are those that have been issued under the moratorium criteria in this paragraph (r). No applications for additional charter vessel/headboat permits for these fisheries will be accepted. Existing permits may be renewed, are subject to the transferability provisions in paragraph (r)(9), and are subject to the requirement for timely renewal in paragraph (r)(10) of this section.

(2) *Initial eligibility.* Initial eligibility for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish is limited to the following--

(i) An owner of a vessel that had a valid charter vessel/headboat permit for Gulf reef fish or coastal migratory pelagic fish on March 29, 2001, or held such a permit during the preceding year or whose application for such permit had been received by NMFS, by March 29, 2001, and was being processed or awaiting processing.

(ii) Any person who can provide NMFS with documentation verifying that, prior to March 29, 2001, he/she had a charter vessel or headboat under construction and that the associated expenditures were at least $5,000 as of that date. If the vessel owner was constructing the vessel, the vessel owner must provide NMFS with receipts for the required expenditures. If the vessel was being constructed by someone other than the owner, the owner must provide NMFS with a copy of the contract and/or receipts for the required expenditures.

(iii) A historical captain, defined for the purposes of paragraph (r) of this section as a person who provides NMFS with documentation verifying that

(A) Prior to March 29, 2001, he/she was issued either a USCG Operator of Uninspected Passenger Vessel license (commonly referred to as a 6–pack license) or a USCG Masters license; operated, as a captain, a federally permitted charter vessel or headboat in the Gulf reef fish and/or coastal migratory pelagic fisheries; but does not have a fishery permit issued in their name; and

(B) At least 25 percent of his/her earned income was derived from charter vessel or headboat fishing in one of the years, 1997, 1998, 1999, or 2000.

(3) *Special conditions applicable to eligibility based on historical captain status.* A person whose eligibility is based on historical captain status will be issued a letter of eligibility by the RA. The letter of eligibility may be redeemed through the RA for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish, with a historical captain endorsement. The letter of eligibility is valid for the duration of the moratorium; is valid only for a vessel of the same authorized passenger capacity as the vessel used to document earned income in paragraph (r)(2)(iii)(B) of this section; and is valid only for the fisheries certified on the application under paragraph (r)(2)(iii)(A) of this section. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish with a historical captain endorsement is valid only on a vessel that the historical captain operates as a captain.

(4) *Determination of eligibility based on permit history.* NMFS' permit records are the sole basis for determining eligibility based on permit or application history. An owner of a currently permitted vessel who believes he/she meets the permit or application history criterion based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership. An owner will not be issued initial charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish under the moratorium in excess of the number of federally permitted charter vessels and/or headboats that he/she owned simultaneously at some time during the period March 29, 2000 through March 29, 2001.

(5) *Application requirements and procedures*—(i) *General.* An applicant who desires a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish must submit an application for such permit to the RA postmarked or hand-delivered not later than 90 days after the effective date of the final rule implementing the corrected Amendments. Application forms are available from the RA. The information requested on the application form varies according to the eligibility criterion that the application is based upon as indicated in paragraphs (r)(5)(ii), (r)(5)(iii), and (r)(5)(iv) of this section; however, all applicants must provide a copy of the applicable, valid USCG Operator of Uninspected Passenger Vessel license or Masters license and valid USCG Certificate of Inspection. Failure to apply in a timely manner will preclude permit issuance even when the applicant meets the eligibility criteria for such permit.

(ii) *Application based on the prior permit/application history criterion.* On or about the effective date of the final rule implementing the corrected Amendments, the RA will mail an application for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish to each owner of a vessel who, according to NMFS' permit records, is eligible based on the permit or application history criterion in paragraph (r)(2)(i) of this section. Information requested on the application is consistent with the standard information required in paragraph (b)(3)(ii) of this section. The RA will also mail each such owner a notice that his/her existing charter vessel/headboat permit(s) for coastal migratory pelagic fish and/or Gulf reef fish will expire 150 days after the effective date of the final rule implementing the corrected Amendments and that the new permit(s) required under this moratorium will be required as of that date. A vessel owner who believes he/she qualifies for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on permit or application history, but who does not receive an application from the RA, must request an application from the RA and provide documentation of eligibility. The RA will mail applications and notifications to vessel owner addresses as indicated in NMFS' permit records.

(iii) *Application based on a charter vessel/headboat under construction prior to March 29, 2001.* A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on the vessel-under-construction eligibility criterion in

paragraph (r)(2)(ii) of this section must obtain an application from the RA. Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and the documentation of construction and associated costs as specified in paragraph (r)(2)(ii) of this section.

(iv) *Application based on historical captain status.* A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on historical captain status must obtain an application from the RA. Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and documentation of the criteria specified in paragraphs (r)(2)(iii)(A)and (B) of this section. Such documentation includes income tax records pertinent to verifying earned income; a copy of the applicable USCG license and/or Certificate of Inspection; and a notarized affidavit signed by a vessel owner certifying the period the applicant served as captain of a charter vessel or headboat permitted for Gulf reef fish and/or coastal migratory pelagic fish, whether the charter vessel or headboat was permitted for Gulf reef fish or coastal migratory pelagic fish or both, and whether the charter vessel or headboat was uninspected (i.e., 6–pack) or had a USCG Certificate of Inspection.

(v) *Incomplete applications.* If an application that is postmarked or hand-delivered in a timely manner is incomplete, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 20 days of the date of the RA's notification, the application will be considered abandoned.

(6) *Issuance of initial permits.* If a complete application is submitted in a timely manner and the applicable eligibility requirements specified in paragraph (r)(2) of this section are met, the RA will issue a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish or a letter of eligibility for such fisheries, as appropriate, and mail it to the applicant not later than 140 days after the effective date of the final rule implementing the corrected Amendments.

(7) *Notification of ineligibility.* If the applicant does not meet the applicable eligibility requirements of paragraph (r)(2) of this section, the RA will notify the applicant, in writing, of such determination and the reasons for it not later than 120 days after the effective date of the final rule implementing the corrected Amendments.

(8) *Appeal process.* (i) An applicant may request an appeal of the RA's determination regarding initial permit eligibility, as specified in paragraph (r)(2) of this section, by submitting a written request for reconsideration to the RA with copies of the appropriate records for establishing eligibility. Such request must be postmarked or hand-delivered within 45 days after the date of the RA's notification of ineligibility and may include a request for an oral hearing. If an oral hearing is granted, the RA will notify the applicant of the place and date of the hearing and will provide the applicant a maximum of 45 days prior to the hearing to provide information in support of the appeal.

(ii) A request for an appeal constitutes the appellant's authorization under section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et. seq.) for the RA to make available to the appellate officer(s) such confidential records as are pertinent to the appeal.

(iii) The RA may independently review the appeal or may appoint one or more appellate officers to review the appeal and make independent recommendations to the RA. The RA will make the final determination regarding granting or denying the appeal.

(iv) The RA and appellate officer(s) are empowered only to deliberate whether the eligibility criteria in paragraph (r)(2) of this section were applied correctly. Hardship or other factors will not be considered in determining eligibility.

(v) The RA will notify the applicant of the decision regarding the appeal within 45 days after receipt of the request for appeal or within 45 days after the conclusion of the oral hearing, if applicable. The RA's decision will constitute the final administrative action by NMFS.

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Notices

Federal Register

Vol. 68, No. 48

Wednesday, March 12, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: Agency for International Development (USAID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503. Copies of the information collection and supporting documents may be obtained by calling (202) 712–1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–0555.

Form Number: N/A.

Title: Monthly Commodity Status Report/Monthly Recipient Status Report.

Type of Submission: Renewal of information collection.

Purpose: The Monthly Commodity Status Report/Monthly Recipient Status Report (MCSR/MRSR) allow the Office of Food for Peace (FFP) to track exactly how commodities are distributed. The Cooperating Sponsor submits an Annual Estimate of Requirements (AER) each year. The AER is an estimate of how much food is needed for a specified number of beneficiaries in a particular country. The MCSR/MRSR allows FFP to track the commodities from the amount requested on the AER to what is actually distributed. The MCSR tracks the commodities for each program and the MRSR tracks the number of recipients or beneficiaries reached each month under each FFP program.

Annual Reporting Burden:

Respondent: 20.

Total annual responses: 240.

Total annual hours requested: 24 hours.

Dated: March 4, 2003.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau of Management.

[FR Doc. 03–5939 Filed 3–11–03; 8:45 am]

BILLING CODE 6116–01–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer of Management and Budget (OMB), Washington, DC 20503. Copies of the information collection and supporting documents may be obtained by calling (202) 712–1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–0556.

Form Number: N/A.

Title: Monetization Report.

Type of Submission: Renewal of Information Collection.

Purpose: The Monetization Report is used to help the U.S. Agency for International Development (USAID) Missions determine the status of the commodities monetized by the Cooperating Sponsors under the Public Law 480 title II program. The Monetization Profile provides USAID Missions with a checklist of important questions about the Cooperating Sponsors' monetization transactions. The Cooperating Sponsors verify the Free Along-side Ship (FAS) price quotation that has been provided by USAID's Office of Food for Peace, the foreign flag estimate or rate, the sales price obtained, and the method for which the commodities have been sold. All of this information is necessary for USAID Missions to collect verifiable information and to determine that Cooperating Sponsors are meeting USAID's cost recovery benchmark.

Annual Reporting Burden:

Respondents: 20.

Total annual responses: 20.

Total annual hours requested: 240 hours.

Dated: March 4, 2003.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau of Management.

[FR Doc. 03–5940 Filed 3–11–03; 8:45 am]

BILLING CODE 6116–01–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: Agency for International Development (USAID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction act of 1995, Pub. L. 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID. Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington D.C. 20503. Copies of the information collection and supporting documents may be obtained by calling (202) 712–1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–0557.

Form Number: N/A.

Title: Annual Results Report.

Type of Submission: Renewal of information collection.

Purpose: The Annual Results Report provide meaningful results—oriented information to assist Cooperating Sponsors, USAID Missions and USAID's Office of Food for Peace to demonstrate the impact of food aid on food security. The report serves as a important information source during preparation of Fiscal Year annual updates prepared by Cooperating Sponsors, new development activity proposals, Agency Results, Review and Resource Requests, and USAID's annual report to Congress. The Annual Results Report focuses on performance indicators for food aid activity and progress toward achievement of results. The report also includes a summary of anticipated

resource requests for the next Fiscal Year.

Annual Reporting Burden:

Respondents: 20.

Total annual responses: 20.

Total annual hours requested: 480 hours.

Dated: March 4, 2003.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 03–5941 Filed 3–11–03; 8:45 am]

BILLING CODE 6116–01–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development, One Hundred and Thirty Seventh Meeting; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the one hundred and thirty-seventh meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 8 a.m. to 1 p.m. on March 27, 2003 in the ground floor meeting room of the National Association of State Universities & Land Grant Colleges (NASULGC), at 1307 New York Avenue, NW., Washington, DC.

The program will address participation in international agriculture by ''1890'' (Second Morrill Act) institutions, and the Partnership to End Hunger in Africa; it will also hear progress reports on the BIFAD initiatives in long-term training and intellectual property.

The meeting is free and open to the public. Those wishing to attend the meeting or obtain additional information about BIFAD should contact Mr. Lawrence Paulson, the Designated Federal Officer for BIFAD. Write him in care of the U.S. Agency for International Development, Ronald Reagan Building, Office of Agriculture and Food Security, 1300 Pennsylvania Avenue, NW., Room 2.11–073, Washington, DC 20523–2110 or telephone him at (202) 712–1436 or fax (202) 216–3010.

Lawrence Paulson,

USAID Designated Federal Officer for BIFAD, Office of Agriculture and Food Security, Bureau for Economic Growth, Agriculture & Trade.

[FR Doc. 03–5847 Filed 3–11–03; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket # FV–03–329]

United States Standards for Grades of Frozen Onions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is soliciting comments on its proposal to create new United States Standards for Grades of Frozen Onions. USDA received a petition from a trade association to create grade standards for frozen onions that will include a description of the product, style, sample unit size, grades, ascertaining the grade by sample, and ascertaining the grade by lot. This proposal will provide a common language for trade, a means of measuring value in the marketing of frozen onions, and provide guidance in the effective utilization of frozen onions.

DATES: Comments may be submitted on or before May 12, 2003.

ADDRESSES: Written comments may be submitted to: Chere L. Shorter, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247,1400 Independence Avenue SW., Washington, DC 20250–0247; fax (202) 690–1087; or e-mail *chere.shorter@usda.gov.*

Comments should reference the date and page of this issue of the **Federal Register**. All comments received will be made available for public inspection at the address listed above during regular business hours and on the Internet.

The draft of the proposed United States Standards for Grades of Frozen Onions is available either through the address cited above or by accessing AMS's Web site on the Internet at: *http://www.ams.usda.gov/fv/ppb.html.* Any comments received, regarding this proposed standard will also be posted on that site.

FOR FURTHER INFORMATION CONTACT: Chere L. Shorter at (202) 720–5021 or e-mail at *chere.shorter@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables no longer appear in the Code of Federal Regulations but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is proposing to establish the U.S. Standards for Grades of Frozen Onions using the procedures that appear in part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36).

The American Frozen Food Institute (AFFI), a trade association for the frozen fruit and vegetable industry, requested that USDA develop a standard for frozen onions to be used by the industry. The petition provided information on style, sample size and description to AMS to develop the standard. AMS received samples of various styles to collect information on grades of frozen onions and how to ascertain the grade of a sample and of a lot.

AMS prepared a discussion draft of the proposed frozen onions standard, and distributed copies for input to AFFI. Input from the trade association's members was used to further develop the proposed standard.

AMS then published a notice on the proposed grade standard in April, 2001, **Federal Register** (66 FR 21116) and received two comments. The comments are posted on the AMS Web site at *http://www.ams.usda.gov/fv/ppb.html.* AMS then met with members of AFFI at their annual meeting in February 2002 to discuss the comments. AFFI had requested a change in the style designations for minced style, and a correction to the text. AFFI also agreed on the sample size of one pound or 450 grams per sample unit as requested by another commenter. Based on the comments and discussions at the meeting, AMS revised the proposed grade standard incorporating all the comments.

Based on the results of the information gathered, AMS is proposing to establish a standard for frozen onions following the standard format for U.S. Grade Standards using ''individual attributes.'' Specifically, USDA is proposing to provide for the ''individual attributes'' procedure for product grading with sample sizes, acceptable quality levels (AQL's), tolerances and acceptance numbers (number of allowable defects); with single letter grade designations. AMS is defining ''frozen onions'' and establishing ''strips'', ''diced'', ''whole'', ''chopped'',

and ''other'' as the style designations. The proposal also defines the quality factors, acceptable quality levels (AQL), and tolerances (TOL) for defects that affect frozen onions and determine sample unit sizes for this commodity.

This proposal would establish the grade levels ''A'', ''B'' and ''Substandard''. The proposed AQLs, tolerances, and acceptance numbers for each quality factor as defined for each grade level would also be established.

The grade of a sample unit of frozen onions will be ascertained by considering the factors of varietal characteristics, flavor, odor, color, defects, and character. This proposal will provide a common language for trade, a means of measuring value in the marketing of frozen onions, and provide guidance in the effective utilization of frozen onions. The official grade of a lot of frozen onions covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Foods Products (§§ 52.1 to 52.83).

This notice provides for a 60 day comment period for interested parties to comment on the proposed U.S. Standards for Grades of Frozen Onions.

Authority: 7 U.S.C. 1621–1627.

Dated: March 6, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–5846 Filed 3–11–03; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket # FV–03–331]

United States Standards for Grades of Canned Sweet Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS), prior to undertaking research and other work associated with revising an official grade standard, is soliciting comments on the petition to change the United States Standards for Grades of Canned Sweet Potatoes. AMS received two petitions from food processors asking USDA to consider revising the current definition for the style of ''Whole'' in the U.S. Grade Standard for Canned Sweet Potatoes.

DATES: Comments must be submitted on or before May 12, 2003.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments must be sent to Chere L. Shorter, Standardization Section, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 0709, South Building; STOP 0247, Washington, DC 20250; fax (202) 690–1527, e-mail *Chere.Shorter@usda.gov.* The United States Standards for Grades of Canned Sweet Potatoes is available either through the address cited above or by accessing the AMS Web site on the Internet at–*http://www.ams.usda.gov/fv/ppb.html.*

SUPPLEMENTARY INFORMATION:

Background

AMS received two petitions from food processors requesting the revision of the United States Standards for Grades of Canned Sweet Potatoes.

The petitioners are requesting the USDA to revise the definition of the style of ''Whole'' to reflect newer varieties, new sorting techniques, and canning processes. The ''Beauregard'' variety, a new variety widely used in canned sweet potatoes is oddly shaped and must be cut and trimmed to give the appearance of a whole sweet potato. This variety may or may not be tapered on one end and because of mechanical trimming, may not meet the definition of whole.

The current definition for the style of ''Whole'' states, ''Whole means the canned sweet potatoes have the appearance of being essentially whole or almost whole in that the units retain the approximate shape of whole sweet potatoes.''

The petitioners want to revise the definition for canned whole sweet potatoes to allow for those that are cylindrical in shape, two inches plus or minus 0.5 inches in length, by 1.5 inches plus or minus .25 inches in diameter for 404 times 307 and 603 times 700 can sizes and 1.0 inch plus or minus 0.25 inches in diameter for smaller can sizes.

The petitioners believe changing the standard will promote uniformity in the grading of canned whole sweet potatoes. A copy of the petitioners' requests are located on the AMS Web site at *http://www.ams.usda.gov/fv/ppb.html.*

Agricultural Marketing Service

Prior to undertaking detailed work to develop a proposed revised standard AMS is soliciting comments on the petitions to revise the standard for Grades of Canned Sweet Potatoes. In particular, AMS would welcome comments and information regarding the likely utility of a revised definition for style of ''whole'' in the standard for canned sweet potatoes and the probable impact on consumers, processors, and growers.

This notice provides for a 60-day comment period for interested parties to comment on changes to the standard. Should AMS conclude that there is a need for the change in the standard, the revised standard will be published in the **Federal Register** with a request for comments in accordance with 7 CFR Part 36.

Authority: 7 U.S.C. 1621–1627.

Dated: March 6, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–5845 Filed 3–11–03; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces adjusted income eligibility guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program). These income eligibility guidelines are to be used in conjunction with the WIC Regulations.

EFFECTIVE DATE: July 1, 2003.

FOR FURTHER INFORMATION CONTACT: Debra Whitford, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, FNS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305–2746.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This notice is exempt from review by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of this Act.

Paperwork Reduction Act of 1995

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, 48 FR 29112, June 24, 1983).

Description

Section 17(d)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786 (d)(2)(A)) requires the Secretary of Agriculture to establish income criteria to be used with nutritional risk criteria in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be income eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced-price school meals under section 9(b) of the National School Lunch Act (42 U.S.C. 1758(b)). Under section 9(b), the income limit for reduced-price school meals is 185 percent of the Federal poverty guidelines, as adjusted.

Section 9(b) also requires that these guidelines be revised annually to reflect changes in the Consumer Price Index. The annual revision for 2003 was published by the Department of Health and Human Services (HHS) at 68 FR 6456, February 7, 2003. The guidelines published by HHS are referred to as the poverty guidelines.

Section 246.7(d)(1) of the WIC regulations (Title 7, Code of Federal Regulations) specifies that State agencies may prescribe income guidelines either equaling the income guidelines established under section 9 of the National School Lunch Act for reduced-price school meals or identical to State or local guidelines for free or reduced-price health care. However, in conforming WIC income guidelines to State or local health care guidelines, the State cannot establish WIC guidelines which exceed the guidelines for reduced-price school meals, or which are less than 100 percent of the Federal poverty guidelines. Consistent with the method used to compute income eligibility guidelines for reduced-price meals under the National School Lunch Program, the poverty guidelines were multiplied by 1.85 and the results rounded upward to the next whole dollar.

At this time the Department is publishing the maximum and minimum WIC income eligibility guidelines by household size for the period July 1, 2003, through June 30, 2004. Consistent with section 17(f)(17) of the Child Nutrition Act of 1966 (42 U.S.C. 786(f)(17)), a State agency may implement the revised WIC income eligibility guidelines concurrently with the implementation of income eligibility guidelines under the Medicaid program established under Title XIX of the Social Security Act (42 U.S.C. 1396, *et seq.*). State agencies may coordinate implementation with the revised Medicaid guidelines, but in no case may implementation take place later than July 1, 2003. State agencies that do not coordinate implementation with the revised Medicaid guidelines must implement the WIC income eligibility guidelines on July 1, 2003. The first table of this notice contains the income limits by household size for the 48 contiguous States, the District of Columbia and all Territories, including Guam. Because the poverty guidelines for Alaska and Hawaii are higher than for the 48 contiguous States, separate tables for Alaska and Hawaii have been included for the convenience of the State agencies.

BILLING CODE 3410–30–P

INCOME ELIGIBILITY GUIDELINES
(Effective from July 1, 2003 to June 30, 2004)

Household Size	Federal Poverty Guidelines- 100%					Reduced Price Meals - 185%				
	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly
48 Contiguous States, D.C., Guam and Territories										
1	$8,980	$749	$375	$346	$173	$16,613	$1,385	$693	$639	$320
2	12,120	1,010	505	467	234	22,422	1,869	935	863	432
3	15,260	1,272	636	587	294	28,231	2,353	1,177	1,086	543
4	18,400	1,534	767	708	354	34,040	2,837	1,419	1,310	655
5	21,540	1,795	898	829	415	39,849	3,321	1,661	1,533	767
6	24,680	2,057	1,029	950	475	45,658	3,805	1,903	1,757	879
7	27,820	2,319	1,160	1,070	535	51,467	4,289	2,145	1,980	990
8	30,960	2,580	1,290	1,191	596	57,276	4,773	2,387	2,203	1,102
Each Add'l Member Add	+ $3,140	+ $262	+ $131	+ $121	+ $61	+ $5,809	+ $485	+ $243	+ $224	+ $112
Alaska										
1	$11,210	$935	$468	$432	$216	$20,739	$1,729	$865	$798	$399
2	15,140	1,262	631	583	292	28,009	2,335	1,168	1,078	539
3	19,070	1,590	795	734	367	35,280	2,940	1,470	1,357	679
4	23,000	1,917	959	885	443	42,550	3,546	1,773	1,637	819
5	26,930	2,245	1,123	1,036	518	49,821	4,152	2,076	1,917	959
6	30,860	2,572	1,286	1,187	594	57,091	4,758	2,379	2,196	1,098
7	34,790	2,900	1,450	1,339	670	64,362	5,364	2,682	2,476	1,238
8	38,720	3,227	1,614	1,490	745	71,632	5,970	2,985	2,756	1,378
Each Add'l Member Add	+ $3,930	+ $328	+ $164	+ $152	+ $76	+ $7,271	+ $606	+ $303	+ $280	+ $140
Hawaii										
1	$10,330	$861	$431	$398	$199	$19,111	$1,593	$797	$736	$368
2	13,940	1,162	581	537	269	25,789	2,150	1,075	992	496
3	17,550	1,463	732	675	338	32,468	2,706	1,353	1,249	625
4	21,160	1,764	882	814	407	39,146	3,263	1,632	1,506	753
5	24,770	2,065	1,033	953	477	45,825	3,819	1,910	1,763	882
6	28,380	2,365	1,183	1,092	546	52,503	4,376	2,188	2,020	1,010
7	31,990	2,666	1,333	1,231	616	59,182	4,932	2,466	2,277	1,139
8	35,600	2,967	1,484	1,370	685	65,860	5,489	2,745	2,534	1,267
Each Add'l Member Add	+ $3,610	+ $301	+ $151	+ $139	+ $70	+ $6,679	+ $557	+ $279	+ $257	+ $129

Authority: 42 U.S.C. 1786.

Dated: March 4, 2003.

Roberto Salazar,

Administrator.

[FR Doc. 03–5849 Filed 3–11–03; 8:45 am]

BILLING CODE 3410–30–C

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: Lassen Resource Advisory Committee, Susanville, California, Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Lassen National Forest's Lassen County Resource Advisory Committee will meet Thursday, March 13, 2003, in Susanville, California for a business meeting. The meetings are open to the public.

SUPPLEMENTARY INFORMATION: The business meeting March 13, 2003 begins at 9 a.m., at the Lassen National Forest Headquarters Office, Caribou Conference Room, 2550 Riverside Drive, Susanville, CA 96130. Agenda topics will include: Review previous meeting minutes and approve, RAC member/subcommittee reports, Discussion of 6th Annual National Forest Counties & School Coalition Conference March 28–30 in Reno; Update of County Title III funds, Finalize Budget/Funding Opportunities and Develop Recommendations to DFO, Monitoring, Accounting with proposals and next steps. Time will also be set aside for public comments at the end of the meeting.

FOR FURTHER INFORMATION CONTACT: Robert Andrews, Eagle Lake District Ranger and Designated Federal Officer, at (530) 257–4188; or RAC Coordinator, Heidi Perry, at (530) 252–6604.

Edward C. Cole,

Forest Supervisor.

[FR Doc. 03–5794 Filed 3–11–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: Crook County Resource Advisory Committee, Sundance, Wyoming, USDA, Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Black Hills National Forests' Crook County Resource Advisory Committee will meet Monday March 24, 2003 in Sundance, Wyoming for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on March 24, begins at 6:30 p.m., at U.S. Forest Service, Bearlodge Ranger District office, 121 South 21st Street, Sundance, Wyoming. Agenda topics will include presentations by and discussion with project proposal submitters. A public forum will begin at 9 PM (MT).

FOR FURTHER INFORMATION CONTACT: Steve Kozel, Bearlodge District Ranger and Designated Federal Officer, at (307) 283–1361.

Dated: March 4, 2003.

Steve Kozel,

Bearlodge District Ranger.

[FR Doc. 03–5854 Filed 3–11–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Census Bureau

Current Industrial Reports Surveys—WAVE I (Mandatory and Voluntary Surveys)

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to: Judy Dodds, Assistant Chief for Census and Related Programs, (301) 763–4587, Census Bureau, Manufacturing and Construction Division, Room 2101, Building #4, Washington, DC 20233 (or via the Internet at *judy.m.dodds@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts a series of monthly, quarterly, and annual surveys as part of the Current Industrial Reports (CIR) program. The CIR surveys deal mainly with the quantity and value of shipments of particular products and occasionally with data on production and inventories; unfilled orders, receipts, stocks and consumption; and comparative data on domestic production, exports, and imports of the products they cover. These surveys provide continuing and timely national statistical data on manufacturing. The results of these surveys are used extensively by individual firms, trade associations, and market analysts in planning or recommending marketing and legislative strategies.

The CIR program includes both mandatory and voluntary surveys. Typically, the monthly and quarterly surveys are conducted on a voluntary basis and annual collections are mandatory. The collection frequency of individual CIR surveys is determined by the cyclical nature of production, the need for frequent trade monitoring, or the use of data in Government economic indicator series. Some monthly and quarterly CIR surveys have an annual ''counterpart'' collection. The annual counterpart collects annual data on a mandatory basis from those firms not participating in the more frequent collection.

Due to the large number of surveys in the CIR program, for clearance purposes, the CIR surveys are divided into ''waves.'' There are three waves that include the mandatory and voluntary surveys. Mandatory and voluntary surveys historically have been divided into separate clearance requests, making six separate clearances. Each year, one wave (or two clearance requests) is submitted for OMB review. We are now combining the mandatory and voluntary surveys of each wave into one clearance request, reducing the total number of

clearance requests from six to three, and the number of OMB submissions annually from two to one. This year the Census Bureau plans to submit mandatory and voluntary surveys of Wave I for clearance. Also, in this request we are converting the MA311D ''Confectionery'' and MA333N, ''Fluid Power Products'' from mandatory collection to voluntary. The surveys in Wave I are:

Mandatory surveys	Voluntary survey
** MA311D—Confectionery	* MQ325B—Inorganic Fertilizer Materials and Related Products
MA325F—Paint and Allied Products	* MQ327D—Clay Construction Products
MA327C—Refractories	
MA331A—Iron and Steel Castings	
MA331B—Steel Mill Products	
MA331E—Nonferrous Castings	
MA332Q—Antifriction Bearings	
MA333A—Farm Machinery and Lawn and Garden Equipment	
MA333M—Refrigeration, Air Conditioning and Warm Air Heating Equipment.	
** MA333N—Fluid Power Products	
MA334B—Selected Instruments and Related Products	
MA335A—Switchgear, Switchboard Apparatus, Relays, and Industrial Controls.	
MA335F—Major Household Appliances	
MA335H—Motors and Generators	
MA335K—Wiring Devices and Supplies	

* These voluntary surveys have mandatory annual counterparts.
** Mandatory annual surveys convert to voluntary status.

II. Method of Collection

The Census Bureau will use mail out/mail back survey forms to collect data. We ask respondents to return monthly report forms within 10 days, quarterly report forms within 15 days, and annual report forms within 30 days of the initial mailing. Telephone calls and/or letters encouraging participation will be mailed to respondents who have not responded by the designated time.

III. Data

OMB Number: 0607–0392—Mandatory Surveys, 0607–0393—Voluntary & Annual Counterparts Surveys.

Form Number: See Chart Above.

Type of Review: Regular Review.

Affected Public: Businesses, or other for-profit organizations.

Estimated Number of Respondents: Total—9,305.

Estimated Time Per Response: 1.073.

Estimated Total Annual Burden: Total—9,983 hours.

Estimated Total Annual Cost: The estimated cost to respondents for all the CIR reports in Wave 1 for fiscal year 2004 is $152,940.

Respondent's Obligation: The CIR program includes both mandatory and voluntary surveys.

Legal Authority: Title 13, United States Code, sections 182, 224, and 225.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 7, 2003.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–5878 Filed 3–11–03; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 12–2003]

Foreign-Trade Zone 138—Columbus, OH, Area, Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the Columbus Regional Airport Authority (CRAA), grantee of Foreign-Trade Zone 138, requesting authority to expand and reorganize its zone in the Columbus, Ohio area, adjacent to the Columbus Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 5, 2003.

FTZ 138 was approved on March 13, 1987 (Board Order 351, 52 FR 9319, 3/24/87) and expanded on February 23, 1994 (Board Order 685, 59 FR 10783, 3/8/94), November 9, 1999 (Board Order 1063, 64 FR 63786, 11/22/99), and on May 29, 2001 (Board Order 1166, 66 FR 32933, 6/19/01). The general-purpose zone currently consists seven sites (5,142 acres) in the Columbus area: *Site 1* consists of 4,687 total acres in Franklin County, which includes the Rickenbacker International Airport and Air Industrial Park (Site 1A–3,892 acres), Alum Creek East Industrial Park (Site 1B–286 acres), and Alum Creek West Industrial Park (Site 1C–509 acres); *Site 2* (136 acres) industrial park project, McClain Road, Lima (Allen County); *Site 3* (42 acres) within the 90-acre Gateway Interchange Industrial Park, State Route 104 and U.S. Route 35, Chillicothe (Ross County); *Site 4* (44 acres) within the 960-acre Rock Mill Industrial Park, south of Mill Park Drive, Lancaster (Fairfield County); *Site 5* (133 acres) within the 149-acre D.O. Hall Business Center, SR 660 and north of Reitler Road, Cambridge (Guernsey County); *Site 6* (74 acres) within the Eagleton Industrial Park, SR 142 and west of Spring Valley Road, London (Madison County); and, a *Temporary Site* (26 acres) located at 617 West Center Street, Marion (expires 9/1/05).

The applicant is now requesting authority for a major expansion/reorganization of the zone as described below. The proposal includes both additions and deletions with an overall decrease in total zone space. It requests authority to delete 977 acres from existing Site 1A; to expand Site 1 to include additional parcels (503 acres); to move 50 acres from existing Site 1B which includes a portion of Opus Business Center to Proposed Site 1F; and, to include 5 additional sites (340 acres) in the area.

Existing Site 1A—Rickenbacker International Airport and Air Industrial Park—modified by deleting 977 acres and adding 110 acres (3 parcels) within the airport complex (new total: 3,025 acres);

Existing Site 1B—Alum Creek East Industrial Park—modified by moving a 50-acre parcel of the Opus Business Center south of Rohr Road to Proposed Site 1F (new total: 236 acres);

Proposed Site 1D—100 acres within the 162-acre Rickenbacker West Industrial Park, located west of Shook Road and north of London-Groveport Road, Columbus;

Proposed Site 1E—100 acres (3 parcels) within the 292-acre Groveport Commerce Center, located on SR 317 (London-Groveport Road) north of Rohr Road, Village of Groveport;

Proposed Site 1F—95 acres within the 164-acre Opus Business Center, located south of Toy Road and north of Rohr Road and east of Opus Drive, Village of Groveport, and the 50-acre parcel moved from Site 1B (new total: 145 acres);

Proposed Site 1G—98 acres (8 parcels) within the 365-acre Creekside Industrial Center, located on Alum Creek Drive and Rohr Road and Creekside Parkway, south of Interstate 270, Village of Obetz;

Proposed Site 7—43 acres within the 123-acre Canal Pointe Industry and Commerce Park, located on Dove Parkway, one-half mile from US 33 and Diley Road interchange, Village of Canal Winchester (Fairfield County);

Proposed Site 8—99 acres within the 231-acre Gateway Business Park—West Campus, located at the SR 665 (London-Groveport Road) interchange on Interstate 71, south of Interstate 270, City of Grove City (Franklin County);

Proposed Site 9—100 acres within the 430-acre Etna Corporate Park, located north of U.S. 40 at Etna Parkway, Etna Township (Licking County);

Proposed Site 10—49 acres within the 300-acre Central Ohio Aerospace and Technology Center Campus, located at Central Parkway west of SR 79, City of Heath (Licking County); and,

Proposed Site 11—49 acres within the 52-acre Logan-Hocking Industrial Park, located on Chieftain Drive, north of the U.S. 33 and SR 664 intersection, City of Logan (Hocking County).

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the addresses below:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street NW., Washington, DC 20005; or

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue NW., Washington, DC 20230.

The closing period for their receipt is May 12, 2003. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 27, 2003).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce Export Assistance Center, 280 North High Street, Suite 1400, Columbus, OH 43215.

Dated: March 5, 2003.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 03–5897 Filed 3–11–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Reports of Sample Shipments of Chemical Weapon Precursors

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Office of the Chief Information Officer, 202–482–0266, Room 6625, 14th and Constitution Avenue, NW., Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Marna Dove, BIS ICB Liaison, Department of Commerce, BIS Office of the Chief Information Officer, Room 6622, 14th and Constitution Avenue, NW., Washington DC 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information will be used to monitor sample shipments of chemical weapon precursors in order to facilitate and enforce provisions of the EAR that permit limited exports of sample shipments without a validated export license. The reports will be reviewed by the Bureau of Industry and Security to monitor quantities and patterns of shipments that might indicate circumvention of the regulation by entities seeking to acquire chemicals for chemical weapons purposes.

II. Method of Collection

Quarterly report.

III. Data

OMB Number: 0694–0086.

Form Number: None.

Type of Review: Regular submission for renewal of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 160.

Estimated Time Per Response: 30 minutes per response.

Estimated Total Annual Burden Hours: 23.

Estimated Total Annual Cost: No start-up costs or capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: March 7, 2003.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–5877 Filed 3–11–03; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030603D]

Proposed Information Collection; Comment Request; Northwest Region Logbook Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Becky Renko, 206–526–6140, or at *Becky.Renko@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection contains certain reporting and recordkeeping requirements for vessels in the Pacific Coast Groundfish Fishery in the Exclusive Economic Zone for the northwest. These requirements affect fish processing vessels over 125 feet in length and catcher vessels that deliver their catch to motherships. The information collected is needed to monitor catch, effort, and production for fishery management purposes.

II. Method of Collection

Forms are used for most requirements. These may be submitted by computer or by facsimile machine.

III. Data

OMB Number: 0648–0271.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 70.

Estimated Time Per Response: 13 minutes per day for a Daily Fishing and Cumulative Production Log (DFCPL) from a catcher vessel; 26 minutes per day for a DFCPL from a catcher-processor; 13 minutes per day for a Daily Report of Fish Received and Cumulative Production Log from a mothership; 4.3 minutes per day for a Weekly/Daily Production Report; 20 minutes for a Product Transfer/Offloading Logbook; and 1.25 minutes for a Start or Stop Notification Report.

Estimated Total Annual Burden Hours: 1,374.

Estimated Total Annual Cost to Public: $8,890.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 5, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–5899 Filed 3–11–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030603E]

Proposed Information Collection; Comment Request; Reporting Requirements for Commercial Fisheries Authorization under Section 118 of the Marine Mammal Protection Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patricia Lawson, 301–713–2322, or at *Patricia.Lawson@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Reporting injury to and/or mortalities of marine mammals is mandated under Section 118 of the Marine Mammal Protection Act. This information is required to determine the impacts of commercial fishing on marine mammal populations. This information is also used to categorize commercial fisheries into Categories I, II, or III. Participants in the first two categories have to be authorized to take marine mammals, while those in Category III are exempt from that requirement. All categories must report injuries or mortalities on a National Marine Fisheries Service form.

II. Method of Collection

A paper form is used.

III. Data

OMB Number: 0648–0292.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 200.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 50.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 5, 2003

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–5900 Filed 3–11–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030603F]

Proposed Information Collection; Comment Request; Highly Migratory Species Dealer Reporting Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dianne Stephan, Highly Migratory Species Division, Northeast Regional Office, National Marine Fisheries Service, 1 Blackburn Dr., Gloucester, MA 01930; phone (978) 281–9397.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), NOAA is responsible for management of the Nation's marine fisheries. In addition, NOAA must comply with the United States' obligations under the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). NOAA Fisheries must collect domestic landings data for Atlantic highly migratory species via dealer reports in order to provide information vital for fishery management. In addition, the import, export, and re-export of bluefin tuna, bigeye tuna and swordfish must be monitored by the United States in order to comply with international obligations established through membership in the International Commission for the Conservation of Atlantic Tunas (ICCAT). ICCAT has implemented a trade monitoring program for bluefin tuna, bigeye tuna and swordfish to discourage illegal, unregulated and unreported fishing activities as well as further understanding of catches and international trade for these species.

This collection will serve as an umbrella, or family of forms, for Atlantic highly migratory species dealer reporting requirements. Four activities will occur as a result of this action: (1) new reporting requirements will be implemented;

(2) previously approved information collections will be modified and transferred into this collection; (3) previously-approved collections will be renewed; and (4) reporting requirements will be transferred to this collection without modification.

New reporting requirements will be implemented in order to execute recent binding recommendations of ICCAT. Newly required bigeye tuna statistical documents and re-export certificates and document validation upon export will be added to this collection, along with swordfish and bluefin tuna re-export certificates, which must be validated prior to export.

The swordfish import certificate of eligibility will be transferred from collection approval 0648–0363 and expanded into a swordfish statistical document required for import and export of this species; the document must be validated prior to export. The swordfish import biweekly reporting form will be moved from collection approval 0648–0013 and modified to address bigeye tuna and swordfish imports, exports, and re-exports.

The required use of bluefin tuna statistical documents in the international trade of bluefin tuna will be renewed by this action, along with validation of these forms prior to export (0648–0040).

Finally, the HMS domestic biweekly landings report and associated negative reporting used by the southeast region of NOAA Fisheries will be incorporated from collection approval 0648–0013, and the bluefin tuna tagging, daily landing and biweekly reports will be incorporated from collection approval 0648–0239, both without modification.

II. Method of Collection

Dealer reporting for domestic purchase and international trade of certain Atlantic and Pacific highly migratory species is covered by this collection. Specifically, this collection addresses dealer reporting for import, export and re-export of Atlantic and Pacific swordfish, bigeye, and bluefin tuna; and domestic purchase of Atlantic tunas, Atlantic swordfish, and Atlantic sharks.

Under this collection, dealers who import, export, or re-export bluefin tuna, bigeye tuna or swordfish must report all transactions to NOAA on biweekly reporting forms which may be mailed or faxed. Species-specific statistical documents for export must be completed and transferred with the shipment, with copies mailed or faxed to NOAA. Original statistical documents for imports terminated in the U.S. must be mailed to NOAA Fisheries. When bluefin tuna, bigeye tuna, or swordfish are re-exported, a re-export certificate must be completed and transferred with the shipment with copies provided to NOAA Fisheries. Shipments for export and/or re-export must be validated through certification by a government

official or government-approved validating institution or alternatively fish carcasses may be tagged by the dealer prior to export.

For domestically-landed Atlantic bluefin tuna, dealers must tag each individual carcass with a tail tag and fax a landing card within 24 hours after landing to NOAA Fisheries. Biweekly reports recording fish size and tag number must be submitted by fax or mail. Dealers along the Atlantic and Gulf coasts must also submit biweekly reports recording domestically-landed bigeye tuna, albacore tuna, yellowfin tuna, skipjack tuna, swordfish, and sharks caught from the Atlantic Ocean or Gulf of Mexico.

III. Data

OMB Number: 0648–0040.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,110.

Estimated Time Per Response: 5 minutes each for statistical documents and re-export certificates; 1 minute for tagging; 2 hours for certification; 17 minutes for bigeye tuna/swordfish trade biweekly report; 15 minutes for Southeast Region HMS dealer report; 3 minutes for Southeast Region HMS dealer negative reporting; 8 minutes for Pacific bluefin tuna biweekly dealer report; 15 minutes for Atlantic BFT biweekly dealer report; 2 minutes for landing cards.

Estimated Total Annual Burden Hours: 44,324.

Estimated Total Annual Cost to Public: $20,262.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 5, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–5901 Filed 3–11–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030503B]

South Atlantic Fishery Management Council; Essential Fish Habitat/Fishery Ecosystem Plan Technical Workshops

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

ACTION: Notice of Workshops 11 and 12, Coral, Coral Reef and Live hard Bottom Habitat and Artificial Reef Workshops.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold two technical workshops in St. Petersburg, FL involving its Habitat & Environmental Protection Advisory Panel, Coral Advisory Panel and invited scientists with background in specific habitat type or species utilization patterns. See **SUPPLEMENTARY INFORMATION.**

DATES: The workshops will take place on March 26 and 27, 2003. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The workshops will be held at the Florida Marine Research Institute, 100 Eighth Ave. SE, St. Petersburg, FL 33701–5095; telephone: 727/896–8626.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, S.C., 29407; telephone: 843/571–4366 or 866/SAFMC–10; fax: 843/769–4520.

SUPPLEMENTARY INFORMATION: Workshop participants will meet from 9 a.m. until 5 p.m. on March 26, 2003 and again from 9 a.m. until 3 p.m. on March 27, 2003. This workshop process will initiate development of a South Atlantic Council Fishery Ecosystem Plan (FEP) which presents fishery and resource information for fisheries in the South Atlantic Bight ecosystem in context. The workshop processes will integrate two directives in the Final Rule for Essential Fish Habitat: 1) Review and update Essential Fish Habitat information, and 2) Consider ecosystem-based management through development of a Fishery Ecosystem Plan for the South Atlantic Region.

The Council recognizes the scope of the significant task necessary to meet the new essential fish habitat mandates and directive to begin evaluating ecosystem-based management through the development of an FEP and is again calling upon the Habitat Advisory Panel members and other technical experts involved in the previous Habitat Plan development process to serve as or identify appropriate experts to function on a quasi-plan development team for this task. The Habitat and Coral Advisory Panel are scheduled to meet this fall and will provide additional guidance on the workshop process and ecosystem management.

A Final essential fish habitat (EFH) Rule was published on January 17, 2002 replacing the interim Final Rule of December 19, 1997 on which the original EFH and EFH-Habitat Area of Particular Concern (HAPC) designations were made. The Councils have, pursuant to the Final EFH Rule, been directed to update EFH and EFH-HAPC information and designations; in addition, pursuant to revisions to NOAA General Council interpretation of the National Environmental Policy Act (NEPA), the Councils will be required to update all Environmental Impact Statements for all Federal Fishery Management Plans under their jurisdiction. Information compiled during this process will further facilitate meeting both the EFH and the NEPA mandate. As was done with the original Habitat Plan, a series of technical workshops will be conducted by Council habitat staff, in cooperation with NMFS/National Ocean Service (NOS) Beaufort Laboratory, NMFS Southeast Fishery Science Center (SEFSC) Miami Laboratory, NMFS Southeast Regional Office (SERO) personnel and invited participants. Workshops are intended to build on a review of existing information presented in the Habitat Plan, and focus on updating information pursuant to the new EFH Rule. This effort will begin the integration of comprehensive details of habitat distribution and characterization, the biology of managed species including their biological and the characteristics of the food web in which they exist.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under

section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by March 24, 2003.

Dated: March 5, 2003.

Theophilus R. Brainerd,

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

[FR Doc. 03–5902 Filed 3–11–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0216]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Bonds and Insurance

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through August 31, 2003. DoD proposes that OMB approve an extension of the information collection requirement, to expire 3 years after the approval date.

DATES: DoD will consider all comments received by May 12, 2003.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite OMB Control Number 0704–0216 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0216.

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

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, at (703) 602–0328. The information collection requirement addressed in this notice is available on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Ms. Amy Williams, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 228, Bonds and Insurance, and related clauses at 252.228; OMB Control Number 0704–0216.

Needs and Uses: DoD uses the information obtained through this collection to determine the allowability of a contractor's costs of providing war-hazard benefits to its employees; to determine the need for an investigation regarding an accident that occurs in connection with a contract; and to determine whether a contractor performing a service or construction contract in Spain has adequate insurance coverage.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 859.

Number of Respondents: 49.

Responses Per Respondents: 1.

Annual Responses: 49.

Average Burden Per Response: 17.53 hours.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.228–7000, Reimbursement for War-Hazard Losses, requires the contractor to provide notice and supporting documentation to the contracting officer regarding claims or potential claims for costs of providing war-hazard benefits to contractor employees.

The clause at DFARS 252.228–7005, Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles, requires the contractor to report promptly to the administrative contracting officer all pertinent facts relating to each accident involving an aircraft, missile, or space launch vehicle being manufactured, modified, repaired, or overhauled in connection with the contract.

The clause at DFARS 252.228–7006, Compliance with Spanish Laws and Insurance, requires the contractor to provide the contracting officer with a written representation that the contractor has obtained the required types of insurance in the minimum amounts specified in the clause, when performing a service or construction contract in Spain.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 03–5872 Filed 3–11–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Unmanned Aerial Vehicles (UAV) and Uninhabited Combat Aerial Vehicles (UCAV) will meet in closed session on April 15–16, 2003, at Strategic Analysis Inc., 3601 Wilson Boulevard, Arlington, VA. The Task Force will review UAV/UCAV systems with special emphasis on affordability and increasing costs, interoperability disconnects, communications achitectures to to include bandwidth and redundancy, accident rates, operational control in both FAA airspace and military restricted airspace, survivability, military utility analysis, and management approaches.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting. The Defense Science Board Task Force will identify principal impediments to full and rapid exploitation of the joint warfighting

potential of UAV and UCAV systems and, further, recommend how these constraints might be mitigated or removed.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. no. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meeting will be closed to the public.

Dated: March 5, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–5866 Filed 3–11–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Exploiting Technology to Transform Military Manpower will meet in closed session on April 18, 2003, at SAIC, 4001 N. Fairfax Drive, Arlington, VA. This Task Force will identify technology options that will reduce military manpower burden of asynchronous threat operations at home and abroad, and recommend a strategic approach to transforming military manpower beginning with the force Protection mission.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will address longer term technology options for optimizing manpower utilization and for providing manpower flexibility across the full spectrum of operations. Specifically, the Task Force will undertake a broader, more strategic analysis of military manpower requirements and provide the Department with a long term approach for exploiting technology to support overall military manpower transformation. The Department has identified eight functional domains pertinent to DoD missions that may serve the Task Force as a constructive point of departure: training and education; command, control, communications (C^3); security and police; manpower utilization; logistics; repair and maintenance; intelligence analysis; and reduced manning weapons systems/platforms.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meeting will be closed to the public.

Dated: March 5, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–5867 Filed 3–11–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Ends vice Means will meet in closed session on March 25, 2003; April 30, 2003; and May 20, 2003, at SAIC, 4001 N. Fairfax Drive, Arlington, VA. The Task Force will review and evaluate alternative ways of managing US foreign intelligence endeavors in support of national security, by focusing not on the means by which intelligence information is collected, but rather the ends it is to serve.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will: define the DoD needs for better integrated intelligence products (*e.g.,* products to support DoD missions from an effects based perspective); review and evaluate, within the current context, recent, extant prescriptions for reform of US intelligence; identify those individuals currently charged with answering intelligence questions and ascertain the actual degree of influence they wield over the process; solicit from current Program Managers in the Intelligence Community their ideas on how the processes they now manage can be made more responsive to intelligence ends; articulate the vision for managing US intelligence according to ''ends'' instead of ''means''; prescribe the core changes that would be required to reorient the US Intelligence Community toward the ends satisfied rather than means undertaken; and evaluate the potential costs and benefits of such reformation, recognizing the debilitation that can accompany significant change.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, these meetings will be closed to the public.

Dated: March 5, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–5868 Filed 3–11–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy. U.S. Patent Application Serial No. 10/068,315 entitled ''Generation of Viable Cell Active Biomaterial Patterns by Laser Transfer'', Navy Case No. 83,665, filed 8 February 2002 and Navy Case No. 84,150 entitled ''Network Pump'', Disclosure of Invention filed 16 August 2002.

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

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

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

Dated: March 3, 2003.

R.E. Vincent II,

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

[FR Doc. 03–5850 Filed 3–11–03; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent to Grant Partially Exclusive License; IBICUI Corporation, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy gives notice of its intent to grant IBICUI Corporation, Inc., a revocable, nonassignable, partially exclusive license, with exclusive fields of use in pharmaceutical, agricultural, UV stabilizer, dye/colorant, gas generator, and functional fluid fields, in the United States to practice the Government-owned invention, U.S. Patent Number 6,423,844 B1 entitled ''Process for Making 1,2,4-triazolo[4,3-A][1,3,5]triazine-3,5,7-triamine.''

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than April 30, 2003.

ADDRESSES: Written objections are to be filed with Indian Head Division, Naval Surface Warfare Center, Code OC4, 101 Strauss Avenue, Indian Head, MD 20640–5035.

FOR FURTHER INFORMATION CONTACT: Dr. J. Scott Deiter, Head, Technology Transfer Office, Naval Surface Warfare Center Indian Head Division, Code 05T, 101 Strauss Avenue, Indian Head, MD 20640–5035, telephone (301) 744–6111.

Dated: March 3, 2003.

Robert E. Vincent II,

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

[FR Doc. 03–5851 Filed 3–11–03; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

President's Advisory Commission on Educational Excellence for Hispanic Americans

AGENCY: President's Advisory Commission on Educational Excellence for Hispanic Americans, Department of Education.

ACTION: To amend the notice printed in the **Federal Register**, Vol. 68, No. 39, Thursday, February 27, 2003.

SUMMARY: This notice sets forth a change in date of a forthcoming teleconference meeting of the President's Advisory Commission on Educational Excellence for Hispanic Americans.

DATES: Originally rescheduled for Tuesday, March 4, 2003, this teleconference meeting has been rescheduled for Friday, March 14, 2003, the hour and location to be determined.

FOR FURTHER INFORMATION CONTACT: Leslie Sanchez, Executive Director, or Adam Chavarria, Associate Director, White House Initiative on Educational Excellence for Hispanic Americans 400 Maryland Avenue, SW., Washington, DC 20202, (202) 401–1411.

SUPPLEMENTARY INFORMATION: Individuals who will need accommodations for a disability in order to observe the meeting (*e.g.,* interpreting services, assistive listening devices, or materials in alternative format) should notify Adam Chavarria at (202) 401–1411 by no later than March 12, 2003. We will attempt to meet requests after this date but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

Dated: March 6, 2003.

William D. Hansen,

Deputy Secretary, U.S. Department of Education.

[FR Doc. 03–5830 Filed 3–11–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

International Energy Agency Meeting

AGENCY: Department of Energy.

ACTION: Notice of meeting.

SUMMARY: The Industry Advisory Board to the International Energy Agency (IEA) will meet on March 19, 2003, at the headquarters of the IEA in Paris, France in connection with a meeting of the IEA's Standing Group on Emergency Questions.

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202–586–6738.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meeting is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the headquarters of the IEA, 9, rue de la Fédération, Paris, France, on March 19, 2003, beginning at 8:30 a.m. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the IEA on March 19, beginning at 9:30 a.m., including a preparatory encounter among company representatives from approximately 8:30 a.m. to 9 a.m.

The agenda for the preparatory encounter among company representatives is a review of the SEQ's meeting agenda. The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

1. Adoption of the Agenda.

2. Approval of the Summary Record of the 106th Meeting.

3. Update on Compliance with International Energy Program Stockholding Commitments.

4. The Current Oil Market Situation.

—Oral Report by the Secretariat

5. Exchange of Information on the State of Emergency Preparations.

6. Report on Current Activities of the IAB.

7. Other Policy and Legislative Developments in Member Countries.

8. Report on Developments in Non-Member Countries and International Organizations.

—IEA/China Seminar on Oil Stocks and Emergency Response in Beijing, Dec. 2002

—IEA/ASEAN +3 Oil Security Workshop in Tokyo, Dec. 2002

—Workshop on ASEAN Oil Security and Emergency Preparedness, May/June 2003

—Update on Stockholding Conference in Berlin, Sept. 2003

9. Other Emergency Response Activities.

—Results of Questionnaire on Minimum Operating Requirements

10. Emergency Response Reviews of IEA and Candidate Countries.

—Belgium

—Luxembourg

—Poland

—Revised Schedule of Emergency Response Reviews for 2003–2004

11. Other Documents for Information.

—Emergency Reserve Situation of IEA Member Countries on January 1, 2003

—Emergency Reserve Situation of IEA Candidate Countries on January 1, 2003
—Monthly Oil Statistics: December 2002
—Revised Base Period Final Consumption (BPFC): 4Q2001/3Q2002
—BPFC: 1Q2002/4Q2002
—Quarterly Oil Forecast: 1Q2003
—Update of Emergency Contacts List
12. Other Business
—Information on Ministerial Meeting 2003
—Dates of Next Meetings:
—June 17–18, 2003
—November 18–20, 2003

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), this meeting is open only to representatives of members of the IAB and their counsel; representatives of members of the SEQ; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, or the IEA.

Issued in Washington, DC, March 4, 2003.

Samuel M. Bradley,

Assistant General Counsel for International and National Security Programs.

[FR Doc. 03–5864 Filed 3–11–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 03–04–NG, 03–06–NG, 03–05–LNG, and 03–07–NG]

Office of Fossil Energy; Petro-Canada Hydrocarbons Inc., Powerex Corp., BP Energy Company, TotalFinaElf Gas & Power North America, Inc.; Orders Granting Authority To Import and Export Natural Gas, Including Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during February 2003, it issued Orders granting authority to import and export natural gas, including liquefied natural gas. These Orders are summarized in the attached appendix and may be found on the FE Web site at *http://www.fe.doe.gov* (select gas regulation), or on the electronic bulletin board at (202) 586–7853. They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 4, 2003.

Clifford P. Tomaszewski,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.

Appendix

ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

[DOE/FE Authority]

Order No.	Date issued	Importer/Exporter FE Docket No.	Import volume	Export volume	Comments
1851	2–5–03	Petro-Canada Hydrocarbons 03–04–NG	300 Bcf		Import natural gas from Canada, beginning on March 4, 2003, and extending through March 3, 2005.
1852	2–11–03	Powerex Corp., 03–06–NG	(1) 60 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on March 1, 2003, and extending through February 28, 2005.
1853	2–20–03	BP Energy Company 03–05–LNG	1,200 Bcf		Import LNG from various international sources beginning on August 22, 2002, and extending through August 21, 2004.
1854	2–20–03	TotalFinaElf Gas & Power North America, Inc., 03–07–NG.	100 Bcf .... 200 Bcf	100 Bcf	Import a combined total of natural gas to Canada and Mexico, and export a combined total of natural gas from Canada and Mexico, and to import LNG from various international sources beginning on February 23, 2002, and extending through February 22, 2005.

[FR Doc. 03–5865 Filed 3–11–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL03–55–000]

AES Warrior Run, Inc., Complainant, v. The Potomac Edison Company, d/b/a Allegheny Power, Respondent,; Notice of Complaint

March 5, 2003.

Take notice that on March 4, 2003, AES Warrior Run, Inc. (AES) (the Applicant), filed with the Federal Energy Regulatory Commission (Commission) a complaint against the Potomac Edison Company, d/b/a Allegheny Power, pursuant to section 205 of the Federal Power Act seeking refunds.

Any person desiring to be heard 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. The answer to the complaint and all comments, interventions or protests must be filed on or before the comment date below. 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. The answer to the complaint, 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.

Comment Date: March 24, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5799 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–216–003]

CenterPoint Energy Gas Transmission Co.; Notice of Compliance Filing

March 5, 2003.

Take notice that on February 25, 2003, CenterPoint Energy Gas Transmission Company (CEGT) filed the additional information required by the Commission's February 5, 2003 order in this docket. The order granted rehearing in part and denied rehearing in part.

CEGT states that copies of its filing are being mailed to all parties on the service list in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 10, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5806 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–276–000]

CMS Trunkline Gas Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, CMS Trunkline Gas Company, LLC (Trunkline) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed in Appendix A attached to the filing to become effective April 1, 2003.

Trunkline states that this filing is being made in accordance with section 22 (Fuel Reimbursement Adjustment) of Trunkline's FERC Gas Tariff, Second Revised Volume No. 1. Trunkline further states that the revised tariff sheets listed on Appendix A reflect: a 0.22% decrease (Field Zone to Zone 2), a 0.15% decrease (Zone 1A to Zone 2), a 0.13% decrease (Zone 1B to Zone 2), a 0.05% increase (Zone 2 only), a 0.32% decrease (Field Zone to Zone 1B), a 0.25% decrease (Zone 1A to Zone 1B), a 0.23% decrease (Zone 1B only), a 0.14% decrease (Field Zone to Zone 1A), a 0.07% decrease (Zone 1A only) and a 0.12% decrease (Field Zone only) to the currently effective fuel reimbursement percentages.

Trunkline states that a copy of this filing is available for public inspection during regular business hours at Trunkline's office at 5444 Westheimer, Houston, Texas 77056–5306. In addition, copies of this filing are being served on all affected shippers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5817 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–287–000]

Colorado Interstate Gas Company; Notice of Proposed Changes in FERC Gas Filing

March 5, 2003.

Take notice that on February 28, 2003, Colorado Interstate Gas Company (''CIG'') tendered for filing and acceptance by the Federal Energy Regulatory Commission (''Commission'') the following tariff sheet to its FERC Gas Tariff, First Revised Volume No. 1, to become effective April 1, 2003:

Twenty-Seventh Revised Sheet No. 11A

CIG states the tariff sheet is being filed to revise the quarterly Fuel Reimbursement Percentage applicable to Lost, Unaccounted-For and Other Fuel Gas. The tendered tariff sheet is proposed to become effective April 1, 2003.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5828 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–280–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff), the following revised tariff sheet, with a proposed effective date of April 1, 2003:

First Revised Twelfth Revised Sheet No. 44

Columbia submits its annual filing pursuant to the provisions of section 35, ''Retainage Adjustment Mechanism (RAM)'', of the General Terms and Conditions (GTC) of its Tariff. First Revised Twelfth Revised Sheet No. 44 sets forth the retainage factors applicable to Columbia's transportation, storage and gathering services, as revised by this filing.

Columbia states that copies of its filing are available for inspection at its offices at 12801 Fair Lakes Parkway, Fairfax, Virginia; and 10 G Street, NE., Suite 580, Washington, DC; and have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5821 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–281–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Columbia Gas Transmission Corporation (Columbia), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff), the following revised tariff sheets with a proposed effective date of April 1, 2003:

Sixty-third Revised Sheet No. 25
Sixty-third Revised Sheet No. 26
Sixty-third Revised Sheet No. 27
Fifty-fourth Revised Sheet No. 28
Eighteenth Revised Sheet No. 31

Columbia states that these revised tariff sheets are filed pursuant to section 45, ''Electric Power Costs Adjustment (EPCA),'' of the General Terms and Conditions (GTC) of Columbia's FERC Gas Tariff, Second Revised Volume No. 1.

Columbia states that these revised tariff sheets are being filed to reflect adjustments to Columbia's current costs for electric power for the 12-month period beginning April 1, 2003.

Columbia states that copies of its filing are available for inspection at its offices at 12801 Fair Lakes Parkway, Fairfax, Virginia; and 10 G Street NE., Suite 580, Washington, DC; and have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For

assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5822 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–282–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Columbia Gas Transmission Corporation (Columbia), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff), the following revised tariff sheets with a proposed effective date of April 1, 2003:

Sixty-fourth Revised Sheet No. 25
Sixty-fourth Revised Sheet No. 26
Sixty-fourth Revised Sheet No. 27
Fifty-fifth Revised Sheet No. 28

This filing is comprised of Columbia's annual filing pursuant to section 36.2 of the General Terms and Conditions (GTC) of its Tariff.

Columbia states that copies of its filing are available for inspection at its offices at 12801 Fair Lakes Parkway, Fairfax, Virginia; and 10 G Street NE., Suite 580, Washington, DC; and have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5823 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–283–000]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff), the following revised tariff sheets, with a proposed effective date of April 1, 2003:

Thirty-second Revised Sheet No. 18
Twenty-second Revised Sheet No. 18A
Thirty-third Revised Sheet No. 19

Columbia Gulf states that this filing represents Columbia Gulf's annual filing pursuant to the provisions of section 33, ''Transportation Retainage Adjustment (TRA),'' of the General Terms and Conditions (GTC) of its Tariff. Columbia Gulf states that the tariff sheets listed above set forth the transportation retainage factors as a result of this filing.

Columbia Gulf states that copies of its filing are available for inspection at its offices at 12801 Fair Lakes Parkway, Fairfax, Virginia; 2603 Augusta, Suite 124, Houston, Texas; and 10 G Street NE., Suite 580, Washington, DC; and have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5824 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–269–000]

Dominion Transmission, Inc.; Notice of Report of Refunds

March 5, 2003.

Take notice that on February 28, 2003, Dominion Transmission, Inc. (DTI) tendered for filing a report of refunds that DTI flowed through to its customers.

DTI states that the purpose of this filing is to report the refunds that resulted from Columbia Gulf Transmission Company's (Columbia Gulf's) settlement in Docket No. RP91–160, which required Columbia Gulf to refund environmental costs reimbursed by its insurance carriers. The refunds were allocated based on DTI's customers' fixed cost responsibility as set out on Sheet No. 38 of DTI's FERC Gas Tariff.

DTI states that copies of its filing are being sent by first-class mail, postage prepaid, by DTI to DTI's affected customers and interested state

commissions. Copies of this filing are also available for public inspection during regular business hours, at DTI's principal offices at 445 West Main Street, Clarksburg, West Virginia 26301.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5811 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–268–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1 (Tariff) effective April 1, 2003, the following tariff sheets:

Fifty-Eighth Revised Sheet No. 8A
Fiftieth Revised Sheet No. 8A.01
Fiftieth Revised Sheet No. 8A.02
Eighth Revised Sheet No. 8A.04
Fifty-Third Revised Sheet No. 8B
Forty-Sixth Revised Sheet No. 8B.01
Third Revised Sheet No. 8B.02

FGT states that the tariff sheets listed above are being filed pursuant to section 27 of the General Terms and Conditions (''GTC'') of FGT's Tariff which provides for the recovery by FGT of gas used in the operation of its system and gas lost from the system or otherwise unaccounted for.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5810 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR03–8–000]

Humble Gas Pipeline Company; Notice of Petition for Rate Approval

March 5, 2003.

Take notice that on February 28, 2003, Humble Gas Pipeline Company (HGPC) filed a petition for rate approval pursuant to section 284.123(b)(2) or the Commission's regulations. HGPC requests that the Commission approve a maximum rate of $0.0619 per MMBtu for gas transported on the Inlet System and a maximum rate of $0.01443 per MMBtu for gas transported on the Header System; both rates are subject to an additional one-half of one percent (0.5%) retainage for fuel and unaccounted-for gas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5803 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–157–010]

Kern River Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective March 1, 2003.

Fourth Revised Sheet No. 495
First Revised Sheet No. 496
Original Sheet No. 497

Sheet Nos. 498–499 (Reserved)

Kern River states that the purpose of this filing is to implement a negotiated rate transaction between Kern River and Sempra Energy Trading Corporation, in accordance with the Commission's Policy Statement on alternatives to Traditional Cost of Service Ratemaking for Natural Gas Pipelines, and to reference the agreement in Kern River's tariff.

Kern River states that it has served a copy of this filing upon its customers and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5804 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–17–001]

Missouri Interstate Gas, LLC; Notice of Proposed Change in FERC Gas Tariff

March 5, 2003.

Take notice that on February 25, 2003, Missouri Interstate Gas, LLC (Missouri Interstate) filed revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, in compliance with requirements of the Commission's February 10, 2003 Order Accepting Compliance Filing Subject to Certain Tariff Modifications. Missouri Interstate requests that the Commission reduce the tariff notice requirement to allow the pipeline facilities to be placed in service within ten days.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 10, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5807 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–265–000]

National Fuel Gas Supply Corporation; Notice of Tariff Filing

March 5, 2003.

Take notice that on February 28, 2003, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheet to become effective March 1, 2003.

Fifty Second Revised Sheet No. 9

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5809 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–275–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of Northern Border Pipeline Company's FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet to become effective April 1, 2003:

Fifth Revised Sheet No. 206

Northern Border states that it is filing this revised tariff sheet to clarify the definition of Company Use Gas.

Northern Border further states that copies of this filing have been sent to all of Northern Border's contracted

shippers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5816 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–272–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff the following tariff sheets, to be effective April 1, 2003.

Third Revised Volume No. 1
Nineteenth Revised Sheet No. 14
Original Volume No. 2
Thirty-Fourth Revised Sheet No. 2.1

Northwest states that the purpose of this filing is to (1) propose an increase from 1.72% to 2.11% in the fuel reimbursement factor (Factor) applicable to Northwest's transportation service Rate Schedules TF–1, TF–2, TI–1, DEX–1 and for all applicable transportation service rate schedules contained in Original Volume No. 2 of Northwest's FERC Gas Tariff; (2) propose an increase from 0.95% to 1.42% for the Factor applicable to Rate Schedules LS–1, LS–2F and LS2I which pertain to the Plymouth LNG Facility storage service, and (3) to propose no change to the 0% Factor currently applicable to service at the Jackson Prairie storage project under Rate Schedules SGS–2F and SGS–2I. Northwest states that the Factors allow Northwest to be reimbursed in-kind for the fuel used during the transmission and storage of gas and for the volumes of gas lost and unaccounted-for that occur as a normal part of operating the transmission system.

Northwest states that a copy of this filing has been served upon Northwest's customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5813 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–278–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheet proposed to be effective April 1, 2003:

Second Revised Sheet No. 275

Panhandle states that this filing is being made to modify the storage inventory transfer provision of the General Terms and Conditions of its FERC Gas Tariff.

Panhandle further states that a copy of this filing is available for public inspection during regular business hours at Panhandle's office at 5444 Westheimer Road, Houston, Texas 77056–5306. In addition, copies of this filing are being served on all jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5819 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–261–000]

TransColorado Gas Transmission Company; Notice of Proposed Change in FERC Gas Tariff

March 5, 2003.

Take notice that on February 26, 2003 TransColorado Gas Transmission Company (TransColorado) tendered for filing an original and five copies of the following revised tariff sheets to become part of TransColorado's FERC Gas Tariff, First Revised Volume No. 1, and to become effective March 28, 2003:

First Revised Sheet No. 21
First Revised Sheet No. 200
First Revised Sheet No. 22A
First Revised Sheet No. 26

TransColorado states that it is making this housekeeping filing as an effort to update sections of TransColorado's FERC Gas Tariff.

TransColorado states that a copy of this filing has been served upon all of its customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 10, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5808 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. PA02–2–000, EL00–95–000, EL00–98–000, and EL00–10–000 (Not Consolidated)]

Fact Finding Investigation of Potential Manipulation of Electric and Natural Gas Prices; Notice of Intent to Release Information and Opportunity to Comment

March 5, 2003.

San Diego Gas & Electric Company, Complainant, v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange, Respondents

[Docket No. EL00–95–000]

Investigation of Practices of the California Independent System Operator and the California Power Exchange

[Docket No. EL00–98–000]

Puget Sound Energy, Inc., *et al.*, Complainant, v. All Jurisdictional Sellers of Energy and/or Capacity at Wholesale into Electric Energy and/or Capacity Markets in the Pacific Northwest, Including Parties to the Western Systems Power Pool Agreement, Respondent

[Docket No. EL01–10–000 (Not Consolidated)]

On February 13, 2002, in Docket No. PA02–2–000, the Commission issued an order directing Staff to conduct an investigation to determine whether any entity manipulated short-term prices for electric energy or natural gas in the West, or otherwise exercised undue influence over wholesale electric prices in the West.[1] In the course of this investigation, Staff collected data and conducted discovery concerning the functioning of energy markets in the Western United States during 2000 and 2001. On August 13, 2002, Staff issued its Initial Report on Company-Specific Separate Proceedings and Generic Reevaluations; Published Natural Gas Price Data; and Enron Trading Strategies, as part of that investigation.

On November 20, 2002, the Commission issued an order in Docket Nos. EL00–95–048 and EL00–98–042 that allowed the parties in that proceeding to conduct additional discovery into market manipulation by various sellers during the western power crisis of 2000 and 2001, and specified procedures for adducing this information (Discovery Order).[2] The Discovery Order also required that no later than February 28, 2003, the parties submit directly to the Commission additional evidence and propose new or modified findings of fact with specific citations to the record to support any proposed substantive recommendations.[3] On February 10, 2003, the Commission issued an order affording the parties the opportunity to respond to submissions made by adverse parties (Rehearing Order).[4] The Rehearing Order allowed parties until March 17, 2003, to file reply comments directly with the Commission.[5]

Take notice that pursuant to the Commission's regulations, 18 CFR 388.112(d) (2002), the Commission intends to release all documents submitted in Docket No. PA02–2–000, except documents obtained from other Federal agencies in accord with the Federal Records Act, 44 U.S.C. 3510(b), and all documents submitted in response to the Discovery Order and Rehearing Order. Any submitter of information with a confidentiality interest in these documents may submit comments on the release of these documents. Written comments are due within seven days from the date of this notice, and should clearly explain any opposition to the release of these documents, or portions thereof, and the rationale for that position. The Commission will not be persuaded by conclusory statements as to why the information deserves protection. The Commission recognizes that reply comments filed in Docket Nos. EL00–

[1] Fact-Finding Investigation into Possible Manipulation of Electric and Natural Gas Prices, 98 FERC ¶ 61,165 (2002).

[2] *San Diego Gas & Elec. Co.* v. *Sellers of Energy and Ancillary Serv., et al.*, 101 FERC ¶ 61,186 (2002).

[3] By Order dated February 24, 2003, the Commission extended the February 28, 2003 deadline to March 3, 2003. *See San Diego Gas & Elec. Co.* v. *Sellers of Energy and Ancillary Serv., et al.*, 101 FERC ¶ 61,194 (2002) (February 24 Order).

[4] *San Diego Gas & Elec. Co.* v. *Sellers of Energy and Ancillary Serv., et al.*, 102 FERC ¶ 61,164 (2002).

[5] The February 24 Order extended the March 17, 2003 deadline to March 20, 2003.

95–000 and EL00–98–000 will be filed after comments regarding the release of information. Therefore, submitters of reply comments should consider the Commission's intention to release all documents and provide comments regarding release of information that is to be submitted in reply comments, to the extent practicable, at the same time they provide comments on the release of documents already submitted.

Any person desiring to be heard should file comments with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments will be considered by the Commission in determining the appropriate action to be taken. This notice is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5802 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–277–000]

Southwest Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Southwest Gas Storage Company (Southwest) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheet proposed to become effective April 1, 2003.

Eighth Revised Sheet No. 5

Southwest states that this filing is made in accordance with Section 16 (Fuel Reimbursement Adjustment) of the General Terms and Conditions in Southwest's FERC Gas Tariff, First Revised Volume No. 1. Southwest explains that the Fuel Reimbursement Adjustment filed herewith reflects the following Fuel Reimbursement Percentages: (1) West Area Storage Facilities Injection 1.23% and Withdrawal 0.41%; and (2) East Area Storage Facilities Injection 2.67% and Withdrawal 1.16%.

Southwest further states that a copy of this filing is available for public inspection during regular business hours at Southwest's office at 5444 Westheimer Road, Houston, Texas 77056–5306. In addition, copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5818 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL03–53–0001]

Gregory Swecker, Complainant, v. Midland Power Cooperative, Respondent; Notice of Complaint

March 5, 2003.

Take notice that on February 11, 2003, Gregory Swecker filed with the Federal Energy Regulatory Commission (Commission), under section 210 of the Public Utility Regulatory Policies Act of 1978, a complaint against Midland Power Cooperative, asking the Commission for an order to compel Midland Power Cooperative to Provide Supplemental and Backup Power to their Qualified Facility and Provide Their Avoided Costs.

Any person desiring to be heard 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. The answer to the complaint and all comments, interventions or protests must be filed on or before the comment date. 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. The answer to the complaint, 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.

Comment Date: March 25, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5798 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP01–409–002, CP01–410–002, CP01–411–002 and CP01–444–002]

Tractebel Calypso Pipeline, LLC; Notice of Filing

March 5, 2003.

Take notice that on February 28, 2003, Tractebel Calypso Pipeline, LLC (Tractebel) filed an amendment in the above-referenced dockets to reflect a change in the estimated cost of construction of the proposed project. The application is on file with the Commission and open for 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866)208–3676, or for TTY, contact (202) 502–8659.

Tractebel has completed its review of non-environmental issues and confirms that it adopts the rate, tariff, and related matters as filed in the original application submitted by the prior owner of the project, Calypso Pipeline, LLC (Calypso). However, Tractebel states that it increases the capital cost and other costs to reflect the additional costs to address the U.S. Navy's concerns regarding the South Florida Testing Facility. The estimated total capital cost of construction of the pipeline increases from $132 million to $144 million.

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 the below listed comment date, 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.

Motions to intervene, protests and comments 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 17, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5796 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–279–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing to become effective April 1, 2003.

Panhandle states that this filing is made in accordance with section 24 (Fuel Reimbursement Adjustment) of the General Terms and Conditions in Panhandle's FERC Gas Tariff, First Revised Volume No. 1. Panhandle explains that the revised tariff sheets filed herewith reflect the following changes to Fuel Reimbursement Percentages:

(1) No change in the Gathering Fuel Reimbursement Percentage;

(2) A 0.03% decrease in the Field Zone Fuel Reimbursement Percentage;

(3) A 0.02% increase in the Market Zone Fuel Reimbursement Percentage;

(4) No change in the Injection and Withdrawal Field Area Storage Reimbursement Percentages; and

(5) No change in the Injection and Withdrawal Market Area Storage Reimbursement Percentages.

Panhandle further states that a copy of this filing is available for public inspection during regular business hours at Panhandle's office at 5444 Westheimer Road, Houston, Texas 77056–5306. In addition, copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5820 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–285–000]

TransColorado Gas Transmission Company; Notice of Tariff Filing

March 5, 2003.

Take notice that on February 28, 2003, TransColorado Gas Transmission Company (TransColorado) tendered for filing its Annual Fuel Gas Reimbursement Report pursuant to section 12.9 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1.

TransColorado states that it has served copies of this filing upon all customers, interested State Commissions, and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5826 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Docket Nos. RP01–236–010, RP00–553–013 and RP00–481–010]

Transcontinental Gas Pipe Line Corporation; Notice of Filing

March 5, 2003.

Take notice that on February 28, 2003, Transcontinental Gas Pipe Line Corporation (Transco), tendered for filing Substitute Original Sheet No. 374F.04 and 3rd Sub Eighth Revised Sheet No. 514 of its FERC Gas Tariff, Third Revised Volume No. 1, which tariff sheets are proposed to be effective April 1, 2003.

Transco states that these tariff sheets are being submitted as revisions to its January 31, 2003, 1Linesm compliance filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: March 10, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5805 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–271–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1 which tariff sheets are enumerated in Appendix A attached to the filing. The tariff sheets are proposed to be effective April 1, 2003.

Transco states that the instant filing is submitted pursuant to section 41 of the General Terms and Conditions of Transco's FERC Gas Tariff which provides that Transco will file to reflect net changes in the Transmission Electric Power (TEP) rates at least 30 days prior to each TEP Annual Period beginning April 1. Attached in Appendix B are

workpapers supporting the derivation of the revised TEP rates reflected on the tariff sheets included therein. Appendix C contains schedules detailing the Estimated TEP Costs for the period April 1, 2003, through March 31, 2004, and Appendix D contains workpapers supporting the calculation of the TEP Deferred Account.

Transco states that it is serving copies of the instant filing to its affected customers, interested State Commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5812 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–273–000]

Transcontinental Gas Pipe Line Corporation; Notice of Filing

March 5, 2003.

Take notice that on February 28, 2003, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing with the Federal Energy Regulatory Commission (Commission) certain revised tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1, which sheets are enumerated in Appendix A attached thereto.

The instant filing is submitted pursuant to section 38 of the General Terms and Conditions of Transco's FERC Gas Tariff which provides that Transco will file, to be effective each April 1, a redetermination of its fuel retention percentages applicable to transportation and storage rate schedules. The derivation of the revised fuel retention percentages included therein are based on Transco's estimate of gas required for operations (GRO) for the forthcoming annual period April 2003 through March 2004 plus the balance accumulated in the Deferred GRO Account at January 31, 2003. Appendix B attached to the filing contains workpapers supporting the derivation of the revised fuel retention percentages.

Transco states that copies of the filing are being mailed to its affected customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5814 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–274–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 5, 2003.

Take notice that on February 28, 2003, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1 which tariff sheets are enumerated in Appendix A attached to the filing. The tariff sheets are proposed to be effective April 1, 2003.

Transco states that the purpose of the instant filing is to modify the Rate Schedule FT commodity rates applicable to shippers under Transco's SunBelt Expansion project in order to reflect all of the receipt and delivery point combinations that are available to such shippers. Transco requests that the tariff sheets included with the filing be made effective April 1, 2003, the same date Transco expects to implement its new 1Linesm business system.

Transco states that it is serving copies of the instant filing to its affected customers, interested State Commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number

field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5815 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–284–000]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

March 5, 2003.

Take notice that on February 28, 2003, Williston Basin Interstate Pipeline Company (Williston Basin), P.O. Box 5601, Bismarck, North Dakota 58506–5601, tendered for filing certain revised tariff sheets to Original Volume No. 2 of its FERC Gas Tariff.

Williston Basin states that the revised tariff sheets are being filed pursuant to the Service Agreement applicable to Rate Schedule X–13 service between Williston Basin and Northern States Power Company. Williston Basin explains that the rate for firm transportation hereunder has been restated to reflect the fifth biennial restatement under the terms of the Service Agreement; and the restated rate reflects a reservation charge of $15.43543 per Mcf per month, excluding applicable surcharges.

Williston Basin has requested that the Commission accept this filing to become effective March 1, 2003.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5825 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–286–000]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

March 5, 2003.

Take notice that on February 28, 2003, Williston Basin Interstate Pipeline Company (Williston Basin or Company), P.O. Box 5601, Bismarck, North Dakota 58506–5601, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2, the revised tariff sheets included in Appendix A hereto, to become effective on April 1, 2003.

Williston Basin states that it is herein proposing to revise section 38 of the General Terms and Conditions of its FERC Gas Tariff to change the method and timing of its current fuel reimbursement mechanism. Williston Basin states that it also requests the Commission accept for filing the revised tariff sheets in Appendix A that reflect revisions to the fuel reimbursement percentage and electric power reimbursement rate components of the Company's relevant transportation, gathering, and storage rates based upon the new tariff provisions proposed herein.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5827 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL02–107–002, et al.]

Duke Energy Hinds, LLC, et al.; Electric Rate and Corporate Filings

March 4, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Duke Energy Hinds, LLC; Dune Energy Hot Spring, LLC; Duke Energy Southaven, LLC; Duke Energy North America, LLC.; Complainants, v. Entergy Services, Inc.; Entergy Operating Companies, Respondents

[Docket No. EL02–107–002]

Entergy Services, Inc.

[Docket No. ER02–405–005]

Take notice that on February 27, 2003, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc. and Entergy Mississippi, Inc., tendered for filing with the Federal Energy Regulatory Commission (Commission) compliance interconnection and operating agreements with Duke Energy Hinds, LLC, Duke Energy Hot Spring, LLC, and Duke Energy Southaven, LLC, in

response to the Commission's January 28, 2003, order in *Duke Energy Hinds, LLC, et al.*, v. *Entergy Services, Inc., et al.*, 102 FERC ¶ 61,068 (2003).

Comment Date: March 20, 2003.

2. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; Long Island Lighting Company; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation; Orange and Rockland Utilities, Inc.; Rochester Gas and Electric Corporation; Power Authority of the State of New York; New York Power Pool

[Docket Nos.ER97–1523–074]

Take notice that on February 27, 2003, Sithe/Independence Power Partners, L.P. (Sithe/Independence) submitted its response to the data requests issued by Commission Staff in this proceeding on January 28, 2003.

Comment Date: March 20, 2003.

3. Tenaska Alabama Partners, L.P.

[Docket No. ER00–840–002]

Take notice that on February 26, 2003, Tenaska Alabama Partners, L.P., (Tenaska Alabama) submitted for filing with the Federal Energy Regulatory Commission its triennial updated market analysis in accordance with Appendix B of the Commission's Order in Madison Gas and Electric Co., 90 FERC¶ 61,115.

Questions concerning this filing may be directed to counsel for Tenaska Alabama, Neil L. Levy, Kirkland & Ellis, 655 Fifteenth Street, NW., Suite 1200, Washington, DC 20005, Phone (202) 879–5116, Fax (202) 879–5200, e-mail *Neil_Levy@dc.kirkland.com.*

Comment Date: March 19, 2003.

4. Pacific Gas and Electric Company

[Docket Nos. ER00–2360–006]

Take notice that on February 28, 2003, Pacific Gas and Electric Company (PG&E) filed a reliability services refund report in compliance with an Order of the Federal Energy Regulatory Commission, dated August 5, 2002.

PG&E states that copies of this filing have been served upon all parties designated on the official service list in this proceeding and the California Public Utilities Commission.

Comment Date: March 21, 2003.

5. Pacific Gas and Electric Company

[Docket No. ER02–1330–005]

Take notice that on February 28, 2003, Pacific Gas and Electric Company (PG&E) submitted a compliance filing in response to FERC's January 29, 2003 ''Order Partially and Fully Granting Rehearing And Partially Granting Complaints'', in this docket in the matter of several Agreements between PG&E and Los Medanos Energy Center LLC (LMEC) providing for Special Facilities and the parallel operation of LMEC's generating facility and the PG&E-owned electric system that is on file with the Commission as Service Agreement No. 8 to PG&E Electric Tariff, Sixth Revised Volume No. 5.

PG&E states that copies of this filing have been served upon LMEC, Calpine Corporation, the California Independent System Operator Corporation, and the California Public Utilities Commission, and the parties to this docket.

Comment Date: March 21, 2003.

6. Entergy Services, Inc.

[Docket No. ER02–2014–007]

Take notice that on February 28, 2003, Entergy Services, Inc., on behalf of the Entergy Operating Companies, Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively Entergy), filed a supplement to its Amended Generator Operating Limit Filing and revisions to proposed Attachment Q to its Open Access Transmission Tariff. Attachment Q addresses local transmission constraints on the Entergy transmission system and provides a process for generators to participate in short-term bulk power markets without the necessity of a system impact study. The supplemental filing addresses, among other things, Entergy's methodology for evaluating short-term network resource designations. Entergy requests that the Commission accept the revised Attachment Q for filing within 60 days, for implementation 30 days after the date of the Commission order accepting Entergy's revised Attachment Q.

Comment Date: March 21, 2003.

7. Sithe/Independence Power Partners, L.P.

[Docket No. ER03–42–002]

Take notice that on February 28, 2003, Sithe/Independence Power Partners, L.P. (Sithe Independence) submitted a revised Tariff No. 1 in order to reflect a change in the language to the February 6, 2003, compliance filing made in Docket No. ER03–42–001 as requested by Commission Staff. Further, Sithe Independence requested that the Commission provide for a shortened notice period for this compliance filing.

Comment Date: March 21, 2003.

8. American Electric Power Company

[Docket No. ER03–95–004]

Take notice that on February 28, 2003, American Electric Power Service Corporation, on behalf of the operating companies of the American Electric Power System (collectively AEP) filed amendments to service agreements under AEP's Open Access Transmission Tariff (OATT) for long-term firm point-to-point transmission service to Duke Energy Trading and Marketing, Inc. The filing was made to correct clerical errors in a February 12, 2003 filing in compliance with the Commission's Order Conditionally Accepting Filing and Denying Waiver of Notice Requirements issued in this docket on December 27, 2003.

AEP states that a copy of the filing was served upon DETM and the public service commissions regulating AEP's operating companies. AEP requests an effective date of June 1, 2002.

Comment Date: March 21, 2003.

9. USP&G (Pennsylvania) Ltd.

[Docket No. ER03–261–002]

Take notice that on February 28, 2003, USP&G (Pennsylvania) Ltd (USP&G) petitioned the Federal Energy Regulatory Commission (Commission) for acceptance of USP&G Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

USP&G intends to engage in wholesale electric power and energy purchases and sales as a marketer. USP&G is not in the business of generating or transmitting electric power. USP&G is a wholly-owned subsidiary of Petrocom Management Incorporated, which, through its affiliates, markets and trades natural gas, power and clean products.

Comment Date: March 21, 2003.

10. NM Colton Genco LLC

[Docket No. ER03–320–002]

NM Mid-Valley Genco LLC

[Docket No. ER03–321–002]

NM Milliken Genco LLC

[Docket No. ER03–322–002]

Take notice that on February 28, 2003, NM Colton Genco LLC (NM Colton), NM Mid-Valley Genco LLC (NM Mid-Valley) and NM Milliken Genco LLC (NM Milliken) (together, Applicants), tendered for filing with the Federal Energy Regulatory Commission, a second amendment to the Application of NM Colton Genco LLC, NM Mid-Valley Genco LLC, and NM Milliken Genco LLC for an Order Approving Market Based Rates filed with the Commission on December 23, 2002.

Comment Date: March 21, 2003.

11. Elk Hills Power, LLC

[Docket No. ER03–394–002]

Take notice that on February 28, 2003, Elk Hills Power, LLC (Elk Hills) tendered for filing an amendment to its petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Tariff No. 1, originally filed on January 9, 2003 and subsequently amended on January 22, 2003.

Comment Date: March 21, 2003.

12. Mesquite Power, LLC

[Docket No. ER03–427–001]

Take notice that on February 28, 2003, Mesquite Power, LLC (Mesquite) tendered for filing an amendment to its petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Tariff No. 1, originally filed on January 17, 2003.

Comment Date: March 21, 2003.

13. ConocoPhillips Company

[Docket No. ER03–428–003]

Take notice that on February 28, 2003, ConocoPhillips Company (ConocoPhillips) tendered for filing an Amended Notice of Succession pursuant to Section 35.16 of the Commission's Regulations. As a result of a name change, ConocoPhillips is succeeding by merger to the tariffs and related service agreements of Conoco Inc., effective December 31, 2002.

Comment Date: March 21, 2003.

14. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER03–555–000]

Take notice that on February 25, 2003, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Notice of Succession of an Agreement dated August 17, 2000 by and between Madison Gas and Electric Company, Wisconsin Public Service Corporation, Wisconsin Power and Light Company and American Transmission Company, LLC.

The Midwest ISO has requested waiver of the sixty (60)-day effective date and has requested an effective date of February 26, 2003 (one day after filing).

The Midwest ISO states that they have served copies of its filing on all affected customers. In addition, the Midwest ISO has electronically served a copy of this filing, without attachments, upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region. In addition, the filing has been electronically posted on the Midwest ISO's Web site at *http://www.midwestiso.org* under the heading ''Filings to FERC'' for other interested parties in this matter. The Midwest ISO will provide hard copies to any interested parties upon request.

Comment Date: March 18, 2003.

15. Public Service Company of New Hampshire

[Docket No. ER03–569–000]

Take notice that on February 28, 2003, Northeast Utilities Service Company (NUSCO), on behalf of its affiliate, Public Service Company of New Hampshire (PSNH), filed the executed Original Service Agreement No. 95 (the Service Agreement) by and between PSNH and AES Londonderry, LLC (AES) under Northeast Utilities System Companies' Open Access Transmission Tariff No. 9. The Service Agreement is a new agreement that sets forth the terms and conditions for: (I) PSNH's provision of interconnection service to AES's nominal 240-megawatt steam turbine generator (the Generating Facility) located at Londonderry, New Hampshire; and (ii) the construction of certain system upgrades and interconnection facilities necessary for interconnecting the Generating Facility to PSNH's transmission system.

NUSCO states that a copy of this filing has been mailed to AES and that AES fully consents to and supports this filing. NUSCO and AES request an effective date for the Service Agreement of February 26, 2003, and request any waivers of the Commission's regulations that may be necessary to permit such an effective date.

Comment Date: March 21, 2003.

16. Ocean State Power II

[Docket No. ER03–570–000]

Take notice that on February 28, 2003, Ocean State Power II (Ocean State II) tendered for filing revised pages to Rate Schedule FERC Nos. 5–8, which update Ocean State II's rate of return on equity (ROE) with respect to such rate schedules. Ocean State II requests an effective date for the rate schedule changes of April 29, 2003.

Ocean State II states that copies of the Supplements have been served upon, among others, Ocean State II's power purchasers, the Commonwealth of Massachusetts Department of Telecommunications and Energy, and the Rhode Island Public Utilities Commission.

Comment Date: March 21, 2003.

17. Ocean State Power

[Docket No. ER03–571–000]

Take notice that on February 28, 2003, Ocean State Power (Ocean State) tendered for filing revised pages to Rate Schedule FERC Nos. 1–4, which update Ocean State's rate of return on equity (ROE) with respect to such rate schedules. Ocean State requests an effective date for the rate schedule changes of April 29, 2003.

Ocean State states that copies of the Supplements have been served upon, among others, Ocean State's power purchasers, the Commonwealth of Massachusetts Department of Telecommunications and Energy, and the Rhode Island Public Utilities Commission.

Comment Date: March 21, 2003.

18. Pacific Gas and Electric Company

[Docket No. ER03–572–000]

Take notice that on February 28, 2003, Pacific Gas and Electric Company (PG&E) tendered for filing proposed revisions to the Interconnection Agreement (IA) between PG&E and the Sacramento Municipal Utility District (SMUD).

PG&E states that the proposed revisions reflect changes due to SMUD's request to implement upgrades to SMUD's Solano Wind Project. Furthermore, PG&E states that the filing corrects other portions of Appendix E and the rate schedule sheets which follow it, which are necessary to accurately reflect the Reserved Transmission Service that PG&E is currently providing to SMUD. PG&E has requested certain waivers.

PG&E states that copies of this filing have been served upon SMUD, the California Public Utilities Commission and the California Independent System Operator Corporation.

Comment Date: March 21, 2003.

19. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER03–573–000]

Take notice that on February 28, 2003 the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) tendered for filing proposed revisions to Attachment C of the Midwest ISO Open Access Transmission Tariff, FERC Electric Tariff, Second Revised Volume No. 1. Applicant requests an effective date of May 29, 2003.

The Midwest ISO has requested waiver of the requirements set forth in 18 CFR 385.2010. The Midwest ISO states that it has electronically served a copy of this filing, with attachments,

upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region. In addition, Midwest Iso states that the filing has been electronically posted on the Midwest ISO's Web site at *http://www.midwestiso.org* under the heading ''Filings to FERC'' for other interested parties in this matter.

Comment Date: March 21, 2003.

20. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER03–574–000]

Take notice that on February 27, 2003, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Request for Authorization to reimburse Consumers Energy under Schedule 10 of the Midwest ISO Open Access Transmission Tariff (OATT) for Consumers Energy's costs incurred in the Regional Transmission Organization formation.

The Midwest ISO states that it has served copies of its filing on all affected customers. In addition, the Midwest ISO has electronically served a copy of this filing, without attachments, upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region. In addition, Midwest ISO states that the filing has been electronically posted on the Midwest ISO's Web site at *http://www.midwestiso.org* under the heading ''Filings to FERC'' for other interested parties in this matter. The Midwest ISO will provide hard copies to any interested parties upon request.

Comment Date: March 20, 2003.

21. New York State Electric & Gas Corporation

[Docket No. ER03–575–000]

Take notice that on February 28, 2003 New York State Electric & Gas Corporation (NYSEG) tendered for filing amendments to NYSEG's Rate Schedule No. 110 and 179. The amendments address, among other things, payment of certain New York Independent System Operator charges. NYSEG requests a waiver to allow the filing to become effective on March 3, 2003.

NYSEG states that copies of the filing have been served upon the New York Power Authority and customers on the list attached to the filing.

Comment Date: March 21, 2003.

22. ITC Holdings Corp., et al.; The Detroit Edison Company

[Docket No. ER03–576–000]

In cose /61,/mpliance with an order issued by the Federal Energy Regulatory Commission (Commission) on February 20, 2003, in Docket Nos. EC03–40–000 and ER03–343–000, ITC Holdings Corp., *et al.*, 102 FERC ¶ 61,182. The Detroit Edison Company (Detroit Edison) hereby tenders for filing under section 205 of the Federal Power Act, 16 U.S.C.824d, certain service level agreements between Detroit Edison and International Transmission Company as Detroit Edison FERC Electric Rate Schedules 40 and 41.

Comment Date: March 21, 2003.

23. New England Power Pool

[Docket No. ER03–577–000]

Take notice that on February 28, 2003, the New England Power Pool (NEPOOL) Participants Committee filed for acceptance materials to permit NEPOOL to expand its membership to include Massachusetts Bay Transportation Authority (MBTA), Tractebel Energy Services, Inc. (TESI), and Pinpoint Power LLC (Pinpoint). A March 1, 2003, effective date for the commencement of participation in NEPOOL by MBTA, TESI, and Pinpoint was requested.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment Date: March 21, 2003.

24. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER03–580–000]

Take notice that on February 28, 2003, the Midwest ISO and the GridAmerica Companies submitted for filing proposed rate schedules to the Midwest ISO Open Access Transmission Tariff to accommodate the operation, on May 1, 2003, of GridAmerica LLC as an independent transmission company (ITC) within the Midwest ISO. The effectiveness of these rate schedules is necessary for the timely startup of GridAmerica within the Midwest ISO and completes the filing obligations of the Midwest ISO and the GridAmerica Participants as directed by the Commission in its December 19, 2002 Order in Ameren Services Co., *et al.*, 101 FERC ¶ 61,320.

The Midwest ISO and GridAmerica Companies have requested that the Tariff changes and Rate Schedules become effective no later than May 1, 2003.

The Midwest ISO and GridAmerica Companies have also requested waiver of the service requirements set forth in 18 CFR 385.2010. The Midwest ISO states that it has served a copy of this filing electronically, including attachments, upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region. In addition, Midwest ISO states that the filing has been posted electronically on the Midwest ISO's Web site at *http://www.midwestiso.org* under the heading ''Filings to FERC.''

Comment Date: March 21, 2003.

25. PJM Interconnection, L.L.C.

[Docket No. ER03–581–000]

Take notice that on February 28, 2003, PJM Interconnection, L.L.C. (PJM), filed revisions to Schedule 9 of the PJM Open Access Transmission Tariff (PJM Tariff) to: (1) Update the divisional cost assignment matrix; (2) eliminate user sign-on fees in two of the subsidiary schedules; and (3) facilitate rate changes at the beginning of calendar months other than January 1.

PJM proposes an effective date of May 1, 2003 for the tariff revisions, except for the changes to the cost assignment matrix, for which PJM requests an effective date of March 1, 2003.

PJM states that copies of this filing were served upon all PJM members and each state electric utility regulatory commission in the PJM region.

Comment Date: March 21, 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. 03–5797 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of Initial License, Revising Exhibit G of Application for New License, and Soliciting Comments, Motions To Intervene, and Protests

March 3, 2003.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for a non-capacity amendment of license for the Sherman Island Development of the Hudson River Project. The licensee proposes two project boundary changes of the Sherman island Development.

b. *Project No:* 2482–039.

c. *Date Filed:* May 6, 2002.

d. *Applicant:* Erie Boulevard Hydropower, L.P.

e. *Name of Project:* Hudson River.

f. *Location:* The project is located on the Hudson River in the Town of Moreau, Saratoga County and the Town of Queensbury, Warren County, New York.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r) and 799 and 801.

h. *Applicant Contact:* Jerry L. Sabattis, Licensing Coordinator, Erie Boulevard Hydropower, L.P., 225 Greenfield Parkway, Suite 201, Liverpool, New York 13088, (315) 413–2787.

i. *FERC Contact:* Any questions on this notice should be addressed to Ms. Patricia W. Gillis (202) 502–8735, or e-mail address: *Patricia.Gillis@ferc.gov*.

j. *Deadline for filing comments and or motions:* March 31, 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–2482–039) on any comments or motions filed.

k. *Description of Request:* The licensee, Erie Boulevard Hydropower, L.P., proposes to remove three parcels, totaling 34.7 acres of non-essential project land, presently included within the project for both the existing license boundary and the new license application. Removing these lands from the project would not affect project operation and would be consistent with the existing and planned use of these lands. Of the 34.7 acre total, 11.7 acres would be removed from the project in the Town of Moreau, Saratoga County and 23 acres would be removed from the project in the Town of Queensbury, Warren County, New York.

l. Since the filing of this application, the relicensing process has been completed, a new license has been issued, and the initial license is no longer in effect. Therefore, this application will be construed as an application to amend the current new license.

m. *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.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *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.

p. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''Comments'', ''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.

q. *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.

r. 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. 03–5800 Filed 3–11–03; 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

March 5, 2003.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License to Increase its Authorized Generating Capacity.

b. *Project No:* 6896–061.

c. *Date Filed:* January 28, 2003.

d. *Applicant:* Hypower, Inc.

e. *Name of Project:* Forks of Butte Hydroelectric Project.

f. *Location:* The project is located on the Butte Creek in Butte County, California.

g. *Filed Pursuant to:* 18 CFR 4.201.

h. *Applicant Contact:* Philip M. Hoover, H&M Engineering, Inc., 4521 Alpine Rose Bend, Ellicott City, MD 21042, (410) 465–6970.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Jake Tung at (202) 502–8757, or e-mail address: *hong.tung@ferc.gov*.

j. *Deadline for filing comments and or motions:* April 4, 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–6896–061) on any comments or motions filed.

k. *Description of Request:* The licensee proposes to increase the project's hydraulic and installed capacities from 250 to 275 cfs, and 13,300 to 14,500 kW, respectively. The licensee states that the civil works and generating unit would not require any construction disturbance, other than changing of settings and other electrical component activity, such as replacing the transformer. The licensee also states that the existing intake and fish screens can accommodate the additional hydraulic capacity without modification.

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. 03–5801 Filed 3–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice

March 5, 2003.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C 552b:

AGENCY: Federal Energy Regulatory Commission.

DATES: March 12, 2003, 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda

* Note—Items listed on the agenda may be deleted without further notice.

FOR FURTHER INFORMATION CONTACT: Magalie R. Salas, Secretary, Telephone (202) 502–8400. For a recording listing items stricken from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

821st—Meeting March 12, 2003, Regular Meeting, 10 a.m.

Administrative Agenda

A–1.
Docket# AD02–1, 000, Agency Administrative Matters

A–2.
Docket# AD02–7, 000, Customer Matters, Reliability, Security and Market Operations Markets, Tariffs and Rates—Electric

E–1.
Docket# ER03–407, 000, California Independent System OperatorCorporation

E–2.
Docket# ER03–19, 000, Detroit Edison Company
Other#s ER03–19, 001, Detroit Edison Company

E–3.
Docket# ER02–2014, 006, Entergy Services, Inc.

E–4.
Docket# EL03–34, 000, Midwest Independent Transmission System Operator, Inc.

E–5.
Docket# ER03–323, 000, Midwest Independent Transmission System Operator, Inc.

E–6.
Omitted

E–7.
Docket# ER03–406, 000, PJM Interconnection L.L.C.

E–8.
Docket# EL00–111, 002, Cities of Anaheim, Azusa, Banning, Colton and Riverside, California v. California Independent System Operator Corporation
Other#s EL01–84, 000, Salt River Project Agricultural Improvement and Power District v. California Independent System Operator Corporation
ER01–607, 001, California Independent System Operator Corporation

E–9.
Docket# EL02–121, 001, Occidental Chemical Corporation v. PJM Interconnection, L.L.C. and Delmarva Power and Light Company
Other#s EL02–121, 002, Occidental Chemical Corporation v. PJM Interconnection, L.L.C. and Delmarva Power and Light Company

E–10.
Omitted

E–11.
Docket# ER03–409, 000, Pacific Gas and Electric Company

E–12.
Docket# ER03–405, 000, PJM Interconnection L.L.C.

E–13.
Docket# ER03–404, 000, PJM Interconnection L.L.C.

E–14.
Omitted

E–15.
Omitted

E–16.
Docket# ER03–423, 000, Safe Harbor Water Power Corporation

E–17.

Docket# ER02–1451, 000, Ameren Energy Marketing Company
Other#s ER02–1451, 001, Ameren Energy Marketing Company
E–18.
Docket# ER97–1523, 071, New York Independent System Operator, Inc.
Other#s OA97–470, 066, New York Independent System Operator, Inc.
ER97–4234, 064, New York Independent System Operator, Inc.
E–19.
Docket# EL00–95, 071, San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange
Other#s EL00–97, 007, Reliant Energy Power Generation, Inc., Dynegy Power Marketing, Inc., and Southern Energy California, L.L.C., v. California Independent System Operator Corporation
EL00–98, 060, Investigation of Practices of the California Independent System Operator and the California Power Exchange
EL00–104, 012, California Electricity Oversight Board v. All Sellers of Energy and Ancillary Services Into the Energy and Ancillary Services Markets Operated by the California Independent System Operator and the California Power Exchange
EL00–107, 013, Public Meeting in San Diego, California
EL01–1, 013, California Municipal Utilities Association v. All Jurisdictional Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange
EL01–2, 007, Californians for Renewable Energy, Inc. (CARE), v. Independent Energy Producers, Inc., and All Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange, All Scheduling Coordinators Acting on Behalf of the Above Sellers, California Independent System Operator Corporation, and California Power Exchange Corporation
EL01–68, 026, Investigation of Wholesale Rates of Public Utility Sellers of Energy and Ancillary Services in the Western Systems Coordinating Council
E–20.
Omitted
E–21.
Omitted
E–22.
Omitted
E–23.
Omitted
E–24.
Omitted
E–25.
Omitted
E–26.
Omitted
E–27.
Docket# ER03–147, 002, ISO New England Inc.
Other#s ER03–147 001 ISO New England Inc.
E–28.
Omitted
E–29.
Omitted
E–30.
Omitted
E–31.
Omitted
E–32.
Docket# EL03–43, 000, Arizona Public Service Company
E–33.
Docket# EL03–39, 000, Central Illinois Light Company
E–34.
Omitted
E–35.
Docket# EL03–28, 000, Town of Wallingford, Connecticut, Department of Public Utilities, Electric Division, and Connecticut Municipal Electric Energy Cooperative v. Connecticut Light and Power Company, Select Energy,Inc., and Northeast Utilities Service Company
E–36.
Docket# EL03–41, 000, New York State Electric and Gas Corporation v. New York Independent System Operator, Inc., and Niagara Mohawk Power Corporation
E–37.
Docket# EL03–27, 000, Niagara Mohawk Power Corporation v. Huntley Power LLC, NRG Huntley Operations, Inc., Dunkirk Power LLC, NRG Dunkirk Operations, Inc., Osewgo Harbor Power LLC,and NRG Oswego Operation, Inc.
E–38.
Omitted
E–39.
Docket# EL02–12, 001, Sunbury Electric Generation, LLC v. PPL Electric Utilities Corporation

Markets, Tariffs and Rates—Gas

G–1.
Omitted
G–2.
Docket# RP03–41, 001, e-prime, inc. v. PG&E Gas Transmission, Northwest Corporation
G–3.
Omitted
G–4.
Docket# RP02–74, 000, Enbridge Pipelines (KPC)
G–5.
Docket# RP01–236, 009, Transcontinental Gas Pipe Line Corporation
Other#s RP00–481, 009, Transcontinental Gas Pipe Line Corporation
RP00–553, 012, Transcontinental Gas Pipe Line Corporation
RM96–1, 020, Transcontinental Gas Pipe Line Corporation
G–6.
Docket# RP02–407, 000, Pine Needle LNG Company, LLC
G–7.
Omitted
G–8.
Docket# RP02–349, 000, Gulf South Pipeline Company, LP
G–9.
Docket# RP02–134, 000, Maritimes & Northeast Pipeline, L.L.C.
Other#s RP02–134, 001, Maritimes & Northeast Pipeline, L.L.C.
RP02–134, 002, Maritimes & Northeast Pipeline, L.L.C.
G–10.
Omitted
G–11.
Docket# RP02–242, 000, Discovery Gas Transmission LLC
G–12.
Omitted
G–13.
Omitted
G–14.
Omitted
G–15.
Omitted
G–16.
Omitted
G–17.
Omitted
G–18.
Omitted
G–19.
Docket# RP99–485, 001, Enbridge Pipelines (KPC)
G–20.
Docket# RP99–485, 002, Enbridge Pipelines (KPC)
G–21.
Omitted
G–22.
Omitted
G–23.
Omitted
G–24.
Omitted
G–25.
Omitted
G–26.
Docket# RM96–1, 024, Standards for Business Practices of Interstate Natural Gas Pipelines

Energy Projects—Hydro

H–1.
Docket# P–12015, 001, Troup Count Board of Commissioners
H–2.
Docket# P–12209, 001, Three Mile Falls Hydro, LLC
H–3.
Omitted
H–4.
Omitted
H–5.
Omitted
H–6.
Docket# P–2687, 014, Pacific Gas and Electric Company

Energy Projects—Certificates

C–1.
Docket# CP03–30, 000, BP West Coast Products, L.L.C., Atlantic Richfield Company and Intalco Aluminum Corporation
C–2.
Docket# CP03–8, 000, Regent Resources Ltd.
C–3.
Docket# CP02–60, 002, CMS Trunkline LNG Company, LLC
C–4.

Docket# CP03–25, 000, Transcontinental Gas Pipe Line Corporation

Magalie R. Salas,

Secretary.

[FR Doc. 03–5968 Filed 3–7–03; 4:38 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting, Notice of Vote, Explanation of Action Closing Meeting and List of Persons To Attend

March 6, 2003.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY: Federal Energy Regulatory Commission.

DATES: March 13, 2003, 9:30 a.m.

PLACE: Hearing Room 6, 888 First Street, NE., Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Non-public investigations and inquiries and enforcement related matters.

FOR FURTHER INFORMATION CONTACT: Magalie R. Salas, Secretary, Telephone (202) 502–8400.

Chairman Wood and Commissioners Massey and Brownell voted to hold a closed meeting on March 13, 2003. The certification of the General Counsel explaining the action closing the meeting is available for public inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington, DC 20426.

The Chairman and the Commissioners, their assistants, the Commission's Secretary and her assistant, the General Counsel and members of her staff, and a stenographer are expected to attend the meeting. Other staff members from the Commission's program offices who will advise the Commissioners in the matters discussed will also be present.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5969 Filed 3–7–03; 4:38 pm]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7463–7]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). 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.

FOR FURTHER INFORMATION CONTACT: Susan Auby (202) 566–1672, or e-mail at *auby.susan@epa.gov.* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 1897.04; Information Requirements for Marine Diesel Engines (Nonroad Large SI Engines and Marine Diesel Engines) (Amendments) (Final Rule) in 40 CFR part 94 and part 1048; was approved 01/31/2003; OMB No. 2060–0460; expires 10/31/2004.

EPA ICR No. 0616.09; Foreign Purchases Acknowledgment Statement of Unregistered Pesticides in 40 CFR part 1688; was approved 01/14/2003; OMB No. 2070–0027; expires 01/31/2006.

EPA ICR No. 0595.08; Notice of Pesticide Registration by States to Meet a Special Local Need (SLN) Under FIFRA section 24(c) in 40 CFR part 162; was approved 01/16/2003; OMB No. 2070–0055; expires 01/31/2006.

EPA ICR No. 0261.14; Notification of Regulated Waste Activity in 40 CFR parts 262.12, 263.11, 264.11, 265.11; 40 CFR 266.21, 266.22, 266.23; 266.70(b), 261.4(a)(20)(iii)(B), 273.54, 273.60, 40 CFR 279.42, 279.51, 279.62, 279.73; 40 CFR 266.80, 266.100, 266.101, 266.102, 266.103, 266.108, 270.1(b) was approved 01/17/2003; OMB No. 2050–0028; expires 01/31/2006.

EPA ICR No. 2094.01; Survey of Air Quality Issues After September 11, 2001; was approved 01/22/2003; OMB No. 2020–0027; expires 05/31/2003.

EPA ICR No. 0152.07; Notice of Arrival of Pesticides and Devices (FIFRA) in 19 CFR 12.112; was approved 01/23/2003; OMB No. 2020–0020; expires 01/31/2006.

EPA ICR No. 0575.09; Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies; in 40 CFR part 716; was approved 02/10/2003; OMB No. 2070–0004; expires 02/28/2006.

EPA ICR No. 1395.05; Emergency Planning and Release Notification Requirements under Emergency Planning and Community Right-to-Know Act sections 302, 303 and 304 was approved 02/13/2003; OMB No. 2050–0092; expires 02/28/2006.

EPA ICR No. 1571.07; General Hazardous Waste Facility Standards in 40 CFR 264.12–13; 264.15–17; 264.73–74; 264.37; 264.51–56; 264.96–97; 264.112–113; 264.115–120; 40 CFR 265.12–13; 265.15; 265.16; 265.19; 265.73–74; 265.51–56; 265.112–113; 265.115–120; 40 CFR parts 264 and 265, subpart H; 270.30; was approved 02/13/2003; OMB No. 2050–0120; expires 02/28/2006.

Short Term Extensions

EPA ICR No. 0234.07; Performance Evaluation Studies on Water and Wastewater Laboratories; OMB No. 2080–0021; on 01/29/2003 OMB extended the expiration date through 02/28/2003.

EPA ICR No. 0597.07; Tolerance Petitions for Pesticides on Food/Feed Crops and New Inert Ingredients; OMB No. 2070–0024; on 01/31/2003 OMB extended the expiration date though 04/30/2003.

Dated: February 20, 2003.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 03–5744 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0022; FRL–7292–9]

Access to Confidential Business Information by Centerscope Technologies and Titan Systems Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of several corporate mergers/acquisitions involving contractors cleared for Toxic Substances Control Act Confidential Business Information (CBI) access.

FOR FURTHER INFORMATION CONTACT: Barbara A. Cunningham, Acting Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA). 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 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–2002–0022. 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 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.

II. What Action is the Agency Taking?

Under contract number 68–W–98–232, Centerscope Technologies, of 8601 Georgia Avenue, Suite 700, Silver Spring, MD, will assist the Office of Pollution Prevention and Toxics (OPPT) in processing 12(b) export notices submitted under sections 4, 5, 6, 7, and 12 of TSCA CBI and to issue notification letters to foreign governments.

Under contract number 68–W–98–045, TSC, of 3033 Science Park Road, San Diego, CA is assisting the OPPT in conducting a system analysis and provide data base maintenance support to the Confidential Business Information Center (CBIC) document tracking system.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–W–98–232, Centerscope Technologies requires access to CBI submitted to EPA under sections 4, 5, 6, 7, and 12 of TSCA, to perform successfully the duties specified under the contract. Also, in accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–W–98–045, TSC requires access to CBI submitted to EPA under all sections of TSCA, to perform successfully the duties specified under the contract.

Centerscope Technologies personnel have been given access to information submitted to EPA under sections 4, 5, 6, 7, and 12 of TSCA. Some of the information may be claimed or determined to be CBI. TSC personnel were given access to information submitted to EPA under all sections of TSCA. Some of the information has been claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, 7, and 12 of TSCA, that the Agency is providing Centerscope Technologies access to these CBI materials on a need-to-know basis only. EPA is also issuing a notice to inform all submitters of information under all sections of TSCA, that the Agency provides TSC with access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under these contracts is taking place at EPA Headquarters.

Centerscope Technologies and TSC are required to adhere to all provisions of the EPA's *TSCA Confidential Business Information Security Manual.*

Clearance for Centerscope Technologies and TSC to have access to TSCA CBI under these contracts may continue until March 31, 2003, and January 31, 2003, respectively.

Centerscope Technologies and TSC personnel are required to sign nondisclosure agreements and are briefed on appropriate security procedures before they are permitted to have access to TSCA CBI.

The remainder of this unit discusses the mergers/acquisitions.

1. EPA's contractor, Optimus Corporation (Optimus), in a contract first awarded in 1998, operates the TSCA Hotline and processes export notices under section 12(b) of the statute. Garcia Consulting Incorporated (GCI) was the original subcontractor for the 12(b) function. Both entities and their employees were duly cleared for TSCA CBI.

On January 3, 2000, Stanley Associates, Inc. (Stanley), of Alexandria, VA, acquired GCI as a wholly-owned subsidiary. The company became GCI/Stanley.

On March 31, 2002, the contract between Optimus (the prime) and GCI/Stanley (the subcontractor) expired. On April 1, 2002, Optimus contracted with Centerscope Technologies (Centerscope), a corporation which shares ownership and management with Optimus, to perform the same functions as GCI/Stanley.

Centerscope was granted access to TSCA CBI through the grant of a waiver dated July 3, 2002. This waiver was necessary to allow Centerscope Technologies to assist OPPT in processing 12(b) export notices submitted under sections 4, 5, 6, 7, and 12 of TSCA and to issue notification letters to foreign governments.

2. EPA's contractor, Titan Systems Corporation (TSC), of San Diego, CA, operates the TSCA Confidential Business Information Center at EPA Headquarters in Washington, DC. The contract for performing this function was first awarded to Computer Based Systems, Inc. (CBSI), of Fairfax, VA, on March 17, 1998. At the time of award, CBSI was a wholly owned subsidiary of AverStar, Inc. (AverStar). On June 26, 2000, Titan Systems, Inc. (Titan) acquired AverStar. On October 4, 2000, CBSI changed its corporate identity to reflect the new ownership—becoming ''Titan Systems Corporation—CBSI Division.''

TSC was granted access to CBI under all sections of TSCA through the grant

of a waiver dated March 26, 1998. This waiver was necessary to allow TSC to assist OPPT in conducting a system analysis and to provide data base maintenance support to the CBIC document tracking system.

At all times during each of these corporate acquisitions or mergers described above, all contractor and subcontractor employees were trained and cleared for access to TSCA CBI. In addition, all employees had signed and remained subject to the standard non-disclosure agreements required of all such persons working with TSCA CBI.

List of Subjects

Environmental protection, Confidential business information.

Dated: February 27, 2003.

Allan S. Abramson,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 03–5480 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2003–0004; FRL–7294–8]

Access to Confidential Business Information by SRA International, Incorporated

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized SRA International, Incorporated, of Arlington and Fairfax, VA, access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data submitted to EPA under all sections of TSCA occurred as a result of a modified approved waiver dated February 27, 2003.

FOR FURTHER INFORMATION CONTACT: Barbara A. Cunningham, Acting Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, 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 Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under TSCA. 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 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–2003–0004. 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 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. EPA's Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. EPA's 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.

II. What Action is the Agency Taking?

Under Contract Number 68–W–99–038, SRA International, Incorporated, of 2000 15th Street, North Arlington, VA 22201, and 4300 Fairlakes Court, South Building, Fairfax, VA 22033, will assist the Office of Pollution Prevention and Toxics (OPPT) in assessing how well its existing office automation infrastructure meets its programmatic needs and how the infrastructure and its support components can be expanded, enhanced, or modified to meet OPPTS' current and emerging needs more efficiently and securely. SRA International, Incorporated will assist in performing risk assessments on CBI-containing computer systems. Furthermore, the contractor will assist in performing a business analysis and obtain sufficient information on OPPT business, data and applications to populate a Enterprise Architecture support tool that is suitable for submission to cross Agency's efforts, and will, ultimately, function as a tool for OPPT to plan and manage its ongoing Information Technology efforts.

In accordance with 40 CFR 2.306(j), EPA has determined that under Contract Number 68–W–99–038, SRA International, Incorporated will require access to CBI submitted to EPA under all sections of TSCA, to perform successfully the duties specified under the contract.

SRA International, Incorporated personnel was given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

SRA International, Incorporated was granted a modified approved waiver on February 27, 2003. This modified waiver was necessary to allow SRA International, Incorporated to assist OPPT in the activities listed above.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA, that the Agency may provide SRA International, Incorporated access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters.

SRA International, Incorporated will be required to adhere to all provisions of EPA's *TSCA Confidential Business Information Security Manual*.

Clearance for access to TSCA CBI under Contract Number 68–W–99–038 may continue until March 26, 2004.

SRA International, Incorporated personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Confidential business information.

Dated: March 5, 2003.

Allan S. Abramson,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 03–5915 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7465–6]

Meetings of the Drinking Water Contaminant Candidate List Classification Process Work Group of The National Drinking Water Advisory Council

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meetings.

SUMMARY: Under section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given of the forthcoming meetings of the Drinking Water Contaminant Candidate List (CCL) Classification Process Work Group of the National Drinking Water Advisory Council (NDWAC), established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*).

DATES: The dates for the NDWAC CCL Work Group meetings for the remaining year of 2003 will be as follows: March 27–28, 2003; May 12–13, 2003; July 16–17, 2003; September 17–18, 2003; and November 13–14, 2003. All meetings will be held from 9 a.m.–5 p.m. Eastern Time on the first day, and 8 a.m.–3:30 p.m. Eastern Time on the second day. Notice will be given if any dates change as the work group proceeds through the year.

ADDRESSES: All meetings of the CCL Work Group will be held at RESOLVE Inc., 1255 23rd Street, NW., Suite 275, Washington, DC.

FOR FURTHER INFORMATION CONTACT: For more information on the location and times of these meetings, or general background information, please contact the Safe Drinking Water Hotline [phone: (800) 426–4791 or (703) 412–3330; e-mail: *hotline-sdwa@epa.gov*]. Please contact RESOLVE if you plan to attend any of the meetings listed at (202) 944–2300. Any person needing special accommodations at any of these meetings, including wheelchair access, should also contact RESOLVE (contact information previously noted) at least five business days before the meeting so that appropriate arrangements can be made. For technical information, please contact Dr. Jitendra Saxena, Designated Federal Officer, CCL Classification Process Work Group, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (4607M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460 [e-mail: *saxena.jitendra@epa.gov*; Tel. (202) 564–5243].

SUPPLEMENTARY INFORMATION: The CCL serves as the primary source of priority contaminants for research and regulatory evaluations for the Agency's drinking water program. The list is comprised of both chemical and microbial contaminants that are known or anticipated to occur in public water systems, that may have adverse health effects, and which, at the time of publication, are not subject to any proposed or promulgated National Primary Drinking Water Regulations. EPA has formed a CCL Classification Process Work Group of the National Drinking Water Advisory Council (NDWAC) to help the Agency in developing a new risk based priority setting process based upon the recommendations made by the National Research Council (NRC) in its 2001 report.

The work group is comprised of 21 recognized technical experts representing an array of backgrounds and perspectives who are as impartial and objective as possible. The work group is charged with discussing, evaluating, and providing advice on methodologies, activities, and analysis needed to implement the NRC recommendations on an expanded approach for the CCL listing process. This may include advice on developing and identifying: (1) Overall implementation strategy; (2) prototype classification methodology, classification attributes and criteria that should to be used; (3) pilot projects to validate new classification approaches; (4) demonstration studies that explore the feasibility of the VFAR (Virulance-Factor Activity Relationships) approach; (5) risk communication issues; and (6) additional issues not addressed in the NRC report.

The work group has held three meetings thus far: September 18–19, 2002, December 16–17, 2002, and February 5–6, 2003. The September meeting was devoted to gaining understanding of the NRC recommendations from the invited members of the NRC panel, identifying questions, issues and technical expertise needed to fulfill its charge, and planning next steps. During subsequent meetings, the work group formed three activity groups for small group discussions each containing 4–8 members. The three activity groups are: Data Activity Group, Methods Activity Group, and VFAR Activity Group. Each group holds several conference calls for group discussions in between the plenary meetings. The work group has discussed the methods and data to be used for selecting contaminants for the CCL, and the VFAR concept and how the concept can be included in the CCL classification process. In addition, the work group has developed the groups's guiding principles and work plan and identified additional technical needs.

The meetings are open to the public for observation purposes only. Statements from the public will be allowed at the close of each meeting day. EPA is not soliciting written comments and is not planning to formally respond to comments.

Dated: March 6, 2003.

Peter Shanaghan,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 03–5910 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0076; FRL–7296–4]

The Association of American Pesticide Control Officials/State FIFRA Issues Research and Evaluation Group Working Committee on Pesticide Operations & Management; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/ State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Pesticide Operations & Management (WC/POM) will hold a 2-day meeting on April 7–8, 2003. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, April 7, 2003, from 8:30 a.m. to 5 p.m. and on Tuesday, April 8, 2003, from 8:30 a.m. to 12 p.m.

ADDRESSES: The meeting will be held at the Trade Winds Sirata Beach Resort, 5300 Gulf Blvd., St. Pete Beach, FL 33706; telephone number: (727) 363–5100.

FOR FURTHER INFORMATION CONTACT: Georgia McDuffie, Field and External

Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 605–0195; fax number: (703) 308–1850; e-mail address: Mcduffie.Georgia@epa.gov. or Philip H. Gray, SFIREG Executive Secretary, P.O. Box 1249, Hardwick, VT 05843–1249; telephone number: (802) 472–6956; fax (802) 472–6957; e-mail address: aapco@plainfield.bypass.com.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of particular interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). 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 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–2003–0076. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the **''Federal Register''** listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Tentative Agenda

This unit provides tentative agenda topics for the 2-day meeting.

1. Worker Protection Standard Tiered Inspection.
2. Chlropyrifos disposal.
3. Worker Protection Standard Greenhouse labeling.
4. English labels.
5. Cross contamination.
6. Worker Protection Standard Multiple REI.
7. Supplemental label distribution.
8. Post application liability.
9. Written exams.
10. Section 18, Communication with Tribes.
11. Canadian seed treatment.
12. Program funding.
13. Pesticide security.
14. Mosquito labeling.
15. Certification exams and ADA.
16. Misleading labeling.
17. POM Working Committee Workgroups/Updates.
18. EPA Update/Briefing:

i. Office of Pesticide Programs update.

ii. Office of Enforcement Compliance Assurance update.

List of Subjects

Environmental protection, Labeling, Pesticides, Worker protection.

Dated: February 25, 2003.

Jay S. Ellenberger,

Associate Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 03–5481 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0333; FRL–7292–2]

Imazalil; Tolerance Reassessment Decisions; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's tolerance reassessment decision and related documents for imazalil including the imazalil overview, imazalil summary, imazalil tolerance decision document: Tolerance Reassessment Progress and Interim Risk Management Decision (TRED), and supporting risk assessment tolerance documents. EPA has reassessed the 32 tolerances, or legal limits, for residues of imazalil in or on raw agricultural commodities. These tolerances are now considered safe under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: Comments, identified by docket ID number OPP–2002–0333, must be received on or before April 11, 2003. In the absence of substantive comments, the tolerance reassessment decision will be considered final.

ADDRESSES: Comments may be submitted electronically, by mail or through hand delivery/courier. Follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPP–2002–0333 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Cecelia Watson, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–4329; e-mail address: watson.cecelia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, but will be of interest to a wide range of stakeholders, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides. The Agency has not attempted to describe all the persons or entities who may be interested in or affected by this action. If you have questions in this regard, consult the persons listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2002–0333. 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. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in EPA's Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket. Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2002–0333. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP–2002–0333. 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), Office of Pesticide Programs (OPP), Environmental Protection Agency (7502C), 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number OPP–2002–0333.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP–2002–0333. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.A.1.

D. How Should I Handle CBI That I Want to Submit to the Agency?

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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 control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What Action is the Agency Taking?

This notice announces the availability of the TRED for imazalil. This decision has been developed as part of the public participation process that EPA and the U.S. Department of Agriculture (USDA) are using to involve the public in the reassessment of pesticide tolerances under FFDCA. EPA must review tolerances and tolerance exemptions that were in effect when FQPA was enacted in August 1996, to ensure these existing pesticide residues limits for food and feed commodities meet the safety standard of the new law.

FFDCA requires EPA to review all the tolerances for registered chemicals in effect on or before the date of the enactment. In reviewing these tolerances, the Agency must consider, among other things, aggregate risks from non-occupational sources of pesticide exposure, whether there is increased susceptibility to infants and children, and the cumulative effects of pesticides with a common mechanism of toxicity. The tolerances are considered reassessed once the safety finding has been made or a revocation occurs.

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

As indicated above, the Agency will also evaluate the cumulative risk, if necessary, posed by the entire group of chemicals with which a common mechanism of toxicity is shared, and issues a final tolerance reassessment decision once the cumulative assessment for that group is completed. At this time, imazalil has not been identified as sharing a common mechanism of toxicity and is not scheduled for a cumulative risk assessment.

The tolerance reassessment program is being conducted under Congressionally mandated time frames, and EPA recognizes both the need to make timely tolerance decisions and to involve the public. Therefore, EPA is issuing the TRED as a final document with a 30–day comment period. All comments will be carefully considered by the Agency. If any comment significantly affects a TRED, EPA will amend the TRED by publishing the amendment in the **Federal Register**.

Imazalil is currently in the reregistration process. The imazalil preliminary risk assessment was made available for public comment on March 27, 2002 (67 FR 14710) (FRL–6824–7). The Agency is currently reviewing public comments and anticipates a reregistration decision this fall.

B. What is the Agency's Authority for Taking this Action?

The authority for this TRED is found in section 408(q) of the FFDCA, 21 U.S.C. 346a(q). Section 408(q) requires EPA to review tolerances and exemptions for pesticide chemical residues in effect of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of 408(b)(2) or (c)(2). This review is to be completed by August 3, 2006.

List of Subjects

Environmental protection, Chemicals, Pesticides and Tolerances.

Dated: February 14, 2003.

Betty Shackleford,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 03–5477 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0050; FRL–7294–2]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket ID number OPP–2003–0050, must be received on or before April 11, 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: Joseph Tavano, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6411; e-mail address: tavano.joseph@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0050. 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/*.

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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–2003–0050. 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–2003–0050. 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), Office of Pesticide Programs (OPP), Environmental Protection Agency (7502C), 1200 Pennsylvania Ave., NW., Washington, DC, 20460–0001, Attention: Docket ID Number OPP–2003–0050.

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–2003–0050. 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 registration activity.

7. Make sure to submit your comments by the deadline in this notice.

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.

II. Registration Applications

EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredients not Included in any Previously Registered Products

1. *File Symbol*: 62719–ULE. *Applicant*: Dow AgroSciences LLC, 9330 Zionsville Road 308/3E, Indianapolis, IN 46268–1054. *Product Name*: XDE-007 Technical. Insecticide. *Active ingredient*: Noviflumuron at 96%. *Proposed classification/Use*: None. For manufacturing concentrate use only.

2. *File Symbol*: 62719–ULG. *Applicant*: Dow Agrosciences LLC. *Product Name*: AG-007. Insecticide. *Active ingredient*: Noviflumuron at 0.5%. *Proposed classification/Use*: None. To be used as bait on termites.

3. *File Symbol*: 62719–ULU. *Applicant*: Dow AgroSciences LLC, 9330 Zionsville Road 308/3E, Indianapolis, IN 46268–1054. *Product Name*: IG-007. Insecticide. *Active Ingredient*: Noviflumuron at 0.5%. *Proposed classification/Use*: None. To be used as bait on termites.

4. *File Symbol*: 62719–UTI. *Applicant*: Dow AgroSciences LLC. *Product Name*: XDE 50% Concentrate. Insecticide. *Active ingredient*: Noviflumuron at 50%. *Proposed classification/Use*: None. For manufacturing concentrate use only.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 26, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 03–5913 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0048; FRL–7293–8]

Pesticide Product; Registration Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register the pesticide product *Aspergillus flavus* AF36 containing a new active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket ID number OPP–2003–0048, must be received on or before April 11, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8097; e-mail address: bacchus.shanaz@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or

pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
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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–2003–0048. 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.

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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–2003–0048. 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.

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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), Office of Pesticide Programs (OPP), Environmental Protection Agency (7502C), 1200 Pennsylvania Ave., NW., Washington, DC, 20460–0001, Attention: Docket ID Number OPP–2003–0048.

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–2003–0048. 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 registration activity.

7. Make sure to submit your comments by the deadline in this notice.

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.

II. Registration Applications

EPA received an application as follows to register a pesticide product containing a new active ingredient not included in any previously registered product pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Interregional Research Project Number 4 (IR-4), New Jersey Agricultural Experiment Station, Technology Center of New Jersey, 681 U. S. Highway #1 South, North Brunswick, NJ 08902–3390 on behalf of the Arizona Cotton Research and Protection Council, 3721 East Wier Avenue, Phoenix, AZ 85040–2933, submitted an application, to register a new active ingredient for a naturally occurring microbial pesticide *Aspergillus flavus* AF36, (EPA File Symbol 71693–R), a non-aflatoxin-producing strain of *Aspergillus flavus*, to reduce aflatoxin contamination on cotton. *Aspergillus flavus* AF36 occurs naturally in Arizona and Texas.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 28, 2003.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 03–5752 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0055; FRL–7295–3]

Ultramarine Sodium Alumino Sulpho Silicate; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket ID number OPP–2003–0055, must be received on or before April 11, 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: Treva C. Alston, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8373; e-mail address: *alston.treva@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult

the person listed under **FOR FURTHER INFORMATIONCONTACT**.

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–2003–0055. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

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

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket,* and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2003–0055. 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–2003–0055.* 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–2003–0055.

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–2003–0055. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 28,2003.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner's summary of the pesticide petition is printed below as required by FFDCA section 408(d)(3). The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA has not fully evaluated the merits of the pesticide petition. The summary may have been edited by EPA if the terminology used was unclear, the summary contained extraneous material, or the summary unintentionally made the reader conclude that the findings reflected EPA's position and not the position of the petitioner. The summary of the petition announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Holliday Pigments Limited

PP 3E6549

EPA has received a pesticide petition (3E6549) from Holliday Pigments Limited, Morley Street, Hull, East Yorkshire, England HU8 8DN proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180. to establish an exemption from the requirement of a tolerance for ultramarine (sodium alumino sulpho silicate) when used as an inert ingredient as a dye in seed coatings. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. Ultramarine is a synthetic form of the naturally occurring semi-precious mineral Lapis Lazuli, which has been mined, processed and used for decorative purposes for thousands of years. It is a zeolitic mineral and is totally insoluble in water. As such, it is not metabolized by plants. It is stable in neutral and alkaline soils. Under acidic conditions it decomposes to give hydrogen sulphide, which is evolved as a gas together with an insoluble, inert clay-like residue, which will not be metabolized by plants.

2. *Analytical method*. Since this petition is for an exemption from the requirement of a tolerance, an analytical method is not required.

3. *Magnitude of residues*. The proposed use for ultramarine is as a seed coating to impart color for identification. It will not be metabolized and will remain in the soil. There will therefore, be no residues on the crop produced.

B. Toxicological Profile

The last of the following tests described was completed in 1981. Holliday Pigments no longer carries out tests of any of their products on animals nor do they subscribe to any form of animal testing.

1. *Acute toxicity*—i. *Skin irritation*. Albino rabbits were used for a study of irritation producted by ultramarine contact with abraded and intact skin. No irritation was found and no reactions were observed throughout the study.

ii. *Skin sensitization*. Skin sensitization in the guinea pig was studied using the maximization test of Magnusson and Kligman. No visible reaction was exhibited by any animal in the test or control group throughout the trials. The report concluded that there was no evidence that ultramarine acts as a sensitizer in the guinea pig.

2. *Genotoxicity*. Bacterial toxicity and mutagenicity were studied using two

strains each of *Salmonella typhimurium* and *Escherichia coli*. These tests showed ultramarine to be non-toxic and non-mutagenic to the four strains.

3. *Reproductive and developmental toxicity*. Female rats were fed with diets containing up to 100,000 ppm ultramarine before and during pregnancy. There were no maternal deaths and the test report concluded that ultramarine had no teratogenic activity at levels from 100 to 100,000 ppm in the diet.

4. *Subchronic toxicity*—i. *Fifteen—Day test*. Ultramarine was administered to male mice and female rats at increasing dose levels up to the maximum that could be given in a single dose. No deaths were observed in either species over a period of 15 days. The LD_{50} is greater than 10,000 mg/kg (rats).

ii. *Ninety-Day test*. In feeding trials on rats and mice, after 90 days at levels of 100,000 part per million (ppm) in the diet the effect of ultramarine was very much like that of inert clay with (LD_{50}) greater than 10,000 milligrams/kilograms (mg/kg).

5. *Chronic toxicity*. There are no reported studies on chronic toxicity but ultramarine has a history of well over 100 years of safe manufacture and use with no reports of ill effects of any kind. In the early years of industrial production the work force was subjected to conditions which would be totally unacceptable today. Large amounts of fine ultramarine dust were inhaled and ingested without any reported ill effects. In addition ultramarine was used as a whitening agent for sugar in many parts of the world, again with no reported ill effects. In Europe, the use of ultramarine in lipsticks has been permitted for over 50 years. Its use at levels up to 0.5% for coloring cattle salt licks where it is clearly ingested by the cattle, has been permitted for many years. Ultramarine is also permitted world-wide for use in toys and children's paints including powder and finger paints.

C. Aggregate Exposure

1. *Dietary exposure*. In the proposed use of ultramarine as a seed coating it will not come into contact with the grown and harvested crop. As ultramarine is insoluble, it will not be metabolized by the plants grown from the treated seed. There is therefore no risk of dietary exposure.

i. *Food*. For the reasons stated above there is no risk that food produced from the treated seed will contain any ultramarine.

ii. *Drinking water*. As ultramarine and any of its decomposition products are insoluble in water there is no danger of any leaching into water courses used for production of drinking water.

2. *Non-dietary exposure*. The only anticipated human exposure to ultramarine used for seed coating will be during the coating process and any handling of the coated seed. Good practice should ensure minimal contact and in any case there is no evidence of adverse health effects from exposure to ultramarine during over 100 years of production and use.

D. Cumulative Effects

As ultramarine and its decomposition products are totally insoluble and not metabolized by plants or animals there is no risk of any cumulative effect. Also, in the proposed end use there is no risk of long term exposure to humans.

E. Safety Determination

1. *U.S. population*. The use of ultramarine as a seed coating does not pose a safety concern for the U.S. population due to its non-toxicity and the absence of exposure.

2. *Infants and children*. Infants and children will not be exposed to ultramarine from its use in seed coating applications. In any case, ultramarine is permitted in the United States and world-wide for use in children's toys, modeling clay, and finger paints.

F. International Tolerances

There is no listed threshold limit value or maximum exposure limit for ultramarine. Normal practice is to consider it as a nuisance dust with threshold limit value (TLV) 10 mg/m^3. The pigment is not listed as a dangerous substance in the European Community or any similar national or international classification; neither is it classified as hazardous for disposal.

[FR Doc. 03–5751 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0052; FRL–7295–4]

Tebufenozide; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket ID number OPP–2003–0052, must be received on or before April 11, 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: Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–3194; e-mail address: *brothers.shaja@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

- Industry (NAICS 111)
- Crop production (NAICS 112)
- Animal production (NAICS 311)
- Food manufacturing, and

Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket ID number OPP–2003–0052. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although, a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity

Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit, or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although, not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although, not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or 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–2003–0052 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–2003–0052. 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–2003–0052.

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–2003–0052. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI

on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 4, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petitions

The petitioner's summary of the pesticide petitions are printed below as required by FFDCA section 408(d)(3). The summary of the petitions was prepared by Interregional Research Project Number 4 (IR-4), and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Interregional Research Project Number (IR-4)

PP 2E6397 and 2E6413

EPA has received pesticide petitions (2E6397 and 2E6413) from the Interregional Research Project Number 4 (IR-4), 681 U.S. Highway. #1 South, North Brunswick, NJ 08902 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing tolerances for residues of tebufenozide in or on the raw agricultural commodities vegetable, tuberous and corn, except potato, subgroup at 0.01 parts per million (ppm) (2E6397) and grape at 3.0 ppm (2E6413). EPA has determined that the petitions contain data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petitions. Additional data may be needed before EPA rules on the petitions. Rohm and Haas company was acquired by Dow Agro Sciences LLC, Indianapolis, IN 46268–1054).

A. Residue Chemistry

1. *Plant metabolism*. The qualitative nature of the residue in plants is adequately understood based upon acceptable apple, sugar beet, and rice metabolism studies. The Agency has concluded that the residue of regulatory concern is tebufenozide *per se*.

2. *Analytical method*. High performance liquid chromatographic (HPLC) analytical methods using ultraviolet (UV) detection have been validated for grape and sweet potato. The methods involve extraction by blending with solvents, purification of the extracts by liquid-liquid partitions, and final purification of the residues using solid phase extraction column chromatography.

3. *Magnitude of residues*. Complete residue data for tebufenozide on grape and sweet potato have been submitted. The requested tolerances are adequately supported.

B. Toxicological Profile

1. *Acute toxicity*. Acute toxicity studies with technical grade: Oral lethal dose LD_{50} in the rat is >5 grams for males and females - Toxicity Category IV; dermal LD_{50} in the rat is equal to 5,000 milligrams/kilogram (mg/kg) for males and females - Toxicity Category III; inhalation LD_{50} in the rat is >4.5 milligram/liter (mg/l) - Toxicity Category III; primary eye irritation study in the rabbit is a non-irritant; primary skin irritation in the rabbit >5 mg - Toxicity Category IV. Tebufenozide is not a sensitizer.

2. *Genotoxicty*. Several mutagenicity tests were all negative. These include an Ames assay with and without metabolic activation, an *in vivo* cytogenetic assay in rat bone marrow cells, and *in vitro* chromosome aberration assay in Chinese hampster ovary (CHO) cells, a CHO/HGPRT assay, a reverse mutation assay with *E. Coli*, and an unscheduled DNA synthesis assay (UDS) in rat hepatocytes.

3. *Reproductive and developmental toxicity*. In a prenatal developmental toxicity study in Sprague-Dawley rats 25/group, tebufenozide was administered on gestation days 6–15 by gavage in aqueous methyl cellulose at dose levels of 50, 250, or 1,000 mg/kg/day and a dose volume of 10 millilter/kilogram (ml/kg). There was no evidence of maternal or developmental toxicity; the maternal and developmental toxicity no observed adverse effect level (NOAEL) was 1,000 mg/kg/day.

In a prenatal developmental toxicity study conducted in New Zealand white rabbits 20/group, tebufenozide was administered in 5 ml/kg of aqueous methyl cellulose at gavage doses of 50, 250, or 1,000 mg/kg/day on gestation days 7–19. No evidence of maternal or developmental toxicity was observed; the maternal and developmental toxicity NOAEL was 1,000 mg/kg/day.

4. *Subchronic toxicity.* A 1–year dog feeding study with a lowest observed adverse effect level (LOAEL) of 250 ppm, 9 mg/kg/day for male and female

dogs based on decreases in red blood cells (RBC), hematocrit (HCT), and hemaglobin (HGB), increases in heinz bodies, methemoglobin, mean corpuscuslar volume (MCV), mean corpuscular hematocrit (MCH), reticulocytes, platelets, plasma total bilirubin, spleen weight, and spleen/body weight ratio, and liver/body weight ratio. Hemotopoiesis and sinusoidal engorgement occurred in the spleen, and hyperplasis occurred in the marrow of the femur and sternum. The liver showed an increased pigment in the Kupffer cells. The NOAEL for systemic toxicity in both sexes is 50 ppm (1.9 mg/kg/day).

5. *Chronic toxicity*. An 18–month mouse carcinogenicity study with no carcinogenicity observed at dosage levels up to and including 1,000 ppm.

A 2–year rat carcinogenicity with no carcinogenicity observed at dosage levels up to and including 2,000 ppm, 97 mg/kg/day and 125 mg/kg/day for males and females, respectively.

6. *Animal metabolism*. The pharmacokinetics and metabolism of tebufenozide were studied in female Sprague-Dawley rats (3–6/sex/group) receiving a single oral dose of 3 or 250 mg/kg of RH-5992 ^{14}C labeled in one of three positions (A-ring, B-ring or buryl carbon). The extent of absorption was not established. The majority of the radio labeled material was eliminated or excreted in the feces within 48 hours; small amounts (1% to 7% of the administered dose) were excreted in the urine and only traces were excreted in expired air or remained in the tissues. There was no tendency for bioaccumulation. Absorption and excretion were rapid. A total of 11 metabolites, in addition to the parent compound, were identified in the feces; the parent compound accounted for 96% to 99% of the administered radioactivity in the high dose group and 35% to 43% in the low dose group. No parent compound was found in the urine; urinary metabolites were not characterized. The absorption and metabolism of tebufenozide were studied in a group of male and female bile-duct cannulated rats. Over a 72 hour period, biliary excretion accounted for 30% (males) to 34% (females) of the administered dose while urinary excretion accounted for about 5% of the administered dose and the carcass accounted for <0.5% of the administered dose for both males and females. Thus systemic absorption (percent of dose recovered in the bile, urine and carcass) was 35% male to 39% female. The majority of the radioactivity in the bile (20% male to 24% female of the administered dose) was excreted within the first 6 hours post-dosing indicating rapid absorption. Furthermore, urinary excretion of the metabolites was essentially complete within 24 hours post-dosing. A large amount (67% female to 70% male) of the administered dose was unabsorbed and excreted in the feces by 72 hours. Total recovery of radioactivity was 105% of the administered dose.

7. *Metabolite toxicology*. A total of 13 metabolites were identified in the bile; the parent compound was not identified, i.e. unabsorbed compound, nor were the primary oxidation products seen in the feces in the pharmacokinetics study. The proposed metabolic pathway proceeded primarily by oxidation of the benzylic carbons to alcohols, aldehydes or acids. Bile contained most of the other highly oxidized products found in the feces. The most significant individual bile metabolites accounted for 5% to 18% of the total radioactivity (F and/or M). Bile also contained the previously undetected (in the pharmacokinetics study) ''A'' Ring ketone and the ''B'' Ring diol. The other major components were characterized as high molecular weight conjugates. No individual bile metabolite accounted for 5% of the total administered dose. Total bile radioactivity accounted for about 17% of the total administered dose. No major qualitative differences in biliary metabolites were observed between sexes. The metabolic profile in the bile was similar to the metabolic profile in the feces and urine.

8. *Endocrine disruption*. The toxicology profile of tebufenozide shows no evidence of physiological effects characteristic of the disruption of the hormone estrogen. Based on structure-activity information, tebufenozide is unlikely to exhibit estrogenic activity.

C. Aggregate Exposure

1. *Dietary exposure*—i. *Food*. Tolerances have been established (40 CFR 180.482) for the residues of tebufenozide, in or on a variety of raw agricultural commodities. The current petition requests establishment of tolerances in or on grape at 3.0 ppm and vegetable, tuberous and corn, except potato, subgroup at 0.01 ppm. Risk assessments were conducted by Dow AgroSciences to assess dietary exposures and risks from tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide as follows:

a. *Acute exposure*. Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. Neither neurotoxicity nor systemic toxicity was observed in rats given a single oral administration of tebufenozide at 0, 500, 1,000 or 2,000 mg/kg. No maternal or developmental toxicity was observed following oral administration of tebufenozide at 1,000 mg/kg/day (limit-dose) during gestation to pregnant rabbits. This risk is considered to be negligible.

b. *Chronic exposure*. The reference dose (RfD) used for the chronic dietary analysis is 0.018 mg/kg/day. In conducting the dietary exposure evaluation model (DEEM) analysis for chronic exposure to and risk from tebufenozide residues in food, Dow AgroSciences used tolerance level residues for all crops and other commodities with established or pending tebufenozide tolerances; and percent crop-treated (PCT) information for some of these crops.

ii. *Drinking water*—a. *Acute exposure*. Because no acute dietary endpoint was determined, Dow AgroSciences concludes that there is a reasonable certainty of no harm from acute exposure from drinking water.

b. *Chronic exposure*. The Agency calculated the Tier I Estimated Environmental Concentrations (EECs) for tebufenozide using generic expected environmental concentration (GENEEC) (surface water) and screening concentration in ground water (SCI-GROW) (ground water) models for use in the human health risk assessment. For chronic exposure, the worst case EECs for surface water and ground water were 16.5 parts per billion (ppb) and 1.04 ppb, respectively. These values represent upper-bound estimates of the concentrations that might be found in surface and ground water.

2. *Non-dietary exposure*. There is a potential for occupational exposure to tebufenozide during mixing, loading and application activities. However the Agency did not identify dermal or inhalation endpoints for tebufenozide and determined that risks from these routes of exposure are negligible.

D. Cumulative Effects

Cumulative exposure to substances with a common mechanism of toxicity, Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA does not have, at this time, available data to determine whether tebufenozide has a common mechanism

of toxicity with other substances, or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, tebufenozide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance petition, Dow AgroSciences has not assumed that tebufenozide has a common mechanism of toxicity with other substances.

E. Safety Determination

1. *U.S. population.* Using the exposure assumptions previously described, and taking into account the completeness and reliability of the toxicity data, Dow AgroSciences has concluded that dietary (food only) exposure to tebufenozide will utilize 21% of the chronic population adjusted dose (cPAD) for the U.S. population. EPA generally has no concern for exposures below 100% of the cPAD. Submitted environmental fate studies suggest that tebufenozide is moderately persistent to persistent and mobile; thus, tebufenozide could potentially leach to ground water and runoff to surface water under certain environmental conditions. The modeling data for tebufenozide indicate levels less than the Agency's DWLOCs. There are no chronic non-occupational/residential exposures expected for tebufenozide. Therefore, Dow AgroSciences concludes that there is a reasonable certainty that no harm will result to adults, infants and children from chronic aggregate exposure to tebufenozide residues.

2. *Infants and children.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

Using the exposure assumptions previously described, and taking into account the completeness and reliability of the toxicity data, the dietary (food only) exposure to tebufenozide will utilize 51% of the cPAD for the most highly exposed population subgroup (children 1–6 years old). EPA generally has no concern for exposures below 100% of the cPAD. Despite the potential for exposure to tebufenozide in drinking water and from non-dietary non-occupational exposure, Dow AgroSciences does not expect the aggregate exposure to exceed 100% of the RfD.

F. International Tolerances

Codex maximum residue levels have been established for residues of tebufenozide in/on pome fruit (1.0 ppm), husked rice (0.1 ppm) and walnut (0.05 ppm). Tebufenozide is registered in Canada, and a tolerance for residues in/on apples is established at 1.0 ppm. EPA has set the pome fruit tolerance at 1.5 ppm based on U.S. field residue trials.

[FR Doc. 03–5912 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0022; FRL–7295–9]

Dimethenamid; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket ID number OPP–2003–0022, must be received on or before April 11, 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: Sidney Jackson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7610; e-mail address: *jackson.sidney@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

- Industry (NAICS 111), *e.g.*, Crop production.
- Industry (NAICS 112), *e.g.*, Animal production.
- Industry (NAICS 311), *e.g.*, Food manufacturing.
- Industry (NAICS 32532), *e.g.*, Pesticide manufacturing.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit I.A. 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–2003–0022. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document

electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

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

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2003–0022. 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–2003–0022. 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–2003–0022.

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–2003–0022. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 4, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by FFDCA section 408(d)(3). The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

PP 0E6196

EPA has received a pesticide petition (PP 0E6196) from the Interregional Research Project No. 4 (IR–4), Technology Centre of New Jersey, Rutgers, the State University of New Jersey, 681 U.S. Highway #1 South, North Brunswick, NJ 08902–3390 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180.464 by establishing tolerances for residues of dimethenamid, (R,S)-2-chloro-*N*-[(1-methyl-2-methoxy) ethyl]-*N*-(2,4-dimethyl-thien-3-yl)-acetamide in or on the raw agricultural commodities beet, garden, roots at 0.01 parts per million (ppm); beet, garden, tops at 0.01 ppm; beet, sugar, roots at 0.01 ppm; beet, sugar, tops at 0.01 ppm; garlic, dry bulb at 0.01 ppm; horseradish at 0.01 ppm; onion, dry bulb at 0.01 ppm, shallot, dry bulb at 0.01 ppm; and tuberous and corm vegetables subgroup (Crop group 1C) at 0.01 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition. This petition summary was prepared by the registrant, BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709–3528.

A. Residue Chemistry

1. *Plant and animal metabolism.* BASF Corporation notes that metabolism in plants and animals is understood.

2. *Analytical method.* The proposed analytical method uses extraction and clean-up followed by quantification with capillary column gas chromatography (GC) using thermionic nitrogen specific detector. A GC/mass spectrocopy (MS) method for identification is also available. This method is not selective towards the dimethenamid isomer and is therefore valid for residues from both dimethenamid and the enriched dimethenamid-P. Tolerances are proposed based on a non-isomer specific basis.

3. *Magnitude of residues.* For onion, magnitude of the residue data are based on applications with dimethenamid. Residue trials were conducted at 8 locations in California, Michigan, New York, Oregon, Texas, Washington, and Wisconsin. Treatments were made at 1.5 lbs active ingredient/acre (ai/A) 30 or 45 days before harvest. No residues above the limit of quantitation (LOQ) of 0.01 ppm were detected in dry bulb onion. Residue data from dry bulb onion will be used as surrogate data for dry bulb garlic and shallots.

For sugar beet, magnitude of the residue data are based on dimethenamid-P applications to sugar beet at 0.98 lb ai/A. Dimethenamid-P is the biologically active isomer from the racemic dimethenamid mixture. The method measures both dimethenamid and dimethenamid-P, so the sugar beet residue determinations for dimethenamid-P are considered representative of the proposed treatments with dimethenamid. No residues were detected in sugar beet roots or tops from a testing program conducted in 12 locations across 8 states. Data from processing studies indicate that no residues are detected in the roots even at exaggerated rates of 3.15 lbs ai/A. The limit of quantitation is 0.01 ppm. The sugar beet trials also support the tolerances for table beet.

For the tuberous and corm vegetable subgroup, magnitude of the residue data for potatoes are based on applications with dimethenamid-P. Residue trials were conducted at 17 locations in California, Colorado, Florida, Idaho, Michigan, New Jersey, North Carolina, Oregon, Pennsylvania, Washington, and Wisconsin. Treatments were made at 1.25 lbs ai/A 40 days before harvest. No residues above the LOQ of 0.01 ppm were detected in potato tubers. Data from processing studies indicate that no residues are detected in the tubers even at exaggerated rates of 12.5 lbs ai/A. Residue data from potato tubers will be used as surrogate data for horseradish.

BASF believes that due to the low levels of residue in the RAC's, tolerances in animals are not required.

B. Toxicological Profile

1. *Acute toxicity*. Based on available acute toxicity data, dimethenamid and dimethenamid-P do not pose an acute dietary risk. The acute toxicity studies place both technical materials in acute toxicity category II for acute oral; in acute toxicity category III for acute dermal, inhalation, and eye; and in acute toxicity category IV for dermal irritation. The technical materials are a positive skin sensitizer.

2. *Genotoxicity*. The following testing was performed with dimethenamid for genotoxicity. A modified ames test: Negative; *in vitro* CHO/HGPRT mammalian cell mutation assay: Negative; *in vitro* cytogentics - CHO cells (1 study; chromosome aberrations): Weakly positive; *in vitro* UDS test using rat hepatocytes (3 studies; DNA damage and repair): 2 negative; 1 equivocally positive, mouse micronucleus assay (2 studies; chromosome aberrations): Negative, rat dominant lethal assay: 1 study equivocally positive, 1 study negative. Overall dimethenamid has been tested in 14 genetic toxicology assays. The weight of the evidence demonstrates that dimethenamid is not genotoxic.

The following testing was performed with dimethenamid-P for genotoxicity. A modified ames test (3 studies; point mutation): Negative; *in vitro* CHO/HGPRT mammalian cell mutation assay (1 study; point mutation): Negative; *in vitro* cytogentics - CHO cells (1 study; chromosome aberrations): Negative; *in vitro* UDS test using rat hepatocytes (1 study; DNA damage and repair): Negative; mouse micronucleus assay (1 study; chromosome aberrations): Negative. Dimethenamid-P has been tested in a total of 7 genetic toxicology assays. These assays were performed both *in vitro* and *in vivo* and multiple assays were conducted for each of the three EPA Guideline requirement categories. Based on the data presented above, the data indicates that dimethenamid-P does not induce gene mutations, is not clastogenic and does not induce other effects indicative of genotoxicity. Therefore, BASF concludes that dimethenamid-P does not pose a mutagenic hazard to humans.

3. *Reproductive and developmental toxicity*—i. *Rat*. A developmental rat study using dimethenamid via oral gavage resulted in dosages of 0, 50, 215, and 425 milligram per kilogram (mg/kg)/day with a development toxicity no observed adverse effect level (NOAEL) of 215 mg/kg/day and a maternal toxicity of 50 mg/kg/day based on the following: (1) Signs of maternal toxicity, in the form of reduced body weight gain and food consumption, increased liver weight and clinical observations were observed at dose levels > 215 mg/kg/day with an increase in effects to the upper dose level; (2) at the = 215 mg/kg/day dose levels slight decreases in fetal body weights were observed which are not indicative a teratogenic effect; and (3) at the 425 mg/kg/day dose level a slight increase in resorptions was observed, and two fetuses had incomplete ossified manubria. These effects are not indicative of a teratogenic effect.

A developmental rat study using dimethenamid-P via oral gavage resulted in dosages of 0, 25, 150, and 300 mg/kg/day with a development toxicity NOAEL of 25 mg/kg/day and a maternal toxicity of 25 mg/kg/day based on based on the following: (1) Signs of maternal toxicity, in the form of decreased body weights and food consumption were observed at dose levels > 150 mg/kg/day with an increase in effects to the upper dose level; (2) at the 150 mg/kg/day dose level slight decreases in fetal body weights and retarded ossification of the pelvis pubis were observed which are not indicative a teratogenic effect; and (3) at the 300 mg/kg/day dose level slight decreases in fetal body weights, microphthalmia in two fetuses/two litters, distended ureters, and retarded ossification of the 2nd sternal centra and pelvis pubis were observed, similarly, these effects are not indicative of a teratogenic effect.

ii. *Rabbits*. A developmental study in rabbits using dimethenamid via oral gavage resulted in dosages of 0, 37.5, 75, and 150 mg/kg/day (HDT) with a development toxicity NOAEL of 75 mg/kg/day and a maternal toxicity of 37.5 mg/kg/day based on: (1) Decreased body weight, food consumption, and absorption/premature delivery in the 75 and 150 mg/kg/day dose groups; and (2) effects on fetal development were a low incidence of absorption/premature delivery and hyoid angulated changes in the 150 mg/kg/day dose group which are not are indicative of a teratogenic effect.

iii. *Two-generation reproduction - rats*. A two-generation reproduction study using dimethenamid with rats fed dosages of 0, 7.5, 38, and 155 mg/kg/day (average mg/kg/day dose levels for both male and female rats) with a reproductive NOAEL of 38 mg/kg/day and with a parental NOAEL of 38 mg/kg/day based on: (1) Parental toxicity as evident by reduction in body weight and food consumption and significant increases in absolute and/or relative liver weights in both males and female rats in the 155 mg/kg/day dose group; and (2) significant reductions in pup weight during lactation were observed in the 150 mg/kg/day dose group. No changes in pregnancy rates, fertility or length of gestation were observed at all dose levels tested.

4. *Chronic feeding and carcinogenicity*. The established reference dose (RfD) for dimethenamid and dimethenamid-P is based on a 2-year feeding study in rats with dimethenamid, with a threshold NOAEL of 5.1 mg/kg/day. Using an uncertainty factor of 100, the RfD is calculated to be 0.05 mg/kg/day. The following are summaries of the pertinent toxicity data supporting dimethenamid tolerances:

i. *Chronic feeding - nonrodent*. A 1-year feeding study in dogs fed dimethenamid at dosages of 0, 2, 9.6, or 49 mg/kg/day with a NOAEL of 9.6 mg/kg/day based on the following effects: (1) Slight decreases in body weights for both the high dose male and female dogs as compared to controls; (2) a variable degree of periportal hepatocyte vacuolation in the high-dose male and female dogs; (3) minimal or mild hepatocyte enlargement was similarly observed in the high-dose dogs; and (4) the liver changes at the high-dose group correlated with increase in serum alkaline phosphatase activity and cholesterol levels and increased liver-to-body weight ratios in both male and female dogs.

ii. *Chronic feeding/carcinogenicity - rat*. A combined chronic feeding/carcinogenicity study using dimethenamid was performed in rats being fed dosages of 0, 5.1, 36, and 80 mg/kg/day (males) and 0, 6.8, 49, and 109 mg/kg/day (females) with a NOAEL of 5.1 mg/kg/day (males) and 6.8 mg/kg/day (females) based on the following effects: (1) Decreased body weights in both males and female rat at dose levels > 36 mg/kg/day dose groups with a slight progression of severity to the upper level; (2) decreased food consumption in both males and female rats at dose levels > 36 mg/kg/day dose groups with a slight progression of severity to the upper dose level; (3) minimal hematological and clinical chemistry value changes at dose levels > 36 mg/kg/day dose groups with very slight increase of severity at the higher dose tested; (4) increased absolute liver weights for females at dose levels > 49 mg/kg/day; (5) microscopic findings were observed in the liver, parathyroid, and stomach of high-dose males, only, and ovaries of high-dose females; and (6) an increased incidence of benign and malignant tumors of the liver at the highest dose level tested. The liver tumors observed in this study occurred at an incidence which was slightly beyond the historical control range for this tumor type, and occurred at the

maximum tolerated dose (MTD). Given the lack of structural activity relationship (SAR) and the lack of mutagenicity discussed in section B.2., it is BASFs opinion that dimethenamid-P should not be considered a biologically relevant carcinogen in rats and the assessment is made that the results of this carcinogenicity study do not indicate a carcinogenic potential of the test substance for humans.

iii. *Carcinogenicity - mice*. A carcinogenicity study using dimethenamid in mice fed dosages of 0, 3.8, 41, 205, and 431 (HDT) mg/kg/day (males) and 0, 4.1, 41, 200, and 411 (HDT) mg/kg/day (females) with a NOAEL of 41 mg/kg/day for male and female mice based on the following effects: (1) Decreased body weights and food consumption were observed in both males and female mice at the highest dose tested; (2) increased liver weights were observed for male and female mice at the highest dose tested at an interim sacrifice and increased weights for kidney and liver were observed for female mice at dose levels > 200 mg/kg/day at terminal sacrifice; (3) microscopic findings were observed in the liver and stomach for both male and female mice at the upper dose levels; (4) concerning the finding in the stomach, EPA has determined that this finding was attributed to irritation of the material and the finding was not toxicology significant; and (4) no increased incidence of neoplasms occurred at any dose levels tested in this study. EPA has concluded that this product is not carcinogenic under the conditions of this study.

Dimethenamid is considered not to be carcinogenic in mice by BASF. In the rat carcinogenicity study, a slight increase in liver tumors was observed in males, only, at the highest dose tested. The liver tumors observed in this study occurred at an incidence that was slightly beyond the historical control range for this tumor type, and occurred at the MTD. Dimethenamid shares no common mechanisms with other compounds in the chloroacetanilide class of compounds. It is BASF's opinion that dimethenamid and dimethenamid-P should not to be considered biologically relevant carcinogens in rats and the assessment is made that the results of this carcinogenicity study do not indicate a carcinogenic potential of these substances for humans.

However, EPA has determined that dimethenamid is considered to be a Group C carcinogen - possible human carcinogen - based on the judgment of the EPA Carcinogenicity Peer Review Committee assessment. Also, the Committee determined for risk assessment purposes, the RfD approach should be used to quantify human risk. BASF agrees with the Agency that the RfD approach for human risk assessment is valid.

5. *Endocrine disruption*. No specific tests have been performed with dimethenamid-P or dimethenamid to determine whether the chemical may have an effect in humans that is similar to an effect produced by naturally occurring estrogen or other endocrine effects. However, there are no significant findings in other relevant toxicity studies, *i.e.* teratology and multi-generation reproductive studies, that would suggest the dimethenamid produces endocrine related effects.

C. Aggregate Exposure

1. *Dietary exposure*—i. *Food.* BASF has reviewed the available toxicology database to determine the endpoints of concern. For dimethenamid and dimethenamid-P, BASF believes there is no concern regarding an acute dietary risk since the available data do not indicate any evidence of significant toxicity from a 1 day or single event exposure by the oral route.

For the purpose of assessing the potential chronic dietary exposure, BASF has estimated aggregate exposure based on theoretical maximum residue contribution (TMRC) from the tolerance of dimethenamid on sweet corn, sorghum, peanuts, and dry beans at 0.01 ppm for all uses stated, respectively. The TMRC is a ''worse case'' estimate of dietary exposure since it is assumed that 100% of all crops for which the tolerances are established are treated and that pesticide residues are always found at tolerance levels. EPA in a letter issued on October 13, 1995, for dimethenamid, determined the TMRC for the crops mentioned in section C.1. to be 0.076 and 0.341 microgram (ug)/kg/day for the general U.S. population and non-nursing infants (< 1), respectively. Dimethenamid treated crops using the TMRC values utilized 0.15% and 0.683% for the general U.S. population and non-nursing infants (< 1), respectively, of the RfD (0.05 mg/kg/day). These assessments are also valid for dimethenamid-P. BASF concurs with this assessment.

The addition of an onion tolerance at 0.01 ppm has a TMRC of 0.0011 ug/kg/day for the general population and a TMRC of 0.0004 ug/kg/day for non-nursing infants. Sugar beet tolerances at 0.01 ppm, add 0.0033 ug/kg/day to the TMRC for the general population and 0.0013 ug/kg/day to the TMRC for non-nursing infants. The addition of table beet tops, dry bulb garlic, horseradish, and dry bulb shallot is negligible; table beet root tolerances at 0.01 ppm add 0.00022 ug/kg/day to the TMRC for the general population and 0.0019 ug/kg/day to the TMRC for non-nursing infants. The addition of potato tolerances at 0.01 ppm would contribute 0.011 ug/kg/day to the TMRC for the general population and 0.014 ug/kg/day to the TMRC for non-nursing infants. The addition of sweet potato tolerances at 0.01 ppm would contribute 0.00039 ug/kg/day to the TMRC for the general population and 0.0029 ug/kg/day to the TMRC for non-nursing infants. The total RfD utilization from all uses, both registered and proposed, is 0.18% for the general population, and 0.72% for non-nursing infants.

Therefore, based on the completeness and reliability of the toxicity data, and the exposure assessment discussed in section C.1., BASF concludes that there is a reasonable certainty that no harm will result from aggregate exposure to residues of dimethenamid and dimethenamid-P, including all anticipated dietary exposure.

ii. *Drinking water*. Other potential sources of exposure to dimethenamid for the general population are residues in drinking water and exposure from non-occupational sources. In a dimethenamid-P environmental-fate risk assessment dated December 1998, EPA calculated the following maximum concentrations for drinking water: Based on SCI-GROW model calculations, ground-water concentrations were expected to be < 1.0 parts per billion (ppb). Based on PRZM/EXAMS model calculations for surface water, the maximum yearly average (chronic) concentration was 5.4 ug/l from a Southeast corn scenario. Using these values, the drinking water level of comparison (DWLOC) and the aggregate RfD utilization are summarized in the table below.

	U.S. population (% of RfD)	Non-nursing infants (% of RfD)
Chronic dietary exposure	0.18	0.72
Remainder RfD available for water (%) (drinking water level of comparison)	99.82	99.32

	U.S. population (% of RfD)	Non-nursing infants (% of RfD)
SCI-GROW ground water estimation[1]	< 0.10	0.20
PRZM/ EXAMS surface water estimation[1]	0.30	1.10
Total of RfD used by diet and water	0.58	2.00

[1]Used highest values predicted from the model for all agricultural uses. Assumes 2L/day and 70 kg adult; 1L/day and 10 kg infant.

2. *Non-dietary exposure*. For non-occupational exposure, dimethenamid/dimethenamid-P is not registered for either golf course or homeowner uses which could contribute to ''non-dietary or other exposure.''

D. Cumulative Effects

BASF has considered the potential for cumulative effects of dimethenamid and other substances that have a common mechanism of toxicity. BASF is aware of several other chloroacetanilide herbicides that have been considered structurally similar to dimethenamid, these being: Acetochlor, propachlor, butachlor, metolachlor, and alachlor. However, BASF believes that consideration of a common mechanism of toxicity to these products is not appropriate or valid. This conclusion was based on the presentation EPA made to the EPA FIFRA Science Advisory Panel (SAP) on March 20, 1997. The title of the presentation was ''Grouping of Chloroacetanilide Pesticides Based on a Common Mechanism of Toxicity.'' In this presentation EPA showed the structure of several chloroacetanilides that included dimethenamid. BASF is identifying Chlor–7 as dimethenamid. EPA concluded that Chlor–7 should not be considered to have a common mechanism to the other chloroacetanilides based on the following reasons:

- Except for Chlor–7 all other members of this case study have a potential to generate a quinone imine. The quinone imine intermediate, is capable of reacting with macromolecules.
- Chlor–7 has not produced nasal nor thyroid tumors in rats, thus does not support inclusion in the group for a common mechanism for these tumor types.

For liver tumors, Chlor–1, Chlor–7, Chlo–r5, and Chlor–6, can be potentially grouped for a common mechanism, but EPA determined that there is no knowledge of a common mechanism of toxicity or of a common toxic species responsible for the effect. Therefore, EPA concluded that because a mechanism can not be postulated, it believes that sufficient evidence is not available to support a common mechanism for this tumor type with these materials.

Therefore, BASF agrees with the position put forward by the Agency and confirmed by the SAP that a common mechanism is inappropriate for dimethenamid (Chlor–7) and the other chloroacetanilides mentioned in section D. BASF has considered only the potential risks of dimethenamid in its exposure assessment.

E. Safety Determination

1. *U.S. population*. Using the exposure assumptions described in section C., based on the completeness and the reliability of the toxicity data, BASF has estimated that aggregate exposure to dimethenamid will utilize < 1% of the RfD (0.05 mg/kg/day) for the U.S. population. EPA generally has no concern for exposure below 100% of the RfD. Therefore, based on the completeness and reliability of the toxicity data, and the exposure assessment discussed in sections B. and C., BASF concludes that there is a reasonable certainty that no harm will result from aggregate exposure to residues of dimethenamid including all anticipated dietary exposure and all other non-occupational exposures.

2. *Infants and children*. BASF cites results of developmental toxicity studies reported in section B.3. including:

- Observed developmental toxicity effects in rats are not indicative of teratogenic effect.
- The results of developmental study in rabbits also demonstrated that dimethenamid is not a teratogenic compound and has a development toxicity NOAEL of 75 mg/kg/day and a maternal toxicity of 37.5 mg/kg/day.

BASF believes that these test results demonstrate that the rat and rabbit are similarly sensitive to dimethenamid. Additionally, the NOAEL of 5 mg/kg/day from the chronic rat study used to set the RfD is 7.5X and 5X lower than the maternal NOAELs established in the rabbit and rat teratology studies, respectively. The developmental effects observed in either the rat or rabbit occurred only at maternally toxic doses. Therefore, BASF concludes that no additional safety factor is needed for children.

F. International Tolerances

A maximum residue level has not been established under Codex Alimentarius Commission for dimethenamid for any of the proposed uses.

[FR Doc. 03–5914 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0043; FRL–7292–5]

Extension of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an extension of an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: Ann Sibold, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6502; e-mail address: sibold.ann@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, 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 information in this action, 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–2003–0043. 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. EUP

EPA has extended the following EUP:

241–EUP–141. Extension. BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709–3528. This EUP allows the use of 289.27 pounds of the termiticide chlorfenapyr not to exceed 22 acres of structures to evaluate the control of termites. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Washington. The EUP extension is effective from January 1, 2003 to December 31, 2004.

Authority: 7 U.S.C. 136c.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 24, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 03–5476 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0054; FRL–7294–9]

Pesticides: Procedures Concerning the Development, Modification, and Implementation of Policy Guidance Documents; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability for comment of a paper discussing procedural guidance for policy development in the Office of Pesticide Programs (OPP). The procedures have two goals: To increase public participation in the development, modification and implementation of OPP policy guidance documents; and to clarify that while such documents are non-binding policy statements and not legally binding rules, they nonetheless play an important role in helping to ensure a consistent starting point for OPP decision making.

DATES: Comments, identified by docket ID number OPP–2003–0054, must be received on or before May 12, 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: William L. Jordan, Senior Policy Adviser (7501C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–1049; fax number: (703) 308–4776; e-mail address: *jordan.william@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides. The Agency has not attempted to describe all the persons or entities who may be interested in or affected by this action. If you have questions in this regard, 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–2003–0054. 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. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in

EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

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

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2003–0054. 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–2003–0054. 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), Office of Pesticide Programs (OPP), Environmental Protection Agency (7502C), 1200 Pennsylvania Ave., NW., Washington, DC, 20460–0001, Attention: Docket ID Number OPP–2003–0054.

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–2003–0054. 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 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 your estimate.

5. Provide specific examples to illustrate your concerns.

6. Offer alternatives.

7. Make sure to submit your comments by the comment period deadline identified.

8. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. Background

A. What Action is the Agency Taking?

EPA is making available for comment a paper on procedures for developing, modifying, and implementing its policy guidance documents concerning the regulation of pesticides. These procedures have two goals. The first is to increase public participation in the development, modification, and implementation of OPP policy guidance documents; the second is to clarify that while such documents are non-binding policy statements and not legally binding rules, they nonetheless play an important role in helping to ensure a consistent starting point for OPP decision making.

EPA will consider the comments received and plans to reissue the paper with revisions, as appropriate, after considering and responding to all significant comments.

List of Subjects

Environmental protection, pesticides, policy, guidance.

Dated: March 4, 2003.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 03–5916 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7464–3]

Clean Water Act Section 303(d): Final Agency Action on 1 Total Maximum Daily Load (TMDL)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces final agency action on 1 TMDL prepared by EPA Region 6 for waters listed in Louisiana's Ouachita river basin, under section 303(d) of the Clean Water Act (CWA). Documents from the administrative record file for the 1 TMDL, including TMDL calculations and responses to comments, may be viewed at *http://www.epa.gov/region6/water/tmdl.htm.* The administrative record file may be examined by calling or writing Ms. Ellen Caldwell at the following address. Please contact Ms. Caldwell to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Ellen Caldwell, Environmental Protection Specialist, Water Quality Protection Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202–2733, (214) 665–7513.

SUPPLEMENTARY INFORMATION: In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner.

EPA Takes Final Agency Action on 1 TMDL

By this notice EPA is taking final agency action on the following 1 TMDL for waters located within the Ouachita river basin:

Subsegment	Waterbody name	Pollutant
081602	Little River—From Bear Creek to Catahoula Lake (Scenic)	Mercury in fish tissue.

EPA requested the public to provide EPA with any significant data or information that may impact the 1 TMDL in **Federal Register** notice 67 FR 77994 (December 20, 2002). The comments received and EPA's response to comments may be found at *http://www.epa.gov/region6/water/tmdl.htm.*

Dated: February 28, 2003.

Oscar Ramirez, Jr.,

Acting Director, Water Quality Protection Division, Region 6.

[FR Doc. 03–5714 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7465–1]

National Clean Water Act Recognition Awards: Availability of Application and Nomination Information

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of application and nomination information for the U.S. EPA's 2003 Clean Water Act Recognition Awards. The awards recognize municipalities and industries for outstanding and innovative technological achievements in wastewater treatment and pollution abatement programs. Recognition is made for projects or programs in the following categories: outstanding operations and maintenance (O&M) at wastewater treatment facilities; biosolids exemplary management; pretreatment program excellence; outstanding storm water management; and, combined sewer overflow (CSO) control program excellence. The awards are intended to educate the public about the contributions wastewater treatment facilities make to clean water; to encourage public support for municipal and industrial efforts in effective wastewater management, biosolids disposal and reuse, and wet weather pollution control; and, to recognize communities that use innovative practices to meet CWA permitting requirements.

DATES: Nominations are due to EPA headquarters no later than May 30, 2003.

ADDRESSES: Applications and nomination information can be obtained from the EPA regional offices and our Web site at *http://www.epa.gov/owm/intnet.htm.*

FOR FURTHER INFORMATION CONTACT: Maria E. Campbell, Telephone: (202) 564–0628. Facsimile Number: (202) 501–2396. E-mail: *campbell.maria@epa.gov.* Also visit the Office of Wastewater Management's Web page at *http://www.epa.gov/owm.*

SUPPLEMENTARY INFORMATION: The CWA Recognition Awards are authorized by section 501(a) and (e) of the Clean Water Act, and 33 U.S.C. 1361(a) and (e). Interested parties must be in compliance with all applicable CWA requirements, or otherwise have a satisfactory record with respect to environmental quality. Applications and nominations for the national award must be recommended by EPA regions. A regulation in the **Federal Register** on February 8, 2002, (67 FR 6138, February 8, 2002) establishes a framework for the annual

CWA Recognition Awards (formerly known as the National Wastewater Management Excellence Awards.)

Dated: February 4, 2003.

Jane S. Moore,

Acting Director, Office of Wastewater Management.

[FR Doc. 03–5911 Filed 3–11–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011844.
Title: NYK STAR Reefers Joint Service Agreement
Parties:
NYK Reefers Ltd.
STAR Reefers AS
Synopsis: The agreement establishes a joint service to operate in the trade from ports in New Zealand to ports on the Atlantic and Pacific Coasts of the United States.

Agreement No.: 011745–006.
Title: Evergreen/Lloyd Triestino/Hatsu Marine Alliance Agreement
Parties:
Evergreen Marine Corp. (Taiwan) Ltd.
Lloyd Triestino di Navegazione S.p.A.
Hatsu Marine Limited
Synopsis: The proposed amendment expands the geographic scope to include ports in Central America and the Caribbean. It also authorizes the parties to deploy 61 vessels in the agreement trade but have the ability to operate a maximum of 65 vessels.

Agreement No.: 010806–006.
Title: Portland SSA Terminal-2 Marine Terminal Agreement.
Parties:
The Port of Portland
SSA Pacific Terminals, Inc.
Synopsis: The agreement amendment changes the crane maintenance fee to a reimbursement basis and makes arrangements for a security officer. The agreement continues to run through September 30, 2005.

By Order of the Federal Maritime Commission.

Dated: March 7, 2003.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 03–5917 Filed 3–11–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants

Americar Global Logistics, Inc., 13778 SW 144th Terrace, Miami, FL 33186, Officers: Michael O'Neal Archer, President (Qualifying Individual), Richard Haynes, Vice President.

Topocean Consolidation Service (ORD) Inc., 729 North, Route 83, Suite 311, Bensenville, IL 60106, Officers: C.C. Chen, Manager (Qualifying Individual), Vic Cheung, President.

William's Caribbean Shipping & Delivery Services, Inc., 275 Howard Avenue, Brooklyn, NY 11233, Officer: Charles Williams, President (Qualifying Individual).

Trans Global-NA USA, Inc., 1185 Morris Avenue, Union, NJ 07083, Officers: Poul Rosander, Vice President (Qualifying Individual), John Hansen, President.

Topwinner Transportation (USA) Inc., 1641 West Main Street, Suite 302, Alhambra, CA 91801, Officers: Fu-Chiu (Fred), Chou, President (Qualifying Individual), Wei-Ju, Chou, Secretary.

Polo Logistics, Inc., 267 5th Avenue, Suite B–1, New York, NY 10016, Officers: Hasan Akipek, Vice President (Qualifying Individual), Hasan Ozcilingir, President.

Fox Freight Forwarders, Inc., 3727 NW 52nd Street, Miami, FL 33142, Officer: Maria S. Hugues, President (Qualifying Individual).

Canon Express Inc., 5230 W. Century Blvd., Suite 508, Los Angeles, CA 90045, Officers: James J. Jhung, President/CEO (Qualifying Individual), Young H. Jhung, CFO.

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

J.D. Pacific Inc., 53–28 187th Street, Fresh Meadows, NY 11365, *Officers:* Liu, Ying (Kathy), Exec. Manager (Qualifying Individual), Li, Heng, President.

Publiship Logistics Inc., 129 Washington Street, 3rd Floor, Hoboken, NJ 07030, *Officers:* Wolfgang H.G. Schmid, Vice President (Qualifying Individual), Sam Higgins, President.

CDS Overseas, Inc., One Cross Island Plaza, Suite #111, Rosedale, NY 11422, *Officer:* Danston Lam, Vice President (Qualifying Individual), Joseph Yau, President.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

Kodai (U.S.A.), Inc., 2440 South Hacienda, Suite 210, Hacienda Heights, CA 91745, *Officers:* Eric Hsi, Secretary (Qualifying Individual), An, Wenqi, CEO.

Intersect Systems International LLC, 2210 Meyers Avenue, Escondido, CA 92029, *Officer:* Alycia Cerini, President (Qualifying Individual).

Kare International, 3171 W. Olympic Blvd., #165, Los Angeles, CA 90006, Katy C. Chang, Sole Proprietor.

Dated: March 7, 2003.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 03–5918 Filed 3–11–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding date shown below:

License Number: 15917N.
Name: Golden Jet-L.A., Inc. dba Golden Jet Freight Forwarders.
Address: 12333 S. Van Ness Avenue, Suite 201, Hawthorne, CA 90250.
Date Revoked: January 29, 2003.

Reason: Failed to maintain a valid bond.

License Number: 1663F.
Name: H.A. & J.L. Wood, Inc.
Address: 231 North 3rd Street, Penbina, ND 58271.
Date Revoked: July 1, 2002.
Reason: Surrendered license voluntarily.

License Number: 2662NF.
Name: La Flor De Mayo Express, Inc.
Address: 311 Bruckner Blvd., Suite B, Bronx, NY 10454.
Date Revoked: January 29, 2003.
Reason: Surrendered license voluntarily.

License Number: 3054F.
Name: Loor International Forwarders, Inc.
Address: 1221 Brickell Avenue, #901, Miami, FL 33131.
Date Revoked: February 14, 2003.
Reason: Failed to maintain a valid bond.

License Number: 2004F.
Name: Shipping Corporation of America.
Address: 2800 N. Ocean Drive, #A7A, Singer Island, FL 33404.
Date Revoked: January 16, 2003.
Reason: Surrendered license voluntarily.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 03–5920 Filed 3–11–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/Address	Date Reissued
16126N	Motorvation Services Inc., PO Box 348, 100 Broad Street, Tonawanda, NY 14151	December 8, 2002.
12190N	Reliable Overseas Shipping & Trading, Inc., 239–241 Kingston Avenue, Brooklyn, NY 11213.	November 16, 2002.
11170NF	Sage Freight Systems Inc., dba Sage Container Lines, 182–30 150th Road, Suite 108, Jamaica, NY 11413.	October 16, 2002.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 03–5919 Filed 3–11–03; 8:45 am]

BILLING CODE 6730–01–P

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 26, 2003.

A. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. Neil D. McCurry, Jr., Sarasota, Florida;to acquire additional shares and J. Steadman McCurry, Charlotte, North Carolina, Neil D. McCurry, Sr., and Bettye S. McCurry, Bradenton, Florida, and Liane McCury, Sarosota, Florida; to retain voting shares of People's Community BancShares, Inc., Sarasota, Florida, and thereby indirectly retain voting shares of People's Community Bank of the West Coast, Sarasota, Florida.

B. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Aubrey K. McClendon; Tom L. Ward; Marcus C. Rowland; Shannon T. Self, and C. Ray Lees, all of Oklahoma City, Oklahoma (as a group), to acquire voting shares of First Medicine Lodge Bancshares, Inc., Overland Park, Kansas, and thereby indirectly acquire voting shares of First Bank of Medicine Lodge, Medicine Lodge, Kansas.

Board of Governors of the Federal Reserve System, March 6, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–5840 Filed 3–11–03; 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 April 4, 2003.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. Arvest Holdings, Inc., Little Rock, Arkansas, and Arvest Bank Group, Inc., Bentonville, Arkansas; to acquire 100 percent of the voting shares of Mountain Bancshares, Inc., Yellville, Arkansas, and thereby indirectly acquire The Bank of Yellville, Yellville, Arkansas.

Board of Governors of the Federal Reserve System, March 6, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–5839 Filed 3–11–03; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary, Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New.

Title of Information Collection: Office for Civil Rights Complaint Forms.

Form No.: OS–OCR Complaint Forms (OMB #0938—Newcc).

Use: Under these authorities, individuals may file written complaints with OCR when they believe they have been discriminated against or if they believe that on or after April 14, 2003, their right to the privacy of protected health information has been violated. OCR has developed two complaint forms—one for civil rights discrimination complaints and one for complaints alleging violation of the privacy of protected health information. The use of these forms will be voluntary; complaints may be submitted via other means such as letter or e-mail. The Office for Civil Rights (OCR) is responsible for enforcing Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and other statutes which prohibit discrimination by programs or entities that receive Federal financial assistance from HHS. Additionally, OCR has jurisdiction over Federally-conducted programs in cases involving disability-based discrimination under section 504 of the Rehabilitation Act, over State and local public entities in cases involving disability-based discrimination under Title II of the Americans with Disabilities Act and, effective April 14, 2003, over certain health plans, health clearinghouses and health care providers with respect to enforcement of the standards for privacy of individually identifiable health information rule issued pursuant to the Health Insurance Portability and Accountability Act (HIPAA).

Frequency: On occasion.

Affected Public: Individuals.

Number of Respondents: 23,800 (2,100 discrimination/21,700 medical privacy).

Total Annual Responses: 23,800.

Total Annual Hours: 16,275.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, call the OS Reports Clearance Office at (202) 619–2118 or e-mail *Geerie.Jones@HHS.gov.*

Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt (OS/OCR Complaint Forms), New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 5, 2003.

Robert E. Polson,

Reports Clearance Officer, Office of the Secretary, Department of Health and Human Services,

[FR Doc. 03–5904 Filed 3–11–03; 8:45 am]

BILLING CODE 4153–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement No. AoA–03–01]

Fiscal Year 2003 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications.

SUMMARY: The Administration on Aging announces that under this program announcement it will hold a competition for a cooperative agreement to fund a National Long-Term Care Ombudsman Center at $550,000 per year for a period of 3 years.

Legislative authority: The Older Americans Act, Pub. L. 106–501 (Catalog of Federal Domestic Assistance 93.048, Title IV and Title II Discretionary Projects).

Purpose of grant award: This cooperative agreement project will support the National Long-Term Care Ombudsman Program. The award will be a cooperative agreement because AoA will be substantially involved in the development and implementation of the project. The cooperative agreement will provide for training, technical assistance and support to State Agencies on Aging and to the directors of the Offices of the State Long-Term Care Ombudsman in every state, the District of Columbia, Puerto Rico and Guam.

Eligibility for grant awards and other requirements: Eligibility for a cooperative agreement is limited to public and/or nonprofit agencies and organizations, including faith-based organizations and community-based organizations. To be considered for funding, however, a qualified applicant must demonstrate knowledge and experience with the Long-Term Care Ombudsman Program at national, state and local levels, as well as a thorough command of the history and current status of the program and the policy considerations bearing on its future development. This requirement is intended to ensure high quality training and assistance for the Long-Term Care Ombudsman Program.

Grantees are required to provide at least 25% of the total program costs from non-federal cash or in-kind resources in order to be considered for the award.

DATES: The deadline date for the submission of applications is April 28, 2003.

ADDRESSES: Application kits are available by writing to Administration on Aging, U.S. Department of Health and Human Services, Washington, DC 20201, attn: Sue Wheaton, or by calling (202) 357–3587.

Applications kits are also available at *http://www.aoa.gov/egrants.*

Applications may be mailed to the Office of Grants Management at the same address or hand-delivered to Administration on Aging, Office of

Grants Management, One Massachusetts Avenue, Washington, DC.

Instructions for electronic mailing of grant applications are available at *http://www.aoa.gov/egrants*.

Dated: March 7, 2003.

Josefina G. Carbonell,

Assistant Secretary for Aging.

[FR Doc. 03–5863 Filed 3–11–03; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–03–50]

Proposed Data Collections Submitted for Public Comment and Recommendations

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 Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Special Exposure Cohort Petitions—NEW—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

On October 30, 2000, the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384–7385 [1994, supp. 2001] was enacted. It established a compensation program to provide a lump sum payment of $150,000 and medical benefits as compensation to covered employees suffering from designated illnesses incurred as a result of their exposure to radiation, beryllium, or silica while in the performance of duty for the Department of Energy and certain of its vendors, contractors and subcontractors. This legislation also provided for payment of compensation for certain survivors of these covered employees.

EEOICPA instructed the President to designate one or more Federal Agencies to carry out the compensation program. Accordingly, the President issued Executive Order 13179 (''Providing Compensation to America's Nuclear Weapons Workers'') on December 7, 2000 (65 FR 77487), assigning primary responsibility for administration of the compensation program to the Department of Labor (DOL). The executive order directed the Department of Health and Human Services (HHS) to perform several technical and policymaking roles in support of the DOL program.

Among other duties, the executive order directed HHS to establish and implement procedures for considering petitions by classes of nuclear weapons workers to be added to the ''Special Exposure Cohort'' (the ''Cohort''), various groups of workers selected by Congress whose claims for cancer under EEOICPA can be adjudicated without demonstrating that their cancer was ''at least as likely as not'' caused by radiation doses they incurred in the performance of duty. In brief, EEOICPA authorizes HHS to designate such classes of employees for addition to the Cohort when NIOSH lacks sufficient information to estimate with sufficient accuracy the radiation doses of the employees, if HHS also finds that the health of members of the class may have been endangered by the radiation dose the class potentially incurred. HHS must also obtain the advice of the Advisory Board on Radiation and Worker Health (the ''Board'') in establishing such findings. On March 7, 2003, HHS proposed procedures for adding such classes to the Cohort in a notice of proposed rulemaking at 42 CFR part 83.

The proposed HHS procedures would authorize a variety of individuals and entities to submit petitions, as specified under § 83.7. Petitioners would be required to provide the information specified in § 83.9 to qualify their petitions for a complete evaluation by HHS and the Board. HHS has developed two petition forms to assist the petitioners in providing this required information efficiently and completely. Petition Form A is a one-page form to be used by EEOICPA cancer claimants for whom NIOSH will have attempted to conduct dose reconstructions and will have determined that available information is not sufficient to complete the dose reconstruction the majority of petitioners. The form addresses the informational requirements specified under § 83.9(a) and (b). NIOSH expects these claimant-petitions will comprise the majority of petitions. Petition Form B, accompanied by separate instructions, is intended for all other petitioners. The form addresses the informational requirements specified under § 83.9(a) and (c). Forms A and B can be submitted electronically as well as in hard copy. Petitioners should be aware that HHS is not *requiring* petitioners to use the forms. Petitioners can choose to submit petitions as letters or in other formats, but petitions must meet the informational requirements referenced above. NIOSH expects, however, that all petitioners for whom Form A would be appropriate will actually make use the form, since NIOSH will provide it to them upon determining that their dose reconstruction cannot be completed and encourage them to submit the petition. NIOSH expects the large majority of petitioners for whom Form B would be appropriate will also use the form, since it provides a simple, organized format for addressing the informational requirements of a petition.

NIOSH will use the information obtained through the petition for the following purposes; to: (a) Identify the petitioner(s), obtain their contact information, and establish that the petitioner(s) is qualified and intends to petition HHS; (b) establish an initial definition of the class of employees being proposed to be considered for addition to the Cohort; (c) determine whether there is justification to require HHS to evaluate whether or not to designate the proposed class as an addition to the Cohort (such an evaluation involves potentially extensive data collection, analysis, and related deliberations by NIOSH, the Board, and HHS); and, (d) target an evaluation by HHS to examine relevant potential limitations of radiation monitoring and/or dosimetry-relevant records and to examine the potential for related radiation exposures that might have endangered the health of members of the class.

Finally, under § 83.16, petitioners may contest the proposed decision of the Secretary to add or deny adding classes of employees to the cohort by submitting evidence that the proposed decision relies on a record of either

factual or procedural errors in the implementation of these procedures. NIOSH estimates that the time to prepare and submit such a challenge is 45 minutes. Because of the uniqueness of this submission, NIOSH is not providing a form. The submission should be in a letter format.

There are no costs to petitioners unless a petitioner chooses to purchase the services of a expert in dose reconstruction, an option provided for under 42 CFR part 83, § 83.9(c)(2)(iii). In such cases, HHS estimates a report by such an expert may cost between $640 and $6,400, depending on the scope of the petition and access to relevant information. This is based on an estimate of costs of $80 per hour for contractual services by a health physicist, who NIOSH estimates would be employed within a range of eight to eighty hours to conduct and prepare a report on the required assessment.

CFR reference	Respondents	Number of respondents	Number of responses per respondent	Average burden per respondent (in hours)	Total burden (in hours)
83.9	Form A	80	1	3/60	4
83.9	Form B	8	1	300/60	40
83.9	Without Form B	2	1	330/60	11
83.16	Appeals of proposed decisions	12	1	45/60	9
Total		90			64.0

Dated: March 6, 2003.

Thomas Bartenfeld,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 03–5855 Filed 3–11–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–03–49]

Proposed Data Collections Submitted for Public Comment and Recommendations

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 Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Influences on Child Beverage Consumption Survey—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Overweight and obesity have become a serious problem in the United States among children as well as adults (The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity, 2001). As a result, children are experiencing a higher incidence of obesity-related diseases, such as type 2 diabetes, and are at increased risk for high blood pressure and elevated lipid and insulin profiles. In recent years, a growing number of researchers have recognized the potential impact of beverage consumption on this problem. This survey will provide information on parental influences on children's beverage consumption. A nationally-representative sample of 1,690 parents or guardians of children between the ages of 3 and 7 will be questioned by telephone using a computer-assisted telephone interviewing (CATI) methodology. The respondents will be asked about their young children's beverage consumption, and their own related behavior, knowledge, and attitudes. This one-time survey is expected to take place over 2 to 3 months. There is no cost to respondents.

Data collection	Numbers of respondents	Number of respondents/ respondent	Average burden/response (in hours)	Total burden (in hours)
Screener Survey Respondents	2,113	1	2/60	70
Parent Survey Respondents	1,690	1	20/60	563
Total				633

Dated: March 6, 2003.

Thomas Bartenfeld,

Acting Associate Director for Planning, Policy and Evaluation, Centers for Disease Control And Prevention.

[FR Doc. 03–5856 Filed 3–11–03; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 03050]

National Organization Strategies for Prevention, Early Detection or Survivorship of Cancer in Underserved Populations; Notice of Availability of Funds

Application Deadline: April 28, 2003.

A. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a) of the Public Health Service Act, (42 U.S.C. 241 (a)). The Catalog of Federal Domestic Assistance Number is 93.283.

B. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year 2003 funds for cooperative agreements for National Organization Strategies for the Prevention, Early Detection or Survivorship of Cancer in Underserved Populations. This program addresses the ''Healthy People 2010'' focus area of Cancer.

This program will assist national organizations in the development of health programs and cancer prevention and control infrastructure enhancement to deliver cancer education and awareness activities for individuals who may be underserved, uninsured or underinsured, at risk, or of racial/ethnic minorities. In addition, CDC will assist established national programs in developing and disseminating current national, state, and community-based comprehensive information on cancer prevention, early detection, or survivorship. This project includes facilitating the exchange of expertise and coordination of program efforts related to cancer prevention and control among a variety of public and private not-for-profit agencies at the national level.

Programs must address the ''Healthy People 2010'' focus area of Cancer. Proposals will be accepted that address the following priorities: strategies for the prevention, early detection, or survivorship of cancers among underserved populations. Measurable outcomes of the program will be in alignment with the following goal of the National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP): To increase early detection, prevention, or survivorship of cancers of the breast, cervix, colon, prostate, skin, and ovary for underserved and priority populations. This includes, but is not limited to African Americans, American Indian/Alaska Natives, Asian Americans, Hispanics, older Americans, rural and urban Americans, etc.

C. Eligible Applicants

Applications may be submitted by national, public and private nonprofit and faith-based organizations, that have the capacity and ability to conduct nationwide programs and activities related to promoting health education, awareness, and information dissemination.

National organizations that serve as an umbrella organization for their constituents (regional or local chapters or memberships) provide a unique opportunity to address barriers to prevention and screening, improve quality of care, and improve the priority population's access to cancer prevention, early detection, or survivorship programs.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

D. Funding

Availability of Funds

Approximately $2,000,000 is available in FY 2003, to fund approximately six to eight awards. It is expected that the average award will be $250,000, ranging from $100,000 to $350,000. It is expected that the awards will begin on or about August 15, 2003 and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Funds may be used to support personnel, and to purchase supplies and services directly related to program activities and consistent with the scope of this announcement. While the purchase of equipment is discouraged, it will be considered for approval if justified on the basis of being essential to the program and not available from another source. Funds provided under this announcement are not to be used to conduct research. Funds may not be used for the purchase or lease of land or buildings, construction of facilities, renovation of existing space, or the delivery of clinical and therapeutic services, personal health services, medications, rehabilitation or other costs associated with screening or treatment for cancer.

Applicants are encouraged to maximize the public health benefit from use of CDC funding within the approved budget line items to enhance the grantee's ability to achieve stated goals and objectives. As part of increased flexibility efforts, recipients have the ability to redirect up to 25 percent of the total approved budget or $250,000, whichever is less, to achieve stated goals and objectives within the scope of the award except from categories that require prior approval such as contracts, change in scope, and change in key personnel. A list of required prior approval actions will be included in the Notice of Grant Award.

Recipient Financial Participation

Recipient financial participation is not required for this program.

E. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. Recipient Activities, and CDC will be responsible for the activities listed under 2, CDC activities.

1. Recipient Activities

a. Develop and disseminate programs or strategies designed to improve cancer prevention, early detection, or survivorship among the priority population. Performance will be measured by the extent to which the applicant identifies strategies to reach the priority population, either directly or through their constituency.

b. Develop and carry out strategies to improve knowledge, attitudes, and behaviors regarding cancer prevention, early detection, or survivorship practices among the priority populations. Performance will be measured by the methods identified to ultimately reach the priority population either directly or through their constituency.

c. Establish specific, measurable, and realistic short-term (one year) and long-term (five year) program objectives at national, state, and/or local levels consistent with the purpose of this

program announcement for the accomplishment of program activities. Performance will be measured based upon the submission of realistic, time-phased, and achievable goals and objectives.

d. Identify and select appropriate staff, describe organizational structure, staff experience and background, identify training needs or plan, job descriptions, and curricula vitae for both proposed and current staff. Performance will be measured by the extent the program has demonstrated or put in place program infrastructure including staff and other resources to accomplish the goals and objectives of the program.

e. Establish relationships with CDC-funded state health departments, American Indian/Alaska Native organizations, U.S. territories, the District of Columbia, and/or other organizations implementing cancer education and awareness activities or programs regarding cancer prevention, early detection or survivorship. Performance will be measured based on the extent the program uses coalitions and partnerships in developing and implementing cancer prevention, early detection, and survivorship activities.

f. Participate in a minimum of two constituency or CDC meetings per year to facilitate the accomplishment of program objectives. Performance will be measured by the extent to which the program participates in or facilitates at least two meetings per year (annual, regional, etc.) to either gain information or to educate constituents in achieving the accomplishment of program goals and objectives.

g. Evaluate achievement of each goal and objective through a well-designed evaluation plan. Effectiveness will be measured based on the development of objective, quantitative measures that will demonstrate the accomplishment of program goals, objectives, and intended outcome.

h. Disseminate intervention information at the national, state, and local levels regarding program achievements and activities. Performance will be measured by the extent the program develops a mechanism for reaching its constituency with intervention information or activities on reaching the priority population.

i. Participate in the dissemination and sharing of pertinent program information with other CDC funded grantees, appropriate agencies and partners. Performance will be measured by the activities undertaken to share information with partners.

2. CDC Activities

a. Collaborate with recipients in the development, implementation, evaluation, and dissemination of programs designed to improve knowledge, attitudes, prevention and screening behaviors, or survivorship of the priority populations.

b. Provide periodic updates about public knowledge, attitudes, and practices regarding prevention, early detection or survivorship of cancer, including up-to-date scientific information.

c. Collaborate with recipients to develop meeting agendas including identifying speakers/presenters.

d. Collaborate with recipients in the development of publications, manuals, modules, etc. that relate to the purpose of this program announcement.

e. Facilitate the exchange of program information, technical assistance, and the development of partnerships between recipients funded under this announcement and community organizations, health departments, and other partners.

F. Content

Letter of Intent (LOI)

A letter of intent (LOI) is requested for this announcement. The Program Announcement title and number must appear in the LOI. The narrative should be no more than two, double-spaced pages, printed on one side, with one-inch margins, and unreduced font. The LOI should include the following information:

1. Selected cancer(s) and priority population(s).
2. Proposed constituency.
3. Proposed outcomes.

Your letter of intent will be used to enable CDC to determine the level of interest in this announcement and to assist in planning the objective review.

Applications

The application should consist of the elements outlined below. The Program Announcement title and number must appear in the application. Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The application should be no more than 30 pages, double-spaced, printed on one side, with one-inch margins and 12-point font, including PHS forms and budget justification. Applicants should also submit appendices (including curriculum vitae, job descriptions, organizational charts, and any other supporting documentation), which should not exceed an additional 20 pages.

Please provide the following information:

Executive Summary

The applicant should provide a clear, concise 1–2 page written summary to include:

1. Need for cancer prevention, early detection, or survivorship education and awareness activities among the selected priority area and population.
2. Identification of major activities proposed to develop or implement cancer education and awareness activities.
3. Requested amount of funding.
4. Statement of capability to conduct the proposed activities as identified for the priority population.

Background and Need

1. Describe the priority population as it relates to the purpose of this program announcement, the cancer disease burden of the selected cancer within the priority population, and barriers or gaps in cancer prevention, early detection and survivorship efforts.

2. Describe the applicant's history and experience with program activities or any services provided to the priority population, and the rationale for use of previously conducted or newly developed innovative strategies to enhance the delivery of health messages, services, or programs regarding the prevention, early detection, or survival of cancer—especially cancers of the breast, cervix, colon, prostate, ovary, or skin.

Goals and Objectives

1. *Objectives:* Identify specific, realistic, and time-phased, measurable, short-term (one year) and long-term (five year) objectives consistent with the intent of this program announcement.

2. *Activities:* Clearly identify the specific activities/strategies that will be undertaken to achieve each of the proposed short-term objectives during the budget period.

3. *Milestone Chart:* Submit a milestone-to-completion chart consistent with the time frame of the project period.

Project Management

1. Describe the organization's structure and function, size, national membership substructure, activities on a regional, state, or local level, and methods of routine communication with members.

2. Describe each current or proposed staff position for this program by job

title, function, general duties, and activities with which that position will be involved. Include the level of effort and allocation of time for each project activity by staff position.

Collaborative Activities

Describe past and proposed collaborative working partnerships with providers, community groups, or others who serve the priority population and have established linkages in the priority population.

Program Evaluation Plan

Identify methods for measuring progress toward attaining program goals and objectives and monitoring activities consistent with this program announcement. The evaluation plan should include quantitative assessment mechanisms; the outcome expected; the minimum information to be collected and the system(s) for reporting the information.

Budget and Justification

Provide a detailed line item budget and narrative justification of all operating expenses consistent with the proposed objectives and planned activities. Be precise about program purpose of each budget item and itemize calculations when appropriate.

Participation in CDC sponsored training, workshops, or meetings is essential to the effective implementation of cancer prevention, early detection, or survivorship programs. Travel funds should be budgeted for the following meetings:

Two persons to Atlanta, Georgia to attend the National Cancer Prevention and Control Conference (three days.)

Three to five persons to Atlanta, Georgia to report program implementation progress (reverse site visit) and for consultation and technical assistance. (two days, one trip per year.)

Up to two additional two-person trips to Atlanta, or other destinations to attend or assist with national workgroups, task forces, or committees (one to three days.)

G. Submission and Deadline

Letter of Intent (LOI) Submission

On or before April 11, 2003, submit the LOI to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the signed original and two copies of PHS 5161–1 (OMB Number 0920–0428). Forms are available at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm* If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO-TIM) at: (770) 488–2700. Application forms can be mailed to you.

Submission Date, Time, and Address

The application must be received by 4 p.m. Eastern Time April 28, 2003. Submit the application to: Technical Information Management-PA 03050, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Rd, Room 3000, Atlanta, GA 30341–4146.

CDC Acknowledgement of Application Receipt

A postcard will be mailed by PGO-TIM, notifying you that CDC has received your application.

Deadline

Letters of intent and applications shall be considered as meeting the deadline if they are received before 4 PM Eastern Time on the deadline date. Any applicant who sends their application by the United States Postal Service or commercial delivery services must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If an application is received after closing due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, CDC will upon receipt of proper documentation, consider the application as having been received by the deadline.

Any application that does not meet the above criteria will not be eligible for competition, and will be discarded. The applicant will be notified of their failure to meet the submission requirements.

H. Evaluation Criteria

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various goals and objectives identified in response to this announcement. Measures of effectiveness must relate to the performance goal stated in section ''B. Purpose'' of this announcement. Measures must be objective and quantitative and must measure the intended outcome. These measures of effectiveness shall be submitted with the application and shall be an element of evaluation.

An independent review group appointed by CDC will evaluate each application against the following criteria:

Evaluation Criteria (100 Points Total)

1. Goals and Objectives (30 Points)

The extent to which applicant's plan for achieving the proposed activities appears realistic and feasible and relates to the programmatic requirements and purposes of this program announcement including, the degree to which short-term (one year) and long-term (five year) objectives are specific, time-phased, measurable, realistic, and related to identified needs.

2. Project Management (25 Points)

The degree to which proposed staffing, organizational structure, staff experience and background, training needs or plan, job descriptions and curricula vitae for both proposed and current staff indicate past experience in carrying out similar programs, and the ability to carry out the purposes of the current program.

3. Evaluation Plan (20 Points)

The extent to which the proposed evaluation plan addresses progress toward meeting goals and objectives, assesses impact,and appears to be reasonable and feasible.

4. Collaborative Activities (15 Points)

The extent to which applicant describes clear and complete plans to develop relationships or conduct activities between the program and other organizations, agencies, or other partners that will relate to the program and provide for complementary or supplementary interactions.

5. Background and Need (10 Points)

The extent to which the applicant describes the cancer burden and specific needs related to the purpose of this program announcement.

6. Budget and Justification (Not Scored)

The extent to which the budget is reasonable and consistent with the purpose and activities of the program.

I. Other Requirements

Technical Reporting Requirements

Provide CDC with the original plus two copies of: 1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Detailed Line-Item Budget and Justification.

e. Additional Requested Information.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Additional Requirements

The following additional requirements are applicable to this program. For a complete description of each, see Attachment 1 of the program announcement as posted on the CDC Web site.

AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–15 Proof of Non-Profit Status

Executive Order 12372 does not apply to this program.

J. Where to Obtain Additional Information

For this and other CDC announcements, the necessary applications, and associated forms can be found at the CDC Internet address: *http://www.cdc.gov.*

Click on ''Funding'' then ''Grants and Cooperative Agreements''.

For general questions about this announcement, contact: Technical Information Management, CDC Procurement and Grants Office, 2920 Brandywine Rd, Atlanta, GA 30341–4146, Telephone: (770)488–2700.

For business management and budget assistance, contact: Glynnis Taylor, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: (770)488–2752, e-mail address: *GLD1@CDC.GOV.*

For program technical assistance, contact: Amy Harris, MPA, Office of Program and Policy Information, Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway, NE., Atlanta, Georgia 30341–3717, Telephone: (770)488–4226, e-mail: *ABHarris@CDC.GOV.*

Dated: March 5, 2003.

Sandra R. Manning,

CGFM, Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 03–5853 Filed 3–11–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Food and Drug Administration

[Docket No. 03N–0079]

Agency Information Collection Activities; Proposed Collection; Comment Request; Consumer and Producer Surveys on Economic Issues

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on proposed voluntary surveys of consumers and producers in order to help FDA comply with Executive Order 12866, the Regulatory Flexibility Act (RFA), and the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

DATES: Submit written or electronic comments on the collection of information by May 12, 2003.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Robbins, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506 (c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity, of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Consumer and Producer Surveys on Economic Issues (OMB Control Number 0910–0478)—Extension

Under section 903(d)(2) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 393), FDA is authorized to conduct research relating to regulated articles and to collect information relating to responsibilities of the agency. Executive Order 12866, RFA, and SBREFA direct Federal agencies to conduct regulatory impact analysis, and to consider flexible regulatory approaches. In order to perform the mandatory analysis it is often necessary to survey regulated producers to determine existing practices and the changes in those practices likely under various policy options, both consumers and manufacturers to explore attitudes towards policy proposals, and industry experts to solicit expert opinion. FDA is seeking OMB clearance to conduct future surveys to implement Executive Order 12866, RFA, and SBREFA. Participation in the surveys will be voluntary. This request covers regulated

entities, such as food processors, dietary supplement manufacturers, health professionals, or other experts and consumers.

FDA will use the information gathered from these surveys to identify current business practices, expert opinion, and consumer or manufacturer attitudes towards existing or proposed policy. FDA projects approximately 2 to 6 surveys per year, with a sample of between 10 and 1,000 respondents each for mail and telephone surveys, and a sample of up to 3,000 respondents for cable or Internet surveys.

FDA estimates the upper bound burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Type of Survey	No. of Respondents	Annual Frequency per Response	Hours per Response	Total Hours
Mail Questionnaire	1,000	1	3	3,000
Phone Survey	1,000	1	.5	500
Internet or Cable Survey	3,000	1	1	3,000
Total				6,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on the expected number of respondents necessary to obtain a statistically significant stratification of the average to large size industries—including small business entities covered by FDA regulations—and consumers of regulated products.

Dated: March 4, 2003.

William K. Hubbard,

Associate Commissioner for Policy and Planning.

[FR Doc. 03–5790 Filed 3–11–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 03N–0050]

Agency Information Collection Activities; Proposed Collection; Comment Request; Investigational Device Exemptions Reports and Records

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing information collection, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for investigational device exemptions (IDE) reports and records.

DATES: Submit written or electronic comments on the collection of information by May 12, 2003.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm*. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Robbins, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION:

I. Background

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Investigational Device Exemptions Reports and Records—21 CFR Part 812 (OMB Control No. 0910–0078)—Extension

Section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) establishes the statutory authority to collect information regarding investigational devices, and establishes rules under which new medical devices may be tested using human subjects in a clinical setting. The Food and Drug Administration Modernization Act of 1997 added section 520(g)(6) to the act and permitted changes to be made to either the investigational device or to the clinical protocol without FDA approval of an IDE supplement.

An IDE allows a device, which would otherwise be subject to provisions of the act, such as premarket notification or premarket approval, to be used in investigations involving human subjects in which the safety and effectiveness of

the device is being studied. The purpose of part 812 (21 CFR part 812) is to encourage, to the extent consistent with the protection of public health and safety and with ethical standards, the discovery and development of useful devices intended for human use. The IDE regulation is designed to encourage the development of useful medical devices, and allow investigators the maximum freedom possible, without jeopardizing the health and safety of the public or violating ethical standards.

To do this, the regulation provides for different levels of regulatory control depending on the level of potential risk the investigational device presents to human subjects. Investigations of significant risk devices, ones that present a potential for serious harm to the rights, safety or welfare of human subjects, are subject to the full requirements of the IDE regulation. Nonsignificant risk device investigations, ones that do not present a potential for serious harm, are subject to the reduced burden of the abbreviated requirements.

The regulation also includes provisions for treatment IDEs. The purpose of these provisions is to facilitate the availability, as early in the device development process as possible, of promising new devices to patients with life-threatening or serious conditions for which no comparable or satisfactory alternative therapy is available.

Section 812.10 allows the sponsor of the IDE to request a waiver to all of the requirements of part 812. This information is needed for FDA to determine if waiver of the requirements of part 812 will impact the public's health and safety.

Sections 812.20, 812.25, and 812.27, consist of the information necessary to file an IDE application with FDA. The submission of an IDE application to FDA is required only for significant risk device investigations. Section 812.20 lists the data requirements for the original IDE application; § 812.25 lists the contents of the investigational plan; and § 812.27 lists the data relating to previous investigations or testing. The information in this original IDE application is evaluated by the Center for Devices and Radiological Health to determine whether the proposed investigation will reasonably protect the public health and safety, and for FDA to make a determination to approve the IDE.

Once FDA approves an IDE application, a sponsor must submit certain requests and reports. Under § 812.35 a sponsor who wishes to make a change in the investigation which affects the scientific soundness of the study or the rights, safety, or welfare of the subjects is required to submit a request for the change to FDA. Under § 812.150 a sponsor is required to submit reports to FDA. These requests and reports are submitted to FDA as supplemental applications. This information is needed for FDA to assure protection of human subjects and to allow review of the study's progress.

Section 812.36(c) identifies the information necessary to file a treatment IDE application. FDA uses this information to determine if wider distribution of the device is in the interests of the public health. Section 812.36(f) identifies the reports required to allow FDA to monitor the size and scope of the treatment IDE, to assess the sponsor's due diligence in obtaining marketing clearance of the device and to ensure the integrity of the controlled clinical trials.

Section 812.140 lists the recordkeeping requirements for investigators and sponsors. FDA requires this information for tracking and oversight purposes. Investigators are required to maintain records, including correspondence and reports concerning the study; records of receipt, use or disposition of devices; records of each subject's case history and exposure to the device; informed consent documentation; study protocol and documentation of any deviation from the protocol. Sponsors are required to maintain records including correspondence and reports concerning the study; records of shipment and disposition; signed investigator agreements; adverse device effects information; and, for a nonsignificant risk device study, an explanation of the nonsignificant risk determination, records on device name and intended use, study objectives, investigator information, investigational review board (IRB) information, and statement on the extent that good manufacturing practices will be followed.

The most likely respondents to this information collection will primarily be medical device manufacturers, investigators, hospitals, health maintenance organizations, and businesses.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
812.10	1	1	1	1	1
812.20, 812.25, and 812.27	600	0.5	300	80	24,000
812.35 and 812.150 (significant) 812.150 (nonsignificant)	600 600	7 0.017	4,200 10	6 6	25,200 60
812.36(c)	6	1	6	120	720
812.36(f)	6	2	12	20	240
TOTALS					50,221

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Record	Total Hours
812.140					

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]—Continued

21 CFR Section	No. of Recordkeepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Record	Total Hours
Original	600	0.5	300	10	3,000
Supplemental	600	7	4,200	1	4,200
Nonsignificant	600	1	600	6	3,600
Total					10,800

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

II. Reporting

Section 812.10 estimates are based on the fact that FDA has received very few, if any, waiver requests in the past, and estimates that very few will be submitted in the future. Therefore, FDA estimates a minimal burden to account for waiver requests.

Sections 812.20, 812.25, and 812.27 estimates are based on the average of IDE's submitted from fiscal years 1995 through 2002. FDA estimates the annual reporting burden for one IDE original application to be approximately 80 hours, and the annual reporting burden for one IDE supplement to be approximately 6 hours.

Sections 812.35 and 812.150 estimates are based on the average of IDE supplements submitted from fiscal years 1995 through 2002 for significant risk device studies. FDA estimates the annual reporting burden for one IDE supplement to be approximately 6 hours.

The reporting burden for nonsignificant risk device studies (§ 812.150) is negligible. Nonsignificant risk device studies are not reported to FDA unless a problem is reported such as an unanticipated adverse device reaction, failure to obtain informed consent, withdrawal of IRB approval, or a recall of a device. In the past, an average of 10 incidences or less annually have been reported to FDA.

Section 812.36(c) and (f) estimates are based on FDA's experience with the treatment use of drugs and knowledge of the types of devices that may meet the treatment use criteria. FDA estimates that an average of 6 treatment use applications will be submitted each year. FDA estimates that it will take approximately 120 hours to prepare a treatment IDE and the total annual burden for preparing applications will be 720 hours. FDA also estimates that it will take approximately 20 hours to prepare a semiannual report, resulting in a total annual burden of 240 hours for annual reports.

III. Recordkeeping

Section 812.40 estimates are based on conversations with manufacturers, industry trade association groups, and businesses over the last 3 years. For significant risk device investigations, FDA has estimated that the recordkeeping burden for preparing an original IDE submission averages 10 hours for each original IDE submission. Similarly, through the same conversations mentioned above, FDA has estimated recordkeeping for each supplement requires 1 hour. The recordkeeping burden for nonsignificant risk device investigations is difficult to estimate because nonsignificant risk device investigations are not required to be submitted to FDA. The IDE staff estimates that the number of recordkeepers for nonsignificant risk device investigations is equal to the number for active significant risk device investigations. The recordkeeping burden, however, is reduced for nonsignificant risk device studies. It is estimated that 600 recordkeepers will spend 6 hours each in maintaining these records.

Dated: March 4, 2003.

William K. Hubbard,

Associate Commissioner for Policy and Planning.

[FR Doc. 03–5791 Filed 3–11–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0195]

''Guidance for FDA Staff: The Leveraging Handbook, An Agency Resource for Effective Collaborations''

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled ''Guidance for FDA Staff: The Leveraging Handbook, An Agency Resource for Effective Collaborations,'' dated February 2003. The guidance document is intended to provide information to assist FDA staff in creating and implementing effective collaborations consistent with relevant legal, ethical, and policy considerations. FDA and its stakeholders use collaborations to take advantage of and amplify the unique resources possessed by each to address a variety of public health issues. The guidance document enumerates factors that FDA employees should consider, and the procedures they should follow, when planning a leveraged collaboration. This guidance finalizes the draft guidance under the same title dated November 2001 that was announced in the **Federal Register** on November 13, 2001.

DATES: Submit written or electronic comments at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800. Submit written comments on the guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dcokets/ecomments.* See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Stephen M. Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Guidance for FDA Staff: The Leveraging Handbook, An Agency Resource for Effective Collaborations,'' dated February 2003. The guidance announced in this notice finalizes the draft guidance of the title dated November 2001 (67 FR 56831, November 13, 2001).

''Leveraging,'' as used by FDA, describes formal or informal relationships or agreements with others outside FDA that enhance the agency's ability to meet its public health mission. Leveraged collaborations between FDA and non-FDA partners, such as industry, academia, consumer groups, scientific experts, public health providers, states and other Government agencies, are not new to the agency. For many years, FDA has used collaborations to accomplish a wide variety of tasks related to fulfilling its public health mission. FDA is careful to structure its collaborations so that the agency's regulatory independence, impartiality, and integrity are preserved. Successful collaborations used by FDA and its partners range in size and complexity from simple daylong workshops and training sessions to the creation of cooperatively administered centers that provide critical product-related safety information and expertise, i.e., the National Center for Food Safety and Technology, the Joint Initiative for Food Safety and Nutrition, and the Product Quality Research Institute. Other collaborations involve conducting research to improve the safety, efficacy, purity, or potency of regulated products and convening experts to evaluate emerging public health issues and to recommend actions that should be taken to address the issues.

This guidance is being issued consistent with FDA's good guidance practice regulation (21 CFR 10.115). The guidance document represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Comments

Interested persons may, at any time, submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments regarding the guidance document. Two copies of mailed comments are to be submitted, except individuals may submit one copy. Comments should be identified with the docket number found in the brackets in the heading of this document. A copy of the guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the guidance document at http://www.fda.gov/cber/guidelines.htm or http://www.fda.gov/ohrms/dockets/default.htm.

Dated: February 19, 2003.

William K. Hubbard,

Associate Commissioner for Policy and Planning.

[FR Doc. 03–5793 Filed 3–11–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 03D–0044]

Medical Devices: Draft Guidance for Industry and FDA Reviewers; Statistical Guidance on Reporting Results From Studies Evaluating Diagnostic Tests; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry and FDA reviewers entitled ''Statistical Guidance on Reporting Results from Studies Evaluating Diagnostic Tests; Draft Guidance for Industry and FDA Reviewers.'' This draft guidance is regarding the submission of premarket notification and premarket approval applications (PMAs) for diagnostic tests. The draft guidance describes some statistically appropriate practices for reporting results from different studies evaluating diagnostic tests and identifies some common practices that may not provide sufficient information to support submission. Special attention is given to describing a practice called discrepant resolution and its associated problems. This draft guidance is neither final, nor is it in effect at this time.

DATES: Submit written or electronic comments on this draft guidance by June 10, 2003. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance on a 3.5″ diskette to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments concerning this draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Kristen L. Meier, Center for Devices and Radiological Health (HFZ–542), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–594–0616.

SUPPLEMENTARY INFORMATION:

I. Background

On February 11, 1998, the Center for Devices and Radiological Health (CDRH) convened a joint meeting of the Microbiology Devices Panel, Hematology and Pathology Devices Panel, Clinical Chemistry and Toxicology Devices Panel, and Immunology Devices Panel of the Medical Devices Advisory Committee. The purpose of the meeting was to obtain recommendations on

> * * * appropriate data collection, analysis, and resolution of discrepant results, using sound scientific and statistical analysis to support indications for use of the in vitro diagnostic devices * * * when the new device is compared to another device, a recognized reference method or 'gold standard,' or other procedures not commonly used, and/or clinical criteria for diagnosis * * *

(63 FR 4458, January 29, 1998). Based on discussions from that meeting, this draft guidance describes some statistically appropriate practices for reporting results from different studies evaluating diagnostic tests and identifies common inappropriate practices. The draft guidance also describes a practice called discrepant resolution and its associated problems.

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance document represents the agency's current thinking on statistically appropriate practices for reporting results from different studies evaluating diagnostic tests. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative

approach may be used if such approach satisfies the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two hard copies of any mailed comments, except that individuals may submit one hard copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

To receive ''Statistical Guidance on Reporting Results from Studies Evaluating Diagnostic Tests'' via your fax machine, call the CDRH Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number (1428) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidance may also do so by using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at *http://www.fda.gov/cdrh.* A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html.* Guidance documents are also available on the Dockets Management Branch Web site at *http://www.fda.gov/ohrms/dockets.*

Dated: March 4, 2003.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 03–5792 Filed 3–11–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by April 11, 2003.

ADDRESSES: Documents and other information submitted with these applications 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 30 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:

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

PRT–064369.

Applicant: San Francisco Zoological Society, San Francisco, CA.

The applicant requests a permit to import biological samples from ring-tailed lemur (*Lemur catta*) collected in the wild in Madagascar, for scientific research. This notification covers activities conducted by the applicant over a five year period.

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 21, 2003.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 03–5862 Filed 3–11–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Letters of Authorization to Take Marine Mammals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of letters of authorization to take marine mammals incidental to oil and gas industry activities.

SUMMARY: In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations [50 CFR 18.27(f)(3)], notice is hereby given that the following Letters of Authorization to take polar bears incidental to oil and gas industry exploration activities in the Beaufort Sea and adjacent northern coast of Alaska have been issued to the following companies:

Company	Activity	Location	Date issued
Exxon Mobil Prod. Co	Exploration	Pt. Thomas field studies	Apr. 19, 2002.
EnCana Oil and Gas (USA)	Exploration	McCovey	Aug. 13, 2002.
ConocoPhillips Alaska, Inc	Exploration	Puviaq #1 and #2	Nov. 15, 2002.
Western GeCo	Exploration	NPR–A	Dec. 23, 2002.
ConocoPhillips Alaska, Inc	Exploration	Titania #1	Dec. 16, 2002.
Fairweather Geophysical	Exploration	NPR–A and Colville Rvr	Dec. 13, 2002.
Anadarko Petroleum Corp.	Exploration	Hot Ice #1, #2, #3	Dec. 23, 2002.
ConocoPhillips Alaska, Inc	Exploration	Oberon #1–3, Placer #1–3	Dec. 26, 2002.
PGS Onshore, Inc.	Exploration	NPR–A	Feb. 14, 2002.

Company	Activity	Location	Date issued
TotalFinaElf E&P USA, Inc	Exploration	NPR–A	Feb. 19, 2002.
Pioneer Natural Resources USA	Exploration	Kuparuk/Thetis Island	Feb. 21, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Perham at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362–5148 or (907) 786–3810.

SUPPLEMENTARY INFORMATION: The Letter of Authorization is issued in accordance with U.S. Fish and Wildlife Service Federal Rules and Regulations ''Marine Mammals; Incidental Take During Specified Activities (65 FR 16828; March 30, 2000).''

Dated: March 4, 2003.

David B. Allen,

Regional Director.

[FR Doc. 03–5832 Filed 3–11–03; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–1150–JP–EEE]

Closure of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure of public lands and associated roads to public entry.

SUMMARY: Notice is hereby given that the following described public land areas and associated roads will be seasonally closed to entry and all recreational use by the general public between March 15 and July 15. This order seasonally closes approximately 65,000 acres. BLM-administered public lands west of Arizona State Route 85 and south of the Darby Wells/Scenic Loop/Chico Shunie Road, located within the following townships and ranges will be closed seasonally:

Gila and Salt River Meridian, Arizona

Township 12 South, Range 6 West
Township 12 South, Range 5 West
Township 13 South, Range 6 West
Township 13 South, Range 5 West
Township 14 South, Range 6 West
Township 14 South, Range 5 West.

The BLM is implementing this emergency closure as part of its compliance with sections 7(a)(1) and 7(a)(2) of the Endangered Species Act of 1973, as amended and as specified in the proposed action outlined in the U.S. Fish and Wildlife Service Biological Opinion (2–21–94–F–192R2). The closure will reduce disturbance of the endangered Sonoran Pronghorn by human activities. Authority for this emergency closure is 43 CFR 8364.1, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and the Endangered Species Act of 1973, as amended. The closure will remain in effect on a continuing annual basis for the time periods indicated above until rescinded or modified by the authorized officer. Those lands within Township 14 south, Range 5 west that are within the Gunsite Wash camping area are excluded from this closure.

EFFECTIVE DATE: This order is effective upon the signature of the authorized officer.

SUPPLEMENTARY INFORMATION: The BLM will implement a seasonal (March 15–July 15) emergency closure of public lands, and associated roads, trails, and camping areas to the general public. The closure is intended to comply with the U.S. Fish and Wildlife Service Biological Opinion (2–21–94–F–192R2) by reducing human disturbance to the endangered Sonoran Pronghorn. The conservation measure in the biological opinion reads as follows:

> The BLM will implement a seasonal (March 15–July 15) emergency closure of roads, trails, and camping areas to the general public; such closures will be carried over as a proposed action in the upcoming land use planning process. The closure dates and seasons will be consistent with similar closures on Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge, and Barry M. Goldwater Range. The closure will be effective west of SR 85 and south of the Darby Wells/Scenic Loop/Chico Shunie Road but will not include the Gunsite Wash area * * *

The closure will be effective for public lands west of Arizona State Route 85 and south of the Darby Wells/Scenic Loop/Chico Shunie Road. The closure will not include the Darby Wells/Scenic Loop/Chico Shunie Road and public lands north of these roads. The closure will also exempt the Gunsite Wash winter camping areas as delineated by the BLM. This closure will be monitored and enforced by the BLM.

The closure dates and seasons will be consistent with similar closures on the Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge, and the Barry M. Goldwater Air Force Range. BLM will coordinate this public land closure with these agencies. In addition, the BLM will direct camping to Gunsite Wash, and strictly enforce the two-week camping limit rule.

Order: Notice is hereby given that effective the date of a signature by the authorized officer of this notice, the above described lands will be closed annually, between March 15 to July 15, to all public entry and recreation activities. The following persons and agencies, operating within the scope of their official duties, are exempt from the provisions of these closures: employees of the Bureau of Land Management, Border Patrol, National Park Service, U.S. Fish and Wildlife Service, county, state and federal law enforcement, fire protection personnel, and others with appropriate authorization. The grazing permittees, their employees, and others holding valid authorizations will be allowed access to the above described lands in order to carry out activities related to their grazing operations or other permitted activities. Native Americans may enter the subject lands for religious and cultural purposes. This order will remain in effect until further notice. Any person who fails to comply with a closure or restriction order issued under 43 CFR 8364.1 is subject to the penalties provided in 43 CFR subpart 8360.07.

FOR FURTHER INFORMATION CONTACT: MarLynn Spears, Acting Field Manager, Phoenix Field Office, 21605 North 7th Avenue, Phoenix, Arizona 85027, (623) 580–5500.

Dated: January 23, 2003.

MarLynn Spears,

Acting Field Manager.

[FR Doc. 03–5834 Filed 3–11–03; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–033–03–1232–EA–NV04; NV05]

Temporary Closure of Public Lands—Recreation Special Events: Nevada, Carson City Field Office

AGENCY: Bureau of Land Management, Interior.

ACTION: Temporary closure of affected public lands in Lyon, Storey, Churchill, Carson, Douglas, Mineral, Washoe, Nye, Esmeralda and Lincoln Counties.

SUMMARY: The Bureau of Land Management, Carson City Field Office (BLM), announces the temporary closure of selected public lands under its administration in Lyon, Storey, Churchill, Carson, Douglas, Mineral, Washoe and Nye Counties. By agreement with Ely Field Office and Tonopah Field Station, those lands affected by the Vegas to Reno OHV Race in Nye, Lincoln and Esmeralda Counties are included in this closure. This action is taken to provide for public and participant safety and to protect adjacent natural and cultural resources during the conduct of permitted special recreation events.

SUMMARY: The Manager, Carson City Field Office, announces the temporary closure of selected public lands under BLM administration. This action is taken to provide for public and participant safety and to protect adjacent natural and cultural resources during the conduct of permitted special recreation events.

EFFECTIVE DATES: March through November 2003. Events may be canceled or rescheduled at short notice.

FOR FURTHER INFORMATION CONTACT: Fran Hull, Outdoor Recreation Planner, Carson City Field Office, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, Nevada 89701, Telephone: (775) 885–6161.

SUPPLEMENTARY INFORMATION: This notice applies to closures on and adjacent to permitted special events such as: Motorized Off Highway Vehicle, Mountain Bike, Horse Endurance competitive event sites and routes. Competitive events (races) are conducted along dirt roads, trails, washes, and areas approved for such use through the Special Recreation Permit application process. Events occur from March through November, 2003. Closure period is from 6 a.m. race day until race finish or until the event has cleared between affected Check Point locations; approximately 2 to 24 hour periods. The general public will be advised of each event and closure specifics via local newspapers and mailed public letters within seven (7) to thirty (30) days prior to the running of an event. Event maps and information will be posted at the Carson City Field Office.

Locations most commonly used for permitted events include, but are not limited to:

1. Lemmon Valley MX Area—Washoe Co., T21N R19E S8.
2. Hungry Valley Off Highway Vehicle Area—Washoe Co., T21–23N R20E.
3. Pine Nut Mountains—Carson, Douglas & Lyon Counties: T11–16N R20–24E.
4. Virginia City/Jumbo Areas—Washoe & Storey Counties: T16–17N R20–21E.
5. Yerington/Weeks Areas—Lyon Co.: T12–16N R23–27E.
6. Fallon Area (Including Sand Mtn.)—Churchill Co.: T14–18N R27–32E.
7. Hawthorne Area—Mineral County: T5–14N R31½–36E.
8. Vegas to Reno OHV Race Route: Nye, Esmeralda, Lincoln, Mineral, Churchill, and Lyon Counties: From Alamo to Dayton, Nevada: appx 500 miles.

Marking and effect of closure. BLM lands to be temporarily closed to public use include the width and length of those roads and trails identified as the race route by colorful flagging, chalk arrows in the dirt and directional arrows attached to wooden stakes. The authorized applicants or their representatives are required to post warning signs, control access to, and clearly mark the event routes during closure periods.

Public uses generally affected by a Temporary Closure include: road and trail uses, camping, shooting of any kind of weapon including paint ball, and public land exploration.

Spectator and support vehicles may be driven on open roads only. Spectators may observe the races from specified locations as directed by event and agency officials.

You may obtain a map and schedule of each closure area at the contact address.

Exceptions. Closure restrictions do not apply to race officials, medical/rescue, law enforcement, and BLM personnel monitoring the event.

Authority: 43 CFR 8364.1 and 43 CFR part 2930.

Penalty. Any person failing to comply with the closure orders may be subject to imprisonment for not more than 12 months, or a fine in accordance with the applicable provisions of 18 U.S.C. 3571, or both.

Dated: January 23, 2003.

John O. Singlaub,

Manager, Carson City Field Office.

[FR Doc. 03–5837 Filed 3–11–03; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–930–1310–01; OKNM 102854]

New Mexico: Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97–451, a petition for reinstatement of oil and gas lease OKNM 102854 for lands in Dewey County, Oklahoma, was timely filed and was accompanied by all required rentals and royalties accruing from June 1, 2002, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice. The Lessee has met all the requirements for reinstatement of the lease as set out in sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective June 1, 2002, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

FOR FURTHER INFORMATION CONTACT: Lourdes B. Ortiz, BLM, New Mexico State Office, (505) 438–7586.

Dated: January 17, 2003.

Lourdes B. Ortiz,

Land Law Examiner.

[FR Doc. 03–5835 Filed 3–11–03; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–930–1430–ET; AZA 9131 et al.]

Expiration of Forest Service Withdrawals and Opening of Lands; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Four public land orders, which withdrew National Forest System lands from mining, have expired. This action will open the lands to mining.

EFFECTIVE DATE: April 11, 2003.

FOR FURTHER INFORMATION CONTACT: Cliff Yardley, BLM Arizona State Office, 222 North Central Avenue, Phoenix, Arizona 85004–2203, 602–417–9437.

SUPPLEMENTARY INFORMATION:

1. The following public land orders (PLOs), which withdrew National Forest System lands for the areas listed below, have expired:

PLO	Serial No.	Area name	Expired	Acres
5719 ..	AZA 9131	Elden Pueblo	4/30/2000	351
		Medicine Fort		
		Ridge Ruin		
		Le Barron Ruin		
5750 ..	AZA 9590	Red Mtn. Geological Area	8/27/2000	1,908
5753 ..	AZA 9510	Turkey Hills Pueblo Arch. Site	9/25/2000	55
5754 ..	AZA 10215 ...	Rocky Mtn. Experiment Station	9/25/2000	20

2. Copies of the public land orders for the expired withdrawals, showing the lands involved, are available at the BLM Arizona State Office (address above).

3. At 10 a.m. on April 11, 2003, the lands withdrawn by the public land orders listed above will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: January 17, 2003.

Steven J. Gobat,

Acting Deputy State Director, Resources Division.

[FR Doc. 03–5833 Filed 3–11–03; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–180–03–1430–ES: CACA 43721]

Realty Action, Recreation and Public Purposes (R&PP) Act Classification; Placer County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action—Recreation and Public Purposes (R&PP) Act classification; Placer County, California.

SUMMARY: The following public lands in Placer County, California have been examined and found suitable for classification for lease or conveyance to the Iowa Hill Community Cemetery under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Iowa Hill Community Club proposes to use the following lands for a cemetery, park community center, and library.

Mount Diablo Meridian, California

T. 15 N., R. 10 E.,
Sec. 33, NW¼ of lot 65,
E½NW¼NE¼NW¼,
SW¼NW¼NE¼NE¼NW¼,
W½SW¼NE¼NE¼NW¼.

Containing 7.50 acres, more or less.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with the current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove materials.

4. An easement for streets, roads, and utilities in accordance with the transportation plan for Placer County.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Folsom Field Office, 63 Natoma Street, Folsom, California.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the Field Manager, Folsom Field Office, 63 Natoma Street, Folsom, CA 95630.

Classification Comments: Interested parties may submit comments involving the suitability of the lands. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use is consistent with the State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the applications and plan of developments, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Karen Montgomery, BLM Folsom Field Office, (916) 985–4474.

Dated: January 17, 2003.

Howard K. Stark,

Chief, Branch of Lands Management.

[FR Doc. 03–5836 Filed 3–11–03; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–014–01–1430–EU; GP–03–0051]

Notice of Realty Action; Direct Sale of Public Lands in Klamath County, OR (OR 53190)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following land has been found suitable and is classified for direct sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 and 43 U.S.C. 1719, and Section 7 of the Taylor Grazing Act (42 U.S.C. 315f). The land will be sold at no less than the fair market value of $ 2,000.00. The land will not be offered for sale until May 12, 2003.

Willamette Meridian,

T. 40 S., R. 6 E.
Section 1 Metes and Bounds survey
Containing approximately 1.01 acres.

ADDRESSES: Detailed information concerning the sale, including the reservations, sale procedures, and planning and environmental documents, is available at the Klamath Falls Field Office, 2795 Anderson Ave. Building 25, Klamath Falls, Oregon 97603.

FOR FURTHER INFORMATION CONTACT: Linda Younger at (541) 883–6916.

SUPPLEMENTARY INFORMATION: The above described land is hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above cited statutes, for 270 days or until title transfer is completed or the segregation is terminated by publication in the **Federal Register**, whichever occurs first.

This land has been identified for sale to the holder of a permanent occupancy lease. No significant resource values will be affected by this disposal. The sale is consistent with BLM's planning for the land involved and the public interest will be served by the sale.

Purchasers must be U.S. citizens, 18 years of age or older, a state or state instrumentality authorized to hold property, or a corporation authorized to own real estate in the state in which the land is located.

The lands are being offered to Mark Collier using the direct sale procedures authorized under 43 CFR 2710.6.(B)(iii). Direct sale is appropriate because Mr. Collier owns land adjacent and is presently leasing this 1.01 acres. His house is located on part of this one acre parcel, is to resolve any inadvertent unauthorized use.

The terms, conditions, and reservations applicable to this sale are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

2. All oil and gas and geothermal resources in the land will be reserved to the United States in accordance with section 209 of the Federal Land Policy and Management Act. 1976.

3. The mineral interests being offered for conveyance have no known mineral value. The acceptance of a direct sale offer will constitute an application for conveyance of the mineral estate, with the exception of the oil and gas and geothermal interests which will be reserved to the United States in accordance with section 209 of the Federal Land Policy and Management Act of 1976.

4. Patents will be issued subject to all valid existing rights and reservations of record.

Interested parties may submit comments to the Field Manager, Klamath Falls Resource Area Office at the above address until April 28, 2003. Objections will be reviewed by the Lakeview District Manager who may sustain, vacate, or modify this realty action. In absence of any objections, this realty action will become the final action of the Department of the Interior.

Dated: January 7, 2003.

Teresa A. Raml,

Field Manager, Klamath Falls Resource Area.

[FR Doc. 03–5838 Filed 3–11–03; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Closure Order Establishing Prohibitions at Folsom Lake, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of closure.

SUMMARY: The Bureau of Reclamation (Reclamation) is restricting access to several dikes and dams that were constructed to form Folsom Lake. The closure notice affects the following structures: the concrete gravity dam, the right wing dam, the left wing dam, dikes 4, 5, 6, 7, & 8; and Mormon Island Dam. The closure affects the dikes and dams in their entirety.

DATES: The closure is effective February 28, 2003, and will remain in effect indefinitely.

ADDRESSES: A map is available for inspection at the Bureau of Reclamation's Central California Area Office, located at 7794 Folsom Dam Road, Folsom, California 95630. The map may be viewed between the hours of 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Bureau of Reclamation, Mid-Pacific Region Public Affairs Office at (916) 978–5100 or the Bureau of Reclamation, Central California Area Office at (916) 988–1707.

SUPPLEMENTARY INFORMATION: This action is being taken under 43 CFR Part 423.3 to improve facility security and public safety. Reclamation will be prohibiting motor vehicle access and in some locations pedestrian access to the structures in an effort to prevent activities that may inadvertently or deliberately cause damage to the structures. The following acts are prohibited in the closure areas:

(a) Operating a motor vehicle on the crest of the structures or any part thereof.

Exceptions: Reclamation employees acting within the scope of their employment, operation, maintenance and construction personnel that have expressed authorization from Reclamation; law enforcement and fire department officials, and any others who have received expressed written authorization from the Bureau of Reclamation to enter the closure areas.

(b) Pedestrian Access on the left wing dam and the concrete gravity section of the dam.

Exceptions: Reclamation employees acting within the scope of their employment, operation, maintenance and construction personnel that have expressed authorization from Reclamation; law enforcement and fire department officials, and any others who have received expressed written authorization from the Bureau of Reclamation to enter the closure areas.

(c) Vandalism or destroying, injuring, defacing, or damaging property or real property that is not under one's lawful control or possession.

This order is posted in accordance with 43 CFR 423.3(b). Violation of this prohibition or any prohibition listed in 43 CFR part part 423 is punishable by fine, or imprisonment for not more than 6 months, or both.

Dated: March 5, 2003.

Thomas J. Aiken,

Area Manager, Central California Area Office, Mid-Pacific Region.

[FR Doc. 03–5852 Filed 3–11–03; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 29 CFR 50.7, notice is hereby given that two proposed consent decrees in *United States* v. *Advanced Ross Sub Company et al.,* and *United States* v. *Atlantic Richfield Company, et al.,* Civil

Action No. C03–5117RJB were lodged on March 3, 2003, with the United States District Court for the Western District of Washington. These consent decrees require the defendants require the defendants to perform injunctive relief, requiring two groups of performing parties to perform the cleanup of the Thea Foss and Wheeler Osgood Waterway Problem Areas of the Commencement Bay/Nearshore Tideflats Superfund Site and the funding parties to pay a total of $13,000,000 to fund cleanup activities at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Advance Ross Sub Company et al.,* DOJ Ref. # 90–11–2–1049/2.

The proposed consent decrees may be examined at the office of the United States Attorney, 601 Union Street, Suite 5100, Seattle, WA 98101 and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. During the comment period, the consent decrees may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* Copies of the consent decrees also may be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $161.25 (with attachments) or $28.00 (without attachments) for *United States* v. *Advance Ross Sub Company et al.,* and/or the amount of $184.50 (with attachments) or $41.00 (without attachments) for *United States* v. *Atlantic Richfield Company, et al.,* (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Maher,

Assistant Section Chief, Environmental Enforcement Section.

[FR Doc. 03–5879 Filed 3–11–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Amendment to Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Under 28 CFR 50.7, notice is hereby given that on February 27, 2003, a proposed Amendment to the Consent Decree entered on December 9, 1997 (''Amendment'') in *United States* v. *Ajax/Acorn Manufacturing, Inc.,* Civil Action No. 89–7421, was lodged with the United States District Court for the Eastern District of Pennsylvania.

The 1997 consent decree resolved the liability of twenty-two municipalities and a private waste hauler for claims of the United States and the Pennsylvania Department of Environment Protection (''PADEP'') under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9606 and 9607, at the Moyer Landfill Superfund Site, located in Lower Providence Township, Montgomery County, Pennsylvania (''the Site''). The 1997 consent decree required the settling defendants to design and construct an on-site treatment plant to treat leachate from the Site.

The proposed Amendment reflects that EPA has now adopted a contingent remedy under which leachate will be sent through the local sewer main to the Oaks Sewage Treatment Plant for treatment. Under the Amendment, the settling defendants are no longer obligated to perform work related to leachate treatment that will now be the responsibility of PADEP. The Amendment also provides that $600,000 remaining in the settling defendants trust account for construction of the on-site treatment plant will be paid to PADEP, since PADEP has assumed responsibility for design, construction, operation and maintenance of the remedy for leachate treatment at the Landfill.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Ajax/Acorn Manufacturing Inc.,* Civil Action No. 89–7421, D.J. Ref. 90–11–3–145.

The Amendment may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, 615 Market Street, Suite 1250, Philadelphia, PA, 19106, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029. During the public comment period, the Amendment may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Amendment may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood *(tonia.fleetwood@usdoj.gov),* fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $47.75 payable to the U.S. Treasury. In requesting a copy exclusive of exhibits and defendants' signatures, please enclose a check in the amount of $8.25 payable to the U.S. Treasury.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03–5880 Filed 3–11–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 10, 2003, a proposed consent decree in *United States* versus *Ponderosa Fibres of America, Inc., et al.,* Civil Action No. 99–CV–1305 (FJS/RWS), was lodged with the United States District Court for the Northern District of New York.

The United States' Amended Complaint in this action alleges that Ponderosa Fibres of America, Inc. (''PFA''), Martin Bernstein and Jerome Goodman are jointly and severally liable for past and future response costs, currently totaling over $1.5 million, incurred by the United States in connection with the U.S. Environmental Protection Agency's removal of hazardous substances from the St. Lawrence Pulp and Paper Superfund Site in Ogdensburg, St. Lawrence County, New York (''Site'').

The proposed Consent Decree, lodged on February 5, resolves the United States' cost recovery claim, pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607(a), and potential contribution claims by other parties against Defendant Jerome

Goodman for $75,000, to be paid in two installments of $37,500 each, thirty (30) days and two years after entry of the Decree, respectively.

For a period of thirty (30) days from the date of this publication, the U.S. Department of Justice will accept comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, c/o David L. Weigert, Esq., Environmental Enforcement Section, PO Box 7611, Ben Franklin Station, Washington, DC 20044–7611, and should refer to *United States* versus *Ponderosa Fibres of America, Inc., et al.,* Civil Action No. 99–CV–1305 (FJS/RWS), DJ # 90–11–2–1223/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Northern District of New York, 231 Foley U.S. Courthouse, 445 Broadway, Albany, New York and at the offices of the U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, New York. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $4.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ronald G. Gluck,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, Department of Justice.

[FR Doc. 03–5881 Filed 3–11–03; 8:45 am]

BILLING CODE 4410–15–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before April 28, 2003. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–837–3698 or by e-mail to *records.mgt@nara.gov.* Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Paul M. Wester, Jr., Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–3120. E-mail: *records.mgt@nara.gov*.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Army, Agency-wide (N1–AU–03–03, 1 item, 1 temporary item). Records relating to the Asset Management System, an electronic system containing information concerning freight containers used for shipping ammunition. Records relate to such matters as customer requirements, the movement of containers, inventories, owner registries, damage to containers, and maintenance.

2. Department of Defense, National Imagery and Mapping Agency (N1–537–03–1, 6 items, 5 temporary items). Files relating to visit arrangements and

routine ceremonies. Also included are electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of files relating to ceremonies of an historical nature are proposed for permanent retention.

3. Department of Defense, Defense Security Service (N1–446–03–1, 5 items, 5 temporary items). Short term records relating to information assurance activities. Included are records relating to program planning and management, network access, and operation of the agency's test laboratory. Also included are electronic copies of documents created using electronic mail and word processing. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

4. Department of Defense, Defense Security Service (N1–446–03–3, 6 items, 6 temporary items). Records relating to industrial security. Included are records relating to such matters as site visits, field office activities, meetings, and educational programs. Also included are electronic copies of documents created using electronic mail and word processing. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

5. Department of Justice, National Drug Intelligence Center (N1–523–03–1, 7 items, 7 temporary items). Software licensing agreement and disclaimer files, technology and equipment files, and computer system security backup records. Also included are electronic copies of records created using electronic mail and word processing.

6. Federal Emergency Management Agency, National Security Directorate (N1–311–03–1, 5 items, 2 temporary items). Routine administrative data contained in an electronic information system used to support continuity of government operations. Also included are electronic copies created using e-mail and word processing. Proposed for permanent retention are recordkeeping copies of briefing files and subject files relating to continuity of government operations programs as well as substantive data contained in an electronic information system.

7. National Archives and Records Administration, Office of Records Services—Washington, DC (N1–64–03–3, 3 items, 3 temporary items). Electronic and microfiche versions of records relating to permanently valuable records that have been accessioned into the National Archives of the United States.

Dated: March 6, 2003.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 03–5831 Filed 3–11–03; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Leadership Initiatives Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Leadership Initiatives Advisory Panel will be held by teleconference from 2:30 p.m.–3:30 p.m. on Tuesday, March 18, 2003 in Room 710 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 2, 2002, these sessions will be closed to the public pursuant to subsection (c)(4),(6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: March 7, 2003.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 03–5951 Filed 3–11–03; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 140th meeting on March 25–27, 2003, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, March 25, 2003, Conference Room T–2B3, 11545 Rockville Pike, Rockville, MD

Working Group on NRC and DOE Performance Assessments: Assumptions and Differences (Open)

10 a.m.–10:10 a.m.: Introductory Comments, Statement of Objectives and Overview (Open)—The Chairman will open the meeting and then turn it over to the Working Group Chairman who will state the objectives of the Workshop and provide an overview of the sessions.

The theme of the working group will be how to achieve appropriately credible and realistic performance assessment models for the proposed high-level waste repository at Yucca Mountain, NV. While the total scope of the performance assessments will be discussed, realism of the source term work will be emphasized because it will be a key driver in the performance of the proposed repository.

10:10 a.m.–10:50 a.m.: Keynote Presentation: Realism in Simulating Long-Term Waste Package Corrosion and Source Term (Open)—The Committee will hear a presentation and view on the development of a realistic source term by a distinguished expert.

11:10 a.m.–11:35 a.m.: Introduction to DOE's Total System Performance Assessment (TSPA) Model (Open)—The Committee will hear presentations by and hold discussions with a representative from DOE regarding the DOE's Total System Performance Assessment (TSPA).

11:35 a.m.–12 noon: Introduction to NRC's Total-System Performance Assessment (TPA) (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC's Office of Nuclear Material Safety and Safeguards (NMSS)/Division of Waste Management (DWM) regarding the Total-System Performance Assessment.

1 p.m.–2:20 p.m.: Overview of TSPA and TPA: Assumptions and Differences in Approach (Open)—The Committee will hear presentations and hold discussions with representatives of the NRC's NMSS/DWM and DOE on the overview of TSPA and TPA focusing on:

- Infiltration/tunnel dripping
- Source Term
- Near Field
- Unsaturated Zone
- Saturated Zone
- Biosphere and dose

3 p.m.–5 p.m.: Source Term Module (Open)—The Committee will hear presentations by and hold discussions with representatives from NRC's NMSS/DWM and DOE regarding the source term module.

5 p.m.–5:30 p.m.: Public Comments (Open)—The Committee will make time available for comments from the public.

Wednesday, March 26, 2003, Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland

Working Group on NRC and DOE Performance Assessments: Assumptions and Differences (Open) (Continued)

8:30 a.m.–8:35 a.m.: Opening Statement (Open)—The Chairman will make opening remarks regarding the conduct of today's sessions.

8:35 a.m.–10:35 a.m.: Simplified Models of Key Contributors to Dose Traced through Various Modules (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC's NMSS/DWM and DOE regarding the key contributors as traced through various modules in TSPA and TPA, including:

- Infiltration/tunnel dripping
- Source Term
- Near Field
- Unsaturated Zone
- Saturated Zone
- Biosphere and dose

10:50 a.m.–12:45 p.m.: Presentations by representatives of the State of Nevada, Counties, Las Vegas Paiute Tribe, and Electric Power Research Institute (Open)—The Committee will hear presentations by and hold discussions with representatives of the State of Nevada, Counties, LasVegas Paiute Tribe, and Electric Power Research Institute regarding the working group on NRC and DOE performance assessments for the proposed high-level waste repository at Yucca Mountain, NV—assumptions and differences.

2:15 p.m.–3:15 p.m.: Working Group Roundtable Panel Discussion on TSPA and TPA: Assumptions and Differences (Open)—The Committee will have a roundtable panel discussion on the topics reviewed during the Working Group on NRC and DOE performance assessments for the proposed HLW repository at Yucca Mountain, NV—assumptions and differences.

3:15 p.m.–4:15 p.m.: Committee Summary Discussion (Open)—The Committee will summarize the day's discussion.

4:30 p.m.–5:20 p.m.: Public Comments (Open)—The Committee will summarize the major themes developed during the Working Group.

5:20 p.m.–5:30 p.m.: Closing Comments by Working Group Chairman (Open)—The Working Group Chairman will conclude the formal sessions with some brief remarks.

5:30 p.m.–6:15 p.m.: Preparation of ACNW Report (Open)—The Committee will discussed the principal points in a proposed ACNW report on TSPA/TPA Working Group.

Thursday, March 27, 2003, Conference Room 2B3, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Statement by the ACNW Chairman (Open)—The ACNW Chairman will make opening remarks regarding the conduct of today's sessions.

8:35 a.m.–9:10 a.m.: NRC/EPA Memorandum of Understanding (MOU) Related to Decommissioning and Decontainmination of Contaminated Sites (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding this recent (October 2002) MOU between the NRC and the Environmental Protection Agency.

9:10 a.m.–9:45 a.m.: Discussion of Self-Assessment Survey Preliminary Results (Open)—The Committee will discuss the preliminary results of the self-assessment survey of the ACNW's recent activities.

10 a. m.–12 noon: ACNW Action Plan (Open)—The Committee members will discuss an update to the ACNW 2002–2003 Action Plan.

1 p.m.–2:45 p.m.: ACNW Action Plan (Open)—The Committee will continue discussions related to an update of ACNW 2002–2003 Action Plan.

2:45 p.m.–3 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 11, 2002 (67 FR 63459). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Howard J. Larson, ACNW (Telephone 301/415–6805), between 7:30 a.m. and 4 p.m. e.t., as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Howard J. Larson as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by contacting Mr. Howard J. Larson.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or viewing on the Internet at *http://www.nrc.gov/ACRSACNW.*

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415–8066), between 7:30 a.m. and 3:45 p.m. e.t., at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: March 6, 2003.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 03–5869 Filed 3–11–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Availability of Model Application Concerning Technical Specification Improvement To Extend Accumulator Completion Times for Westinghouse Plants Using the Consolidated Line Item Improvement Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC) has prepared a model application for changing the completion time from 1 hour to 24 hours for Condition B of Technical Specification (TS) 3.5.1,

''Accumulators,'' for Westinghouse nuclear steam supply system (NSSS) plants. The purpose of this model is to permit the NRC to efficiently process amendments that propose to modify TS to extend the completion time for accumulators. Licensees of nuclear power reactors to which the model applies may request amendments utilizing the model application.

DATES: The NRC staff issued a **Federal Register** notice (67 FR 46542, July 15, 2002) which provided a model safety evaluation (SE) and a model no significant hazards consideration (NSHC) determination relating to the extension of the completion time for TS actions related to accumulators. The NRC staff hereby announces that the model SE and NSHC determination may be referenced in plant-specific applications to extend the accumulator completion times from 1 hour to 24 hours. The staff has posted a model application on the NRC web site to assist licensees in using the consolidated line item improvement process (CLIIP) to request the subject TS change. The NRC staff can most efficiently consider applications based upon the model application if the application is submitted within a year of this **Federal Register** notice.

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 CLIIP is intended to improve the efficiency of NRC licensing processes. This is accomplished by processing proposed changes to the standard technical specifications (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. 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 to proceed with announcing the availability of the change for proposed adoption by licensees. Those licensees opting to apply for the subject change to TS 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 will be processed and noticed in accordance with applicable rules and NRC procedures.

This notice involves the extension from 1 hour to 24 hours of the completion time for Condition B of TS 3.5.1, which defines requirements for accumulators. Accumulators are part of the emergency core cooling system and consist of tanks partially filled with borated water and pressurized with nitrogen gas. The contents of the tank are discharged to the reactor coolant system if, as during a loss of coolant accident, the coolant pressure decreases to below the accumulator pressure. Condition B of TS 3.5.1 specifies a completion time to restore an accumulator to operable status when it has been declared inoperable for a reason other than the boron concentration of the water in the accumulator not being within the required range. This change was proposed for incorporation into the STS by the Westinghouse Owners Group participants in the Technical Specification Task Force (TSTF) and is designated TSTF–370. TSTF–370 is supported by WCAP–15049–A, ''Risk-Informed Evaluation of an Extension to Accumulator Completion Times,'' dated May 18, 1999. TSTF–370 can be viewed on the NRC Web site (*http://www.nrc.gov*).

Applicability

This proposed TS change to revise the completion time from 1 hour to 24 hours for Condition B in TS 3.5.1 is applicable to all Westinghouse NSSS plants, regardless of plant vintage and number of loops.

The CLIIP does not prevent licensees from requesting an alternative approach or proposing the changes without the attached model SE and the NSHC. 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

In a notice in the **Federal Register** dated July 15, 2002 (67 FR 46542), the NRC staff requested comment on the use of the CLIIP to process requests to extend the completion time from 1 hour to 24 hours for Condition B of TS 3.5.1, ''Accumulators.''

TSTF–370, as well as the NRC staff's SE and model application, may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike, Rockville, Maryland. Publicly available records are accessible electronically from the ADAMS Public Library component on the NRC Web site, (the Electronic Reading Room).

The NRC staff did not receive comments following the notice soliciting comments about the use of the CLIIP for licensees to adopt TSTF–370. As described in the model application prepared by the staff, licensees may reference in their plant-specific applications to adopt this change to TS the SE, NSHC determination, and environmental assessment previously published in the **Federal Register** (67 FR 46452, July 15, 2002).

Dated in Rockville, Maryland, this 6th day of March, 2003.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 03–5871 Filed 3–11–03; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27657]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

March 6, 2003.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 31, 2003, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing

should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 31, 2003, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Allegheny Energy, Inc. (70–8553)

Allegheny Energy, Inc. (''Allegheny''), a registered holding company, 10435 Downsville Pike, Hagerstown, Maryland 21740–1766, has filed a post-effective amendment under sections 6(a) and 7 of the Act and rule 54 under the Act.

By prior orders dated September 14, 1990 (HCAR No. 25150), March 17, 1987 (HCAR No. 24344), June 19, 1984 (HCAR No. 23333), June 23, 1983 (HCAR No. 22985), April 29, 1980 (HCAR No. 21542), and August 5, 1977 (HCAR No. 20131), the Commission authorized Allegheny to issue and sell up to 12 million shares of its common stock through its Employee Stock Ownership and Savings Plan (''ESOSP'')[1] and Dividend Reinvestment and Stock Purchase Plan (''DRISP'').[2] By order dated March 22, 1995 (HCAR No. 26255), the Commission also authorized Allegheny to issue up to an additional 6.025 million shares of its common stock: (1) Through the ESOSP; (2) through the DRISP; and (3) to members of Allegheny's board of directors that are not (during their terms of service as a director) an employee of Allegheny or any of its subsidiaries (''Outside Director'').

Allegheny now requests authority to issue up to an additional 20,500,000 authorized shares of its common stock through December 31, 2008, as follows: up to 20 million shares through the ESOSP, and up to 500,000 shares as compensation for its Outside Directors.[3]

[1] The ESOSP is designed to enable employees of Allegheny and its participating subsidiaries to provide for their futures through tax deferred pre-tax contributions (which are matched by employer contributions) and post-tax contributions. The savings plan is comprised of two portions: An employee stock ownership plan as described in section 4975(e)(7) of the Internal Revenue Code, which is designed to invest primarily in shares of Allegheny's common stock, and a profit sharing plan.

[2] Allegheny's authority increased to 24 million shares as a result of a two-for-one stock split, effective November 4, 1993. *See* HCAR No. 25911.

[3] Allegheny states that part of the annual compensation it offers its Outside Directors consists of $12,000 worth of the company's common stock.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–5875 Filed 3–11–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47431; File No. SR–Amex–2003–11]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC, Relating to the Adoption of a Per Contract Licensing Fee for the iShares Cohen & Steers Realty Majors Index Fund

March 3, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and rule 19b–4 thereunder,[2] notice is hereby given that on February 24, 2003, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in items I, II, and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to modify its options fee schedule by adopting a per contract license fee in connection with specialist and registered options traders transactions in options on the iShares Cohen & Steers Realty Majors Index Fund. The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The Exchange has entered into numerous agreements with issuers and owners of indexes for the purpose of trading options on certain exchange-traded funds (''ETFs''). This requirement to pay an index license fee to third parties is a condition to the listing and trading of these ETF options. In many cases, the Exchange is required to pay a significant licensing fee to issuers or index owners that may not be reimbursed. In an effort to recoup the costs associated with index licenses, the Exchange has previously established a per contract licensing fee for specialists and registered options traders (''ROTs'') that is collected on every transaction in options on the Nasdaq-100 Index Tracking Stock (QQQ), the Nasdaq-100 Index (NDX), the Mini-NDX (MNX) and on the S&P 100 iShares (OEF).[3]

The purpose of the proposed fee is for the Exchange to recoup its costs in connection with the index license fee for the trading of options on the iShares Cohen & Steers Realty Majors Index Fund (the ''Cohen & Steers Fund'' or ''Fund''). The proposed licensing fee will be collected on every option transaction of the Cohen & Steers Fund in which the specialist or ROT is a party. The Exchange proposes to charge $0.09 per contract side for options on the Cohen & Steers Fund (ICF). Accordingly, the Exchange believes that requiring the payment of a per contract licensing fee by those specialists units and ROTs that are the primary beneficiaries of the Exchange's index license agreements is justified and consistent with the rules of the Exchange and the Act. In addition, passing the license fee (on a per contract basis) along to the specialist allocated to the Cohen & Steers Fund option and the ROT trading such product is efficient and consistent with the intent of the Exchange to pass on its non-reimbursed costs to those market participants that are the primary beneficiaries.

The Amex notes that in recent years it has increased a number of member fees to better align Exchange fees with the actual cost of delivering services and reduce Exchange subsidies of such

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 45163 (December 18, 2001), 66 FR 66958 (December 27, 2001), and File No. SR–Amex–2003–09, filed with the Commission on February 19, 2003.

services.[4] Implementation of this proposal is consistent with the reduction and/or elimination of these subsidies.

The Exchange submits that the proposed license fee will provide additional revenue and recoup its costs associated with the trading of Cohen & Steers Fund options. In addition, the Amex believes that this fee will help to allocate to those specialists and ROTs transacting in Cohen & Steers Fund options a fair share of the related costs of offering such options. Accordingly, the Exchange believes that the proposed fee is reasonable.

(2) Statutory Basis

The Exchange believes the proposed rule change is consistent with section 6(b)[5] of the Act in general and furthers the objectives of section 6(b)(4)[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change, which establishes or changes a due, fee or other charge imposed by the Exchange, has become effective immediately pursuant to section 19(b)(3)(A) of the Act[7] and subparagraph (f)(2) of rule 19b–4 thereunder.[8] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

[4] *See* Securities Exchange Act Release Nos. 45360 (January 29, 2002), 67 FR 5626 (February 6, 2002) and 44286 (May 9, 2001), 66 FR 27187 (May 16, 2001).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–2003–11 and should be submitted by April 2, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–5876 Filed 3–11–03; 8:45 am]

BILLING CODE 8010–01–P

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 11, 2003. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Technology Resources Network (Tech-Net).

No: N/A.

Frequency: On Occasion.

Description of Respondents: Small Business Concern's.

Responses: 300.

Annual Burden: 150.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 03–5894 Filed 3–11–03; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Pub. L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collection packages that may be included in this notice are for new information collections, revisions to OMB-approved information collections and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below:

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Office Building, Room 10235, 725 17th St., NW., Washington, DC 20503. Fax: 202–395–6974.

(SSA), Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1338 Annex Bldg., 6401 Security Blvd., Baltimore, MD 21235. Fax: 410–965–6400.

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to the address listed above.

1. *Statement of Employer*—20 CFR 404.801–404.803–0960–0030. The information collected by SSA on form SSA–7011 is needed to substantiate allegations of wages paid to workers when those wages do not appear in SSA's records of earnings and the worker does not have proof that payment was made. This information is used to process claims for social security benefits and to resolve discrepancies in earnings records. The respondents are certain employers who can verify allegations of wages made by the wage earner.

Type of Request: Extension of an OMB-approved Information Collection.

Number of Respondents: 925,000.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 308,333 hours.

2. *Request to be Selected as Payee*—20 CFR 404.2010–404.2025; 20 CFR 416.601–416.665–0960–0014. The information collected by SSA on form SSA–11–BK is used to determine the proper payee for a Social Security beneficiary, and it is designed to aid in the investigation of a payee applicant. The form will establish the applicant's relationship to the beneficiary, the justification of the need for a payee, the concern for the beneficiary and the manner in which the benefits will be used. The respondents are applicants for selection as representative payee for Old Age, Survivors and Disability Insurance, Supplemental Security Income (SSI), and title-VIII Special Veterans Benefits.

Type of Request: Extension of an OMB-approved Information Collection.

Number of Respondents: 2,121,686.

Frequency of Response: 1.

Average Burden Per Response: 10.5 minutes.

Estimated Annual Burden: 371,295 hours.

3. *Appointment of Representation*—20 CFR 404.1707, 410.684, and 416.1507–0960–0527. The information collected by SSA on form SSA–1696–U4 is used to verify the applicant's appointment of a representative. It allows SSA to inform the representative of items which affect the applicant's claim. The affected public consists of applicants who notify SSA that they have appointed a person to represent them in their dealings with SSA when claiming a right to benefits.

Type of Request: Extension of an OMB-approved Information Collection.

Number of Respondents: 551,520.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 91,920.

4. *Application for Special Benefits for World War II Veterans*—20 CFR, Subpart C, 408–0960–0615. Form SSA–2000–F6 is used by SSA to elicit information necessary to determine the entitlement of an individual to a monthly benefit under title VIII of the Social Security Act. The respondents are persons outside the U.S. applying for benefits for themselves (or for someone else) under title VIII of the Act.

Type of Request: Extension of an OMB-approved Information Collection.

Number of Respondents: 400.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 133 hours.

5. *Third Party Liability Information Statement*—42 CFR 433.136–433.139—0960–0323. SSA obtains third party liability information for States under the terms of an agreement with the Centers for Medicare and Medicaid Services, which oversees administration of the Medicaid program. Medicaid State agencies use the information that SSA gathers on Form SSA–8019–U2 to bill third parties liable for medical care, support, or services to insure that Medicaid remains the payer of last resort. The respondents are Supplemental Security Income applicants and beneficiaries.

Type of Request: Extension of an OMB-approved Information Collection.

Number of Respondents: 95,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 7,917 hours.

6. *Prohibition of Payments of SSI Benefits to Fugitive Felons and Parole/Probation Violators*—20 CFR 416.708—0960–0617. Section 1611(e) of the Social Security Act provides that a person shall not be considered an eligible individual or eligible spouse for purposes of the SSI program for any month during which the person is fleeing to avoid prosecution for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees (or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of the State); is fleeing to avoid custody or confinement after conviction for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees (or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of the State); or is violating a condition of probation or parole imposed under Federal or State law. 20 CFR 416.708 describes events which must be reported by an individual receiving SSI benefits, a representative payee for an SSI recipient, or an applicant awaiting a final decision on an application for SSI benefits. The information reported will be used by SSA to determine eligibility for SSI benefits or whether to suspend SSI benefit payments. The respondents are SSI applicants or recipients, or the representative payee of same, who are in violation of the above stipulations.

Type of Request: Extension of an OMB-approved Information Collection.

Number of Respondents: 1,000.

Frequency of Response: 1.

Average Burden Per Response: 1 minute.

Estimated Annual Burden: 17 hours.

7. *Request for Internet Service—Authentication*—20 CFR 401.45—0960–0596. The Information collected on the electronic request for Internet Service, Authentication, is used by the Social Security Administration to identify its customers who are requesting Privacy Act protected information. The respondents are members of the public who request services from SSA through the Internet.

Type of Request: Extension of an OMB-approved Information Collection.

Number of Respondents: 21,000.

Frequency of Response: 1.

Average Burden Per Response: 1.5 minutes.

Estimated Annual Burden: 525 hours.

The information collection listed below has been submitted to OMB for clearance. Your comments on the information collection would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of

the OMB clearance package by calling the SSA Reports Clearance Officer at 410–965–0454 or by writing to the address listed above.

Instructions for Completion of Federal Assistance Application—0960–0184. The information on Form SSA–96 will be used to assist SSA in selecting grant proposals for funding based on their technical merits. The information will also assist in evaluating the soundness of the design of the proposed activities, the possibilities of obtaining productive results, the adequacy of resources to conduct the activities and the relationship to other similar activities that have been or are being conducted. The respondents are State and local governments, State-designated protection and advocacy groups, colleges and universities and profit and nonprofit private organizations.

Type of Request: Extension of an OMB-approved Information Collection.

Number of Respondents: 200.

Frequency of Response: 8.

Average Burden Per Response: 14 hours.

Estimated Annual Burden: 22,400 hours.

Dated: March 6, 2003.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 03–5789 Filed 3–11–03; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for renewal and comment. The ICR describes the nature of the information collection and its expected cost and burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 24, 2002 [67 FR 78558]. No comments were received.

DATES: Comments must be submitted on or before April 11, 2003 to: Attention DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Ashby, Office of the Secretary, Office of Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh St., SW., Washington, DC 20590, Telephone (202) 366–9310, (voice) 202–366–9313 (fax) or at *bob.ashby@ost.dot.gov.*

SUPPLEMENTARY INFORMATION: Office of the Secretary (OST)

Title: Report of DBE Awards and Commitments.

OMB Control Number: 2105–0510.

Annual Estimated Burden: 1.46 million hours.

Type of Request: Extension of a currently approved information collection.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC on March 5, 2003.

Michael A. Robinson,

Clearance Officer, Department of Transportation.

[FR Doc. 03–5882 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Meeting of the Transportation Labor-Management Board

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of meeting.

SUMMARY: The U.S. Department of Transportation (DOT) announces a meeting of the Transportation Labor-Management Board (Board). Notice of the meeting is required under the Federal Advisory Committee Act.

Time and Place: The Board will meet on Wednesday, March 26, 2003, at 9 a.m., at the U.S. Department of Transportation, Nassif Building, room 7418, 400 Seventh Street, SW., Washington, DC 20590. The room is located on the 7th floor.

Type of Meeting: The meeting is open to the public. Please note that visitors without a government identification badge should enter the Nassif Building at the Southwest lobby, for clearance at the Visitor's Desk. Seating will be available on a first-come, first-served basis. Handicapped individuals wishing to attend should contact DOT to obtain appropriate accommodations.

Point of Contact: Stephen Gomez, U.S. Department of Transportation, Office of the Secretary, Workforce Environment and Pay Division, M–13, Nassif Building, 400 Seventh Street, SW., room 7411, Washington, DC 20590, (202) 366–9455.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to determine the issues the Board will address, establish priorities, and review the revised Transportation Labor-Management Board Charter.

Public Participation: We invite interested persons and organizations to submit comments. Mail or deliver your comments or recommendations to Stephen Gomez at the address shown above. Comments should be received by March 18, 2003 in order to be considered at the March 26th meeting.

Issued in Washington, DC, on March 6, 2003.

For the U.S. Department of Transportation.

Linda Moody,

Associate Director, Workforce Environment and Pay Division.

[FR Doc. 03–5921 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Revisions to Advisory Circular 25.783–1, Fuselage Doors and Hatches

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed advisory circular and request for comments.

SUMMARY: The Federal Aviation Administration invites public comment on proposed revisions to Advisory Circular, AC 25.783–1, ''Fuselage Doors and Hatches.'' The revised advisory circular provides guidance for demonstrating compliance with proposed revisions to the design standards for fuselage doors and hatches, published earlier this year. This notice provides interested persons an opportunity to comment on the

revised advisory material concurrent with the proposed rule.

DATES: Comments must be received on or before April 14, 2003.

ADDRESSES: You should send your comments to the Federal Aviation Administration, Transport Airplane Directorate, Attention: Jeff Gardlin, Airframe/Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. You may also fax your comments to 425–227–1149, or you may send your comments electronically to: *jeff.gardlin@faa.gov.* You may review all comments received at the above address between 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Gardlin at the above address, telephone 425–227–2136.

SUPPLEMENTARY INFORMATION:

How Do I Obtain a Copy of the Proposed Advisory Circular?

You may obtain an electronic copy of the proposed advisory circular at the following Internet address: *http://www.airweb.faa.gov/DraftAC.* If you do not have access to the Internet, you may request a copy by contacting Jeff Gardlin at the address or phone number listed earlier in this announcement.

How Do I submit Comments on the Proposed Advisory Circular?

You are invited to comment on the proposed AC by submitting written comments, data, or views. You must identify the AC by title and submit your comments in duplicate to the address specified above. We will consider all comments received on or before the closing date for comments before issuing the final AC.

Discussion

By separate notice publish in the **Federal Register** (68 FR 1932, January 14, 2003), the FAA proposes to amend the design standards for fuselage doors on transport category airplanes. Currently, most of the relevant standards are found in title 14, Code of Federal Regulations (CFR), § 25.783, ''Doors.'' The proposed revision would improve door integrity by providing design standards that would ensure that doors remain secure under all circumstances that service experience has shown can occur.

We prepared a proposed revision to AC 25.783–1, ''Fuselage Doors and Hatches,'' to provide guidance on one means of showing compliance with the proposed revised requirements of § 25.783. The means of compliance described in the proposed AC provides guidance to supplement the engineering and operational judgment that must form the basis fo any compliance findings on the structural and functional safety standards for doors and their operating systems.

Harmonization of Standards and Guidance

The proposed AC is based on recommendations submitted to the FAA by the Aviation Rulemaking Advisory Committee (ARAC). The FAA tasked ARAC (63 FR 50954, September 23, 1998) to provide advice and recommendations on ''harmonizing'' certain sections of part 25 with the counterpart standards contained in Joint Aviation Requirements (JAR) 25. The goal of ''harmonization tasks,'' such as this, is to ensure that:

- Where possible, standards and guidance do not require domestic and foreign parties to manufacture or operate to different standards for each country involved; and
- The standards and guidance adopted are mutually acceptable to the FAA and the foreign aviation authorities.

The guidance contained in the proposed AC has been harmonized with that of the JAA, and provides a method of compliance that has been found acceptable to both the FAA and JAA.

The FAA is making the AC available as it was recommended from the Aviation Rulemaking Advisory Committee. However, certain events subsequent to the recommendation being received by the FAA have raised concerns regarding the guidance contained in paragraph 9b(2) with regard to differential pressures under which doors can be opened. Therefore, the FAA specifically invites comments on this aspect of the guidance.

Issuance of the revised AC is contingent on final adoption of the proposed changes to the relevant regulations.

Issued in Renton, Washington, on March 3, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–5932 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Revised Advisory Circular (AC) 121.445–1E, Pilot-in-Command Qualifications for Special Airports, 14 CFR Part 121, Section 121.445

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed revised AC and request for comments.

SUMMARY: The proposed AC provides information for all title 14 of the Code of Federal Regulations (14 CFR) part 119 certificate holders who conduct operations under 14 CFR part 121 concerning those airports where the Administrator has determined that special qualifications are required of pilots-in-command as provided in part 121, section 121.445. Additionally, this AC provides a suggested format for certificate holders, their pilots, and other persons to use to assess whether an individual airport should be designated as a special qualification airport.

DATES: Comments must be received on or before April 11, 2003.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Air Carrier Operations Branch, AFS–220, 800 Independence Avenue, SW., Washington, DC 20591.

Comments Invited: A copy of the proposed AC can be found at the following Web address: *http://www.opspecs.com/ops/default.htm.* Additionally, a paper copy of the draft AC can be obtained by contacting AFS–220 at the above address. Comments are invited on all aspects of the proposed AC. Commenters should note that there are several new airports added to this AC (as indicated by the effective date) and one airport removed (Marquette, Michigan). When submitting comments to AFS–220, commenters must identify file number AC 121.445–1E. Comments may be inspected at the above address between 8 a.m. and 3 p.m. e.s.t. on weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Thomas Penland, AFS–220, at the above address or telephone at (202) 267–8166.

Issued in Washington, DC, on March 4, 2003.

Louis C. Cusimano,

Deputy Director, Flight Standards Service.

[FR Doc. 03–5935 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2003–10]

Petitions for Exemption; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions for exemption.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition.

FOR FURTHER INFORMATION CONTACT: Sandy Buchanan-Sumter (202) 267–7271, Vanessa Wilkins (202) 267–8029, or Denise Emrick (202) 267–5174, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on March 7, 2003.

Richard D. McCurdy,

Acting Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2002–12696.
Petitioner: Classic Helicopter Corporation.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit Classic to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, August 26, 2002, Exemption No. 7870

Docket No.: FAA–2000–8474.
Petitioner: Howell Enterprises, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit Howell Enterprises, Inc. to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed.

Grant, August 28, 2002, Exemption No. 7427A

Docket No.: FAA–2000–8143.
Petitioner: Peninsula Airways, Inc., d.b.a. PenAir.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit PenAir to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed.

Grant, August 28, 2002, Exemption No. 7402A

Docket No.: FAA–2000–7980.
Petitioner: Air Transport Association of America.
Section of 14 CFR Affected: 14 CFR 121.311(b).
Description of Relief Sought/Disposition: To permit ATA-member airlines and other similarly situated part 121 operators to permit qualified flight attendants not required by § 121.391(c) to perform duties related to the safety of the airplane and its occupants during aircraft movement on the surface.

Grant, August 28, 2002, Exemption No. 5533E

Docket No.: FAA–2000–8340.
Petitioner: Rocky Mountain Holdings, LLC.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit Rocky Mountain Holdings to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed.

Grant, August 28, 2002, Exemption No. 5774F

Docket No.: FAA–2000–8590.
Petitioner: Delta Air Lines, Inc.
Section of 14 CFR Affected: 14 CFR 121.339(a)(3).
Description of Relief Sought/Disposition: To permit Delta to replace its approved pyrotechnic signaling devices aboard its aircraft with hand-held, high-intensity, stroboscopic light sources.

Denial, August 28, 2002, Exemption No. 7873

Docket No.: FAA–2002–12797.
Petitioner: Business Jet Services, Ltd.
Section of 14 CFR Affected: 14 CFR 135.152.
Description of Relief Sought/Disposition: To permit Business Jet Services to operate two British Aerospace BAC1–11 400 series airplanes under part 135 without recording the parameters listed in § 135.152(b)(1) within the ranges, accuracies, resolutions, and sampling intervals specified in appendix D to part 135.

Denial, August 28, 2002, Exemption No. 7872

Docket No.: FAA–2001–8744.
Petitioner: Evergreen Air Venture Museum.
Section of 14 CFR Affected: 14 CFR 91.315, 91.319(a), 119.5(g), and 119.21(a).
Description of Relief Sought/Disposition: To permit Evergreen to operate various aircraft, which hold limited, experimental, and standard airworthiness certificates for the purpose of carrying passengers on local flights in return for donations.

Partial Grant, August 28, 2002, Exemption No. 6632D

Docket No.: FAA–2002–13012.
Petitioner: Frontier Flying Service, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit Frontier Flying Service to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, August 28, 2002, Exemption No. 7874

Docket No.: FAA–2002–12892.
Petitioner: Columbiana County Pilots Association.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/Disposition: To permit Columbiana to conduct local sightseeing flights during October 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, August 28, 2002, Exemption No. 7875

Docket No.: FAA–2002–13151.
Petitioner: Elliott Aviation.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit Elliott to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, August 30, 2002, Exemption No. 7347A

Docket No.: FAA–2002–13134.
Petitioner: Ram Air Freight, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c).
Description of Relief Sought/Disposition: To permit Ram Air to operate certain aircraft under part 135

without a TSO–C112 (Mode S) transponder installed in each aircraft.

Grant, September 3, 2002, Exemption No. 7876

Docket No.: FAA–2002–12993.
Petitioner: Stallion 51 Corporation.
Section of 14 CFR Affected: 14 CFR 91.315.
Description of Relief Sought/ Disposition: To permit Stallion 51 to provide initial and recurrent training, and training under contract with the U.S. military in its two North American TF–51 airplanes certificated as limited category civil aircraft, subject to certain conditions and limitations.

Grant, September 4, 2002, Exemption No. 6811B

Docket No.: FAA–2000–8533.
Petitioner: Israel Aircraft Industries.
Section of 14 CFR Affected: 14 CFR 61.77(a).
Description of Relief Sought/ Disposition: To permit Israel Aircraft Industries to obtain special purpose pilot authorizations for its pilot employees for the purpose of performing ferry/delivery flights for its U.S. customers.

Grant, September 9, 2002, Exemption No. 7406A

Docket No.: FAA–2002–12831.
Petitioner: Air Transport Association.
Section of 14 CFR Affected: 14 CFR 61.157(a); item I (b) of appendix A to part 61; 121.424(a), (b), and (d)(1); item I(a) of appendix E to part 121; and item I(b) of appendix F to part 121.
Description of Relief Sought/ Disposition: To permit Air Transport Association member airlines and other qualifying part 121 certificate holders to conduct training and checking of pilots on airplanes that require two flight crewmembers for the required preflight inspection, both interior and exterior, using approved advanced pictorial means.

Grant, September 9, 2002, Exemption No. 4416I

Docket No.: FAA–2000–8100.
Petitioner: Northwest Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 121.401(c), 121.433(c)(1)(iii), 121.440(a), and 121.441(a)(1) and (b)(1); appendix F to part 121.
Description of Relief Sought/ Disposition: To permit Northwest Airlines (NWA) to combine recurrent flight and ground proficiency checks for NWA's flight crewmembers in a single annual training and proficiency evaluation program and meet the line check requirements of § 121.440(a) and SFAR No. 58 through an FAA-approved alternative line check program.

Grant, September 11, 2002, Exemption No. 5815E

Docket No.: FAA–2002–13346.
Petitioner: Westjet Air Center, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Westjet to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, September 13, 2002, Exemption No. 7881

Docket No.: FAA–2002–13178.
Petitioner: Cedar Valley Air Charter, LLC.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Cedar Valley Air Charter to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, September 13, 2002, Exemption No. 7880

Docket No.: FAA–2002–13232.
Petitioner: California Shock/Trauma Air Rescue.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit California Shock/ Trauma Air Rescue to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, September 13, 2002, Exemption No. 7883

Docket No.: FAA–2002–13165.
Petitioner: TransNorthern LLC.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit TransNorthern to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, September 13, 2002, Exemption No. 7882

Docket No.: FAA–2002–13180.
Petitioner: Ryan International Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 91.203(a) and (b).
Description of Relief Sought/ Disposition: To permit Ryan to operate temporarily its U.S.-registered aircraft following the incidental loss or mutilation of that aircraft's airworthiness certificate or registration certificate, or both.

Grant, September 17, 2002, Exemption No. 6571C

Docket No.: FAA–2001–8634.
Petitioner: Comair, Inc. d.b.a. Delta Connection.
Section of 14 CFR Affected: 14 CFR 93.217.
Description of Relief Sought/ Disposition: To permit Delta Connection carriers to conduct domestic operations using its eight international slots at LaGuardia Airport.

Grant, September 19, 2002, Exemption No. 7434A

Docket No.: FAA–2002–13275.
Petitioner: Frankfort Flight Service, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Frankfort to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, September 20, 2002, Exemption No. 7888

Docket No.: FAA–2002–13210.
Petitioner: American Trans Air Execujet, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Execujet to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, September 20, 2002, Exemption No. 7889

Docket No.: FAA–2002–13222.
Petitioner: WingsAir, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit WingsAir to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, September 20, 2002, Exemption No. 7890

Docket No.: FAA–2002–12253.
Petitioner: Continental Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 121.440(a) and (b)(3), and Special Federal Aviation Regulation (SFAR) 58, paragraph 6(b)(3)(ii)(A).
Description of Relief Sought/ Disposition: To permit Continental to meet line check requirements using an alternative line check program.

Grant, September 23, 2002, Exemption No. 7861A

Docket No.: FAA–2002–13066.
Petitioner: Department of the Army.
Section of 14 CFR Affected: 14 CFR 91.209(a)(1) and (2).
Description of Relief Sought/ Disposition: To permit the Army to

conduct certain military training operations at night without lighted aircraft position lights.

Grant, September 25, 2002, Exemption No. 3946H

Docket No.: FAA–2002–13273.
Petitioner: Stuart Air Show.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Visiting Nurse Association to conduct local sightseeing flights during November 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, September 26, 2002, Exemption No. 7894

Docket No.: FAA–2001–10831.
Petitioner: Pomona Valley Pilots Association.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Pomona Valley Pilots Association to conduct local sightseeing flights during January 2003, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, September 26, 2002, Exemption No. 7895

Docket No.: FAA–2001–10165.
Petitioner: North Jersey Chapter of the Ninety-Nines, Inc.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Ninety-Nines to conduct local sightseeing flights during October 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, September 26, 2002, Exemption No. 7896

Docket No.: FAA–2000–8148.
Petitioner: Epps Air Service, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Epps to operate certain aircraft under part 135 without a TSC–C112 (Mode S) transponder installed on those aircraft.

Grant, September 26, 2002, Exemption No. 6037D

Docket No.: FAA–2002–13352.
Petitioner: Vermont Pilots Association.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Vermont Pilots Association to conduct local sightseeing flights during September 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, September 27, 2002, Exemption No. 7892

Docket No.: FAA–2002–13316.
Petitioner: Monterey Bay Chapter of the Ninety-Nines, Inc.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Ninety-Nines to conduct local sightseeing flights during October 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, September 30, 2002, Exemption No. 7898

Docket No.: FAA–2002–13009.
Petitioner: National Air Transportation Association.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and from appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit National Air Transportation Association members to conduct up to 4 local sightseeing flights per year for compensation or hire, at charity or community events, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant September 30, 2002, Exemption No. 7899

Docket No.: FAA–2001–9128.
Petitioner: The Federal Aviation Administration Aviation System Standards (AVN) and the U.S. Air Force Flight Inspection Center (FIC).
Section of 14 CFR Affected: 14 CFR 91.119(b) and (c), 91.159, 91.175(a) and (b), and 91.179.
Description of Relief Sought/ Disposition: To permit the FAA AVN and the USAF FIC to deviate from certain flight rules required by subpart B of part 91 while conducting flight inspections of air navigation facilities and instrument approach procedures.

Grant, October 8, 2002, Exemption No. 5118E

Docket No.: FAA–2002–13326.
Petitioner: Western North Carolina Pilots Association.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Western North Carolina Pilots Association to conduct local sightseeing flights during October 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, October 10, 2002, Exemption No. 7903.

Docket No.: FAA–2002–13443.
Petitioner: Moody Aviation.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Moody to conduct local sightseeing flights during October 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, October 16, 2002, Exemption No. 7907

Docket No.: FAA–2002–13153.
Petitioner: Ottumwa Flying Service, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Ottumwa to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, October 10, 2002, Exemption No. 7905

Docket No.: FAA–2002–13288.
Petitioner: Ozark Air Charter Company, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Ozark to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in each aircraft.

Grant, October 10, 2002, Exemption No. 7906

Docket No.: FAA–2002–13437.
Petitioner: Jet Share US, LLC.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Jet Share to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, October 10, 2002, Exemption No. 7904

Docket No.: FAA–2000–8429.
Petitioner: North Star Air Cargo, Inc.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit North Star to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, October 10, 2002, Exemption No. 6878B

Docket No.: FAA–2000–7988.
Petitioner: RGT Air Freight.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit RGT to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on each aircraft.

Grant, October 15, 2002, Exemption No. 7386A

Docket No.: FAA–2001–8685.
Petitioner: Advantage Air Charter LLC.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Advantage Air Charter to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on each aircraft.

Grant, October 15, 2002, Exemption No. 7441A

Docket No.: FAA–2002–13317.
Petitioner: James R. Weiss.
Section of 14 CFR Affected: 14 CFR 121.383(c).
Description of Relief Sought/ Disposition: To permit James R. Weiss to act as a pilot in operations conducted under part 121 after reaching his 60th birthday.

Denial, October 21, 2002, Exemption No. 7910

Docket No.: FAA–2002–13297.
Petitioner: United Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 121.665 and 121.697(a) and (b).
Description of Relief Sought/ Disposition: To permit United Airlines to continue to use computerized load manifests that bear the printed name and position of the person responsible for loading the aircraft, instead of the person's signature.

Grant, October 23, 2002, Exemption No. 2466N

Docket No.: FAA–2001–9032.
Petitioner: Ameriflight, Inc.
Section of 14 CFR Affected: 14 CFR 61.3(a) and (c), 91.203 (a) and (b), 121.153(a)(1) and 121.383(a)(2).
Description of Relief Sought/ Disposition: To permit Ameriflight to temporarily operate its aircraft in accordance with parts 121 and 135 without those aircraft's airworthiness and registration certificates onboard; and without the pilots having their pilot and medical certificates in their personal possession, while obtaining replacements, subject to certain conditions and limitations.

Grant, October 23, 2002, Exemption No. 7143B

Docket No.: FAA–2001–9618.
Petitioner: United States Air Force.
Section of 14 CFR Affected: 14 CFR 91.209(a) and (b).
Description of Relief Sought/ Disposition: To permit United States Air Force to conduct helicopter night-vision flight training operations using two or more aircraft without lighted aircraft position lights at or below 500 feet above ground level.

Grant, October 24, 2002, Exemption No. 5891C

Docket No.: FAA–2002–13588.
Petitioner: United States Hang Gliding Association, Inc.
Section of 14 CFR Affected: 14 CFR 103.1(a) and (b).
Description of Relief Sought/ Disposition: To permit United States Hang Gliding Association to operate unpowered ultralight vehicles weighing less than 155 pounds, with another occupant, for the purpose of sport, training, or recreation.

Grant, October 25, 2002, Exemption No. 4721H

Docket No.: FAA–2002–13614.
Petitioner: American Aerospace Corporation.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit American Aerospace Corporation to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, October 28, 2002, Exemption No. 7913

Docket No.: FAA–2002–13621.
Petitioner: Alpine Aviation.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Alpine to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, October 28, 2002, Exemption No. 7912

Docket No.: 27606.
Petitioner: Robert Essell.
Section of 14 CFR Affected: 14 CFR 61.3(d)(2) and 91.319.
Description of Relief Sought/ Disposition: To permit Robert Essell to use experimental aircraft for introductory flights, instructional flights, and flight demonstrations.

Denial, October 25, 2002, Exemption No. 7911

Docket No.: FAA–2000–8153.
Petitioner: American Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 121.317(a).
Description of Relief Sought/ Disposition: To permit American to operate its Boeing 737 and 777 aircraft with ''No Smoking'' signs that are always illuminated.

Grant, October 30, 2002, Exemption No. 6853B

Docket No.: FAA–2000–8526.
Petitioner: Aviation Specialists, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Aviation Specialists Inc to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in each aircraft.

Grant, November 1, 2002, Exemption No. 7443A

Docket No.: FAA–2002–13076.
Petitioner: Spokane Airways, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Spokane Airways to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in each aircraft.

Grant, November 1, 2002, Exemption No. 7914

Docket No.: FAA–2002–13132.
Petitioner: Executive Airlines, Inc. and American Eagle Airlines, Inc.
Section of 14 CFR Affected: Section V, paragraph A.1, and section IX, paragraph A.2, of appendix I to part 121.
Description of Relief Sought/ Disposition: To permit employees performing safety-sensitive functions for American Eagle to perform identical functions for Executive without being subject to additional preemployment drug testing.

Grant, November 7, 2002, Exemption No. 7916

Docket No.: FAA–2000–8428.
Petitioner: Delta Air Lines, Inc.
Section of 14 CFR Affected: 14 CFR 25.791(a) and 121.317(a).
Description of Relief Sought/ Disposition: To permit Delta to operate its McDonnell Douglas MD–90 aircraft with ''No Smoking'' signs that are

always illuminated provided Delta operates those aircraft in a manner that continues to prohibit smoking on board the affected aircraft at all times.

Grant, November 7, 2002, Exemption No. 6034D

Docket No.: FAA–2002–13602.
Petitioner: Eagle Aviation, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Eagle Aviation to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, November 13, 2002, Exemption No. 7919

Docket No.: FAA–2001–9031.
Petitioner: Houston Helicopters, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Houston Helicopters, Inc. to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, November 13, 2002, Exemption No. 7501A

Docket No.: FAA–2000–8391.
Petitioner: Ed's Flying Service, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Ed's Flying Service, Inc. to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, November 13, 2002, Exemption No. 7494A

Docket No.: FAA–2002–13599.
Petitioner: Dynamic Aviation Group, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Dynamic Aviation to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, November 13, 2002, Exemption No. 7918

Docket No.: FAA–2001–9501.
Petitioner: United States Air Force.
Section of 14 CFR Affected: 14 CFR 91.209(a)(1) and (2).
Description of Relief Sought/ Disposition: To permit the United States Air Force to conduct night-vision goggle flight training operations at and above 18,000 feet mean sea level in various aircraft without lighted position lights.

Grant, November 13, 2002, Exemption No. 7687A

Docket No.: FAA–2002–13423.
Petitioner: Shahbahram Hakimian.
Section of 14 CFR Affected: 14 CFR 121.383(c).
Description of Relief Sought/ Disposition: To permit Shahbahram Hakimian to act as a pilot in operations conducted under part 121 after reaching his 60th birthday.

Denial, November 13, 2002, Exemption No. 7917

Docket No.: FAA–2002–13437.
Petitioner: JetShare US, L.L.C.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit JetShare to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, November 19, 2002, Exemption No. 7904A

Docket No.: FAA–2000–8147.
Petitioner: Flight Line Aviation, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit FLA to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, November 19, 2002, Exemption No. 6874B

Docket No.: FAA–2002–13369.
Petitioner: Aero Sports Connection.
Section of 14 CFR Affected: 14 CFR 91.319(a)(2).
Description of Relief Sought/ Disposition: To permit ASC members who own an aircraft with certain experimental airworthiness certificates to be compensated for the use of the aircraft in aircraft-specific flight and ground transition training and flight reviews under 61.56 conducted by authorized flight instructors.

Grant, November 15, 2002, Exemption No. 7390A

Docket No.: FAA–2000–7945.
Petitioner: The Boeing Company.
Section of 14 CFR Affected: 14 CFR 61.57(a) and (b).
Description of Relief Sought/ Disposition: To permit Boeing production and engineering flight test pilots to use any type of Boeing airplane or Level B, C, or D simulator that represents any type of Boeing airplane to meet the takeoff and landing recency of experience requirements without Boeing holding a part 142 certificate.

Grant, November 20, 2002, Exemption No. 6843B

Docket No.: FAA–2000–8009.
Petitioner: Alaska Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 121.433(c)(1)(iii), 121.440(a), and 121.441(a)(1) and (b)(1), and appendix F to part 121.
Description of Relief Sought/ Disposition: To permit Alaska to combine recurrent flight and ground training and proficiency checks for Alaska's flight crewmembers in a single, annual training and proficiency evaluation program.

Grant, November 20, 2002, Exemption No. 6043E

Docket No.: FAA–2002–13824.
Petitioner: Charter Direct, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Charter Direct, Inc. to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, November 21, 2002, Exemption No. 7924

Docket No.: FAA–2000–8000.
Petitioner: Delta Air Lines, Inc.
Section of 14 CFR Affected: 14 CFR 121.434(c)(1)(ii).
Description of Relief Sought/ Disposition: To permit Delta Air Lines, Inc. (Delta) to substitute a qualified and authorized check airman in place of an FAA inspector to observe a qualifying pilot in command (PIC) while that PIC is performing prescribed duties during at least one flight leg that includes a takeoff and a landing when completing initial or upgrade training as specified in § 121.424.

Grant, November 27, 2002, Exemption No. 7376C

Docket No.: FAA–2002–13601.
Petitioner: John W. Myer.
Section of 14 CFR Affected: 14 CFR 121.383(c).
Description of Relief Sought/ Disposition: To permit Mr. Myer to act as a pilot in operations conducted under part 121 after reaching his 60th birthday.

Denial, November 25, 2002, Exemption No. 7928

Docket No.: FAA–2002–13647.
Petitioner: Vincent J. Catalano.
Section of 14 CFR Affected: 14 CFR 121.383(c).
Description of Relief Sought/ Disposition: To permit Mr. Catalano to act as a pilot in operations conducted under part 121 after reaching his 60th birthday.

Denial, November 25, 2002, Exemption No. 7927

Docket No.: FAA–2000–8010.
Petitioner: Fostaire Helicopters.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit Fostaire to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, December 2, 2002, Exemption No. 7397A

Docket No.: FAA–2001–9100.
Petitioner: Tex-Air Helicopters, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit Tex-Air to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, December 2, 2002, Exemption No. 7502A

Docket No.: FAA–2002–13966.
Petitioner: St. Charles Flying Service, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit St. Charles to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, December 2, 2002, Exemption No. 7929

Docket No.: FAA–2000–8432.
Petitioner: Air Vegas, Inc.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit Air Vegas to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, December 3, 2002, Exemption No. 6588C

Docket No.: FAA–2002–12534.
Petitioner: University of Illinois at Urbana-Champaign Institute of Aviation (UIUC).
Section of 14 CFR Affected: 14 CFR 141.55(d) and (e) and 141.63(b).
Description of Relief Sought/Disposition: To permit UIUC to hold examining authority for its FAA-approved training courses that do not meet the minimum ground and flight training time requirements of part 141.

Partial Grant, November 18, 2002, Exemption No. 7921

Docket No.: FAA–2001–8987.
Petitioner: The Boeing Company.
Section of 14 CFR Affected: 14 CFR 91.515(a)(1).
Description of Relief Sought/Disposition: To permit Boeing to conduct noise measurement tests, Ground Proximity Warning System research and development, and aircraft certification tests at altitudes less than 1,000 feet above the surface or 1,000 feet from any mountain, hill, or other obstruction to flight.

Grant, December 3, 2002, Exemption No. 4783H

Docket No.: FAA–2000–8179.
Petitioner: Fairchild Aircraft, Inc.
Section of 14 CFR Affected: 14 CFR 91.531(a)(3).
Description of Relief Sought/Disposition: To permit Fairchild to conduct production and experimental test flights in SA227–CC and SA227–DC Metro 23 airplanes without a pilot designated as second in command (SIC).

Grant, December 3, 2002, Exemption No. 5367G

Docket No.: FAA–2000–8419.
Petitioner: United States Air Force.
Section of 14 CFR Affected: 14 CFR 91.209(a)(1) and (b).
Description of Relief Sought/Disposition: To permit USAF to conduct counternarcotics aircrew flight training operations in support of drug law enforcement and drug traffic interdiction, without lighted aircraft position or anticollision lights.

Grant, December 3, 2002, Exemption No. 5305E

Docket No.: FAA–2002–13713.
Petitioner: Edward Solomon.
Section of 14 CFR Affected: 14 CFR 91.109(a).
Description of Relief Sought/Disposition: To conduct certain flight instruction and simulated instrument flights to meet the recent experience requirements in Beechcraft Bonanza, Baron, and Travel Air airplanes equipped with a functioning throwover control wheel in place of functioning dual controls.

Grant, December 3, 2002, Exemption No. 7931

Docket No.: FAA–2002–13618.
Petitioner: Mercy Air Service, Inc.
Section of 14 CFR Affected: 14 CFR 135.265(d).
Description of Relief Sought/Disposition: To permit Mercy Air to relieve its flight crewmembers from all further duty for at least 24 consecutive hours during any 168 consecutive hours, rather than during 7 consecutive days.

Denial, December 3, 2002, Exemption No. 7932

Docket No.: FAA–2002–13712.
Petitioner: Kerrick R. Philleo.
Section of 14 CFR Affected: 14 CFR 91.109(a).
Description of Relief Sought/Disposition: To permit Mr. Philleo to conduct certain flight instruction and simulated instrument flights to meet the recent experience requirements in Beechcraft Bonanza and Beechcraft Debonair airplanes equipped with a functioning throwover control wheel in place of functioning dual controls.

Grant, December 3, 2002, Exemption No. 7930

Docket No.: FAA–2002–13592.
Petitioner: Philip T. Heth.
Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/Disposition: To permit Mr. Heth to conduct a local sightseeing flight, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, December 13, 2002, Exemption No. 7934

Docket No.: FAA–2001–8881.
Petitioner: Mr. Allen Banen.
Section of 14 CFR Affected: 14 CFR 91.109(a) and (b)(3).
Description of Relief Sought/Disposition: To permit Mr. Banen to conduct certain flight instruction and simulated instrument flight to meet recent instrument experience requirements in Beechcraft Baron and Bonanza airplanes equipped with a functioning throwover control wheel in place of functioning dual controls.

Grant, December 18, 2002, Exemption No. 7467A

Docket No.: FAA–2000–8434.
Petitioner: Air Transport Association.
Section of 14 CFR Affected: 14 CFR 121.652(a) and (c).
Description of Relief Sought/Disposition: To permit ATA member airlines and other similarly situated Part 121 operators to permit a pilot in command (PIC) conducting operations under Part 121 to perform an instrument approach procedure to the weather minima prescribed by this exemption during the first 100 hours of service as PIC, using an alternative approved means.

Grant, December 18, 2002, Exemption No. 5549F

Docket No.: FAA–2002–13734.
Petitioner: Midwest Express Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 93.123.

Description of Relief Sought/ Disposition: To permit Midwest the use of slot number 1497 at Ronald Reagan Washington National Airport (DCA) to augment its service from DCA to Kansas City.

Grant, December 23, 2002, Exemption No. 7370A

[FR Doc. 03–5924 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2003–09]

Petitions for Exemption; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains the dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Mike Brown, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Tel. (202) 267–7653.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on March 6, 2003.

Richard D. McCurdy,

Acting Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2002–13791

Petitioner: Office of the Sheriff, Lee County Florida.

Section of 14 CFR Affected: 14 CFR 45.29(b)(1).

Description of Relief Sought/ Disposition: To allow the Lee County Sheriff's Office to retain the three-inch registration markings on its Maule M–5 aircraft once it is repainted.

Denied, 2/21/2003, Exemption No. 7982.

[FR Doc. 03–5925 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from April 7, 2003, from 1 p.m. to 4:30 p.m. on Monday, April 7, and from 9 a.m. to 4:30 p.m., Tuesday, April 8 to Thursday, April 10.

ADDRESSES: The meeting will be held at the Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Mr. John A. Clayborn, Executive Director, ATPAC, Air Traffic Planning and Procedures, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3725.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held April 7, 2003, from 1 p.m. to 4:30 p.m. on Monday, April 7, and from 9 a.m. to 4:30 p.m., Tuesday, April 8 to Thursday, April 10.

The agenda for this meeting will cover: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Submission and discussion of areas of concern.
3. Discussion of potential safety items.
4. Report from Executive Director.
5. Items of interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than April 4, 2003. The next quarterly meeting of the FAA ATPAC is planned to be held from July 28–30, 2003, in Oshkosh, Wisconsin.

Any member of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on February 26, 2003.

John A. Clayborn,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 03–5934 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 198: Next-Generation Air/Ground Communications System (NEXCOM)

Note: This agenda for the 16th Plenary of SC–198 replaces the original plenary scheduled for February 18–19, which was not held due to inclement weather closing the Government in Washington, DC.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 198 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 198: Next-Generation Air/Ground Communications System (NEXCOM).

DATES: The meeting will be held on March 25–26, 2003, starting at 9 a.m.

ADDRESSES: The meeting will be held at RTCA, 1828 L Street, Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 198 meeting. The agenda will include:

- March 25:
- Opening Plenary Session (Welcome and Introductory Remarks, Review Agenda and Minutes of Previous Meeting)
- Comments on Program Management Committee approval of Working Group–

5 (WG) DO–284, NEXCOM Safety and Performance Requirements (SPR) Document
- WG Reports
- Status of WG–4, Transition Document for Very High Frequency Digital Link Mode 3
- Status of WG–5, Proposed Change 1, to DO–284, NEXCOM SPR
- Resolve final review and comment (FRAC) comments on WG–4's draft Transition Plan for VHF Digital Link Mode 3
- Continue to resolve FRAC comments on draft WG–4's draft Transition Plan for VHF Digital Link Mode 3
- WG–5 review and comment on draft DO–284 Change 1, NEXCOM SPR
- March 26:
- WG–5 meeting to review final draft DO–2W84 Change 1 and recommend approval for FRAC
- Resolve FRAC comments of draft WG–4, Transition Plan for VHF Digital Link Model 3 and recommend for RTCA PMC approval
- Closing Plenary Session (Date and Place of Next Meeting)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 3, 2003.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 03–5931 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application 03–03–C–00–ERI To Impose, and Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Erie International Airport—Tom Ridge Field, Erie, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose, and impose and use the revenue from a PFC at Erie International Airport—Tom Ridge Field under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before date which is 30 days after date of publication in the **Federal Register**.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Ms. Lori Ledebohm, Community Planner/PFC Contact, Harrisburg Airports District Office, 3905 Hartzdale Drive, Suite 508, Camp Hill, PA 17011.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Charles R. McCain Jr. of the Erie International Airport Authority at the following address: 4411 West 12th Street, Erie, PA 16505.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Erie International Airport Authority under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Lori Ledebohm, Community Planner/PFC contact, Harrisburg Airports District Office, 3905 Hartzdale Drive, Suite 508, Camp Hill, PA 17011, 717–730–2835. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose, and impose and use the revenue from a PFC at Erie International Airport—Tom Ridge Field under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 7, 2003, the FAA determined that the application to impose and impose and use the revenue from a PFC submitted by Erie International Airport Authority was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 7, 2003.

The following is a brief overview of the application.

Proposed charge effective date: May 1, 2003.

Proposed charge expiration date: January 1, 2005.

Level of the proposed PFC: $4.50.

Total estimated PFC revenue: $1,062,294.

Brief description of proposed project(s):

Impose and Use

Conduct Master Plan, Phase I and II
Install Site Security, Phase II
Command Vehicle
Environmental Assessment for Master Plan
Airfield Access Road
Acquire Orchard Park Mobile Home Estate
Replace HIRL System
Snow Removal Vehicle
Public Safety Vehicles
911 Security Capital Costs
Environmental Assessment for R/W 6–24 Extension
Construct two new passenger loading bridges
ARFF Vehicle
Acquire Runway Friction Tester Vehicle
Administrative Fee

Impose Only

Acquire Land for R/W 6–24 Extension
Design of R/W 6–24 Extension
Snow Removal Equipment
Improve/Rehab Terminal

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: public agency is not excluding any class of carriers.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Eastern Region, Airports Division, AEA–610, 1 Aviation Plaza, Jamaica, New York 112434.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Erie Municipal Airport Authority.

Issued in Camp Hill, PA on March 3, 2003.

John B. Carter,

Acting Manager, HAR–ADO, Eastern Region.

[FR Doc. 03–5933 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number PS–ACE100–2002–004]

Proposed Policy Statement for Aircraft Diesel Engine Installations in Small Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces a Federal Aviation Administration (FAA) proposed policy on Aircraft Diesel Engine Installations in Small Airplanes. This notice is necessary to advise the

public of this proposed FAA policy and give all interested persons an opportunity to present their views on it.

DATES: Send your comments by April 11, 2003.

ADDRESSES: Copies of the proposed policy statement, PS–ACE100–2002–004, may be requested from the following: Small Airplane Directorate, Standards Office (ACE–110), Aircraft Certification Service, Federal Aviation Administration, 901 Locust Street, Room 301, Kansas City, MO 64106. The proposed policy statement is also available on the Internet at the following address *http://www.faa.gov/certification/aircraft/sadProposed.htm.* Send all comments on this proposed policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Peter Rouse, Federal Aviation Administration, Small Airplane Directorate, Standards Office, ACE–111, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4135; fax: 816–329–4090; e-mail: *peter.rouse@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite your comments on this proposed policy statement. Identify the proposed Policy Statement Number PS–ACE100–2002–004 on your comments, and if you submit your comments in writing, send two copies of your comments to the above address. The Small Airplane Directorate will consider all communications received on or before the closing date for comments. We may change the proposal contained in this notice because of the comments received.

Comments sent by fax or the Internet must contain ''Comments to proposed policy statement PS–ACE100–2002–004'' in the subject line. You do not need to send two copies if you fax your comments or send them through the Internet. If you send comments over the Internet as an attached electronic file, format it in either Microsoft Word 97 for Windows or ASCII text.

State what specific change you are seeking to the proposed policy memorandum and include justification (for example, reasons or data) for each request.

Issued in Kansas City, Missouri on February 28, 2003.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–5923 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM–03–117–10]

Identification of Flight Critical System Components

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy; request for comments.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of proposed policy on defining flight critical system components for use in existing design and certification guidance, and developing guidance for continuing airworthiness and maintenance processes.

DATES: Send your comments on or before April 11, 2003.

ADDRESSES: Address your comments to the individual identified under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Linh Le, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Safety Management Branch, ANM–117, 1601 Lind Avenue, SW., Renton, WA 98055–4056; telephone (425) 227–1105; fax (425) 227–1100; e-mail: *linh.le@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The proposed policy is available on the Internet at the following address: *http://www.faa.gov/certification/aircraft/anminfo/devpaper.cfm.* If you do not have access to the Internet, you can obtain a copy of the policy by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

The FAA invites your comments on this proposed policy. We will accept your comments, data, views, or arguments by letter, fax, or e-mail. Send your comments to the person indicated in **FOR FURTHER INFORMATION CONTACT.** Mark your comments, ''Comments to Policy Statement No. ANM–03–117–10.''

Use the following format when preparing your comments:

- Organize your comments issue-by-issue.
- For each issue, state what specific change you are requesting to the proposed policy.
- Include justification, reasons, or data for each change you are requesting.

Include justification, reasons, or data for each change you are requesting.

We also welcome comments in support of the proposed policy.

We will consider all communications received on or before the closing date for comments. We may change the proposed policy because of the comments received.

Background

The proposed policy pertains to defining flight critical system components for use in existing design and certification guidance, and developing guidance for continuing airworthiness and maintenance processes. Under the auspices of the Safer Skies and the Commercial Airplane Certification Process Study initiatives, this memo puts into practice one or the Safer Skies recommendations. Information about Safer Skies is available on the Internet at the following address: *http://ww2.faa.gov/index/cfm/apa/1267.*

Issued in Renton, Washington, on March 3, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–5936 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM–03–111–07]

Testing of Flightcrew Oxygen Masks

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy; request for comments.

SUMMARY: The Federal Aviation (FAA) announces the availability of proposed policy on testing of flightcrew oxygens masks as required by § 25.1447(c)(2)(i).

DATES: Send your comments on or before April 11, 2003.

ADDRESSES: Address your comments to the individual identified under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Steve Boyd, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Airplane and Flightcrew Interface Branch, ANM–111, 1601 Lind Avenue, SW., Renton, WA 98055–4056; telephone (425) 227–1138; fax (425) 227–1100; e-mail: *steve.boyd@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The proposed policy is available on the Internet at the following address: *http://www.faa.gov/certification/aircraft/anminfo/devpaper.cfm.* If you

do not have access to the Internet, you can obtain a copy of the policy by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

The FAA invites your comments on this proposed policy. We will accept your comments, data, views, or arguments by letter, fax, or e-mail. Send your comments to the person indicated in **FOR FURTHER INFORMATION CONTACT.** Mark your comments, ''Comments to Policy Statement No. ANM–03–111–07.''

Use the following format when preparing your comments:

- Organize your comments issue-by-issue.
- For each issue, state what specific change your are requesting to the proposed policy.
- Include justification, reasons, or data for each change you are requesting.

We also welcome comments in support of the proposed policy.

We will consider all communications received on or before the closing date for comments. We may change the proposed policy because the comments received.

Background

The proposed policy provides a method of compliance with § 25.1447(c)(2)(i), which requires that flight oxygen masks be installed so that they can be donned within five seconds. Use of the policy will help standardized the methods of compliance and produce more consistent compliance findings for all applicants.

Issued in Renton, Washington, on March 3, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–5937 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Classification and Standardized Policy for Design Changes to Technical Standard Orders (TSO) C127 and TSO–C127a Articles

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability and request for comments.

SUMMARY: This notice announces the availability of and requests comment on proposed policy for articles approved to Technical Standard Orders (TSO) C127 and TSO–C127a, Rotorcraft, Transport Airplane, and Normal and Utility Seating System. The proposed memorandum provides guidance to Federal Aviation Administration personnel and aircraft seat manufacturers on classifying design changes they make to their TSO articles as major or minor.

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

ADDRESSES: Send all comments on the proposed policy for the classification of design changes to articles approved to Technical Standard Orders (TSO) C127 and TSO–C127a to: Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, Room 815 , AIR–100, 800 Independence Avenue, SW., Washington, DC 20591. ATTN. Hal Jensen, AIR–120. Or, deliver comments to Federal Aviation Administration, Room 815, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Hal Jensen, Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, Technical Programs Branch, AIR–120, Room 835, 800 Independence Avenue, SW., Washington, DC 20591; Telephone: (202) 267–8807; fax (202) 267–5340; e-mail *hal.jensen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested person are invited to comment on the proposed policy for the classification of design changes to articles approved to Technical Standard Orders (TSO) C127 and TSO–C127a by submitting such written data, views, or arguments, as they desire, to the above specified address. Comments received on the proposed policy may be examined, before and after the closing date, in Room 815, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. The Director of the Aircraft Certification Service considers all communications received on or before the closing date before issuing the final policy.

Background

In 2000, the FAA and industry formed a team to investigate and implement ways to streamline the certification of aircraft seats. The team elected to reestablish TSOs for seats as a valid design approval and to the extent possible, maximize the minimum performance standards (MPS) toward meeting the applicable aircraft airworthiness standards, and standardize the management of TSO approvals by the FAA for aircraft seat manufacturers.

Currently, what constitutes a minor design change versus a major design change for a TSO article is open to interpretation. The lack of standardization is magnified for the dynamic seat TSOs where small design changes frequently produce significant effects on the performance of the seat. Therefore, in the absence of guidance many design changes to dynamic seats are by default considered major design changes.

All major design changes to TSO articles require the TSO holder to apply for a new TSO approval. Since all designs changes—both minor and major—must be substantiated, requiring the TSO holder to apply for a new TSO approval can be overly burdensome when the TSO holder has an approval to the latest revision of the TSO.

This proposed memorandum is intended to provide greater clarification on design changes for TSO–C127 and TSO–C127a articles by promoting standardization between seat suppliers. It also proposes greater latitude then currently exists in determining design changes classified as minor changes.

How To Obtain Copies

You may get a copy of the proposed changed TSOs from the Internet at: *http://av-info.faa.gov/tso/Tsopro/Proposed.htm. You may als request a copy from Mr. Hal Jensen. See* the section entitled **FOR FURTHER INFORMATION CONTACT** for the complete address.

Issued in Washington, DC, on March 5, 2003.

Susan J.M. Cabler,

Deputy Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 03–5938 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Wright, Stearns and Sherburne Countries, MN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised notice of intent.

SUMMARY: The FHWA is issuing this revised notice to advise the public that a tiered environmental impact statement (EIS) will no longer be prepared for proposed highway capacity improvements on existing or new alignments that connect Interstate 94

(I–94) and Trunk Highway 10 (TH 10) between the cities of Becker and St. Cloud, Minnesota. The proposed alignment connections being studied include existing and new crossings of the Mississippi River. Rather, a conventional EIS will be prepared for the proposed improvements.

FOR FURTHER INFORMATION CONTACT: Cheryl Martin, Federal Highway Administration, Galtier Plaza, 380 Jackson Street, Suite 500, St. Paul, Minnesota 55101, Telephone (651) 291–6120; or Terry Humbert, Project Manager, Minnesota Department of Transportation—District 3, 3725 12th Street North, St. Cloud, Minnesota 56303, Telephone (320) 654–5520, V (651) 296–9930 TTY.

SUPPLEMENTARY INFORMATION: As indicated in the Notice of Intent published in the **Federal Register** on May 8, 1997, the FHWA, in cooperation with the Minnesota Department of Transportation (MnDOT), is preparing an EIS on a proposal to improve highway capacity for connections between I–94 and TH 10 between the cities of Becker and St. Cloud, Minnesota, including a crossing of the Mississippi River. The area of the proposed improvements is located in Wright, Stearns and Sherburne Counties.

There has been a change in the planned approach to the environmental review process for this project since the Notice of Intent was published in the **Federal Register**. The Notice of Intent indicated that a tiered EIS process would be used for the proposed project based on a projected 15 to 20-year funding and implementation schedule and a need to protect right-of-way for a preferred alternative. Since the publication of the Notice of Intent, the proposed regional connection capacity improvements have been identified as important in serving state Inter-Regional Corridor System goals. As a result, the project has the potential to receive higher funding priority than had previously been anticipated. Therefore, a conventional (*i.e.*, not tiered) EIS process has been determined to better suit the potential project implementation schedule. Coordination has been initiated and will continue with appropriate Federal, State and local agencies, and private organizations and citizens who have previously expressed or are known to have an interest in the proposed action. Public meetings have been held in the past and will continue to be held, with public notice given for the time and place of the meetings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: February 24, 2003.

Stanley M. Graczyk,

Project Development Engineer, Federal Highway Administration.

[FR Doc. 03–5873 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 18, 2002. No comments were received.

DATES: Comments must be submitted on or before April 11, 2003.

FOR FURTHER INFORMATION CONTACT: Thomas Christensen, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 202–366–5909; FAX: 202–493–2180, or e-mail: *tom.christensen@marad.dot.gov.*

Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title: EUSC/Parent Company.

OMB Control Number: 2133–0511.

Type of Request: Extension of currently approved collection.

Affected Public: U.S. citizens who own foreign-registered vessels.

Form(s): None.

Abstract: The Effective U.S. Control (EUSC)/Parent Company collection consists of an inventory of foreign-registered vessels owned by U.S. citizens. Specifically, the collection consists of responses from vessel owners verifying or correcting vessel ownership data and characteristics found in commercial publications. The information obtained could be vital in a national or international emergency, and is essential to the logistical support planning operations conducted by MARAD officials. The information is used in contingency planning and provides data related to potential sealift capacity to support movement of fuel and military equipment to crisis zones.

Annual Estimated Burden Hours: 40 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention MARAD Desk Officer.

Comments Are Invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, DC on March 6, 2003.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 03–5841 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Announcing the Eleventh Quarterly Meeting of the Crash Injury Research and Engineering Network (CIREN)

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting announcement.

SUMMARY: This notice announces the Eleventh Quarterly Meeting of members

of the Crash Injury Research and Engineering Network. CIREN is a collaborative effort to conduct research on crashes and injuries at ten Level 1 Trauma Centers linked by a computer network. Researchers can review data and share expertise, which could lead to a better understanding of crash injury mechanisms and the design of safer vehicles.

DATE AND TIME: The meeting is scheduled from 9 a.m. to 5 p.m. on Thursday, April 3, 2003.

ADDRESSES: The meeting will be held at the Department of Transportation Headquarters, (Nassif Building), Room 2230, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The CIREN System has been established and crash cases have been entered into the database by each Center. CIREN cases may be viewed from the NHTSA/CIREN Web site at: *http://www-nrd.nhtsa.dot.gov/departments/nrd-50/ciren/CIREN.html.* NHTSA has held three Annual Conferences where CIREN research results were presented. Further information about the three previous CIREN conferences is also available through the NHTSA Web site. NHTSA held the first quarterly meeting on May 5, 2000, with a topic of lower extremity injuries in motor vehicle crashes; the second quarterly meeting on July 21, 2000, with a topic of side impact crashes; the third quarterly meeting on November 30, 2000, with a topic of thoracic injuries in crashes; the fourth quarterly meeting on March 16, 2001, with a topic of offset frontal collisions; the fifth quarterly meeting on June 21, 2001, on CIREN outreach efforts; the sixth quarterly meeting (held in Ann Arbor, Michigan) with a topic of injuries involving sport utility vehicles, the seventh quarterly meeting on December 6, 2001, with a topic of Age Related Injuries (Elderly and Children), the eighth quarterly meeting on April 25, 2002, with a topic of Head and Traumatic Brain Injuries, the ninth quarterly meeting on August 22, 2002 at Harborview Injury Prevention and Research Center in Seattle, Washington with presentations highlighting the various research specialties of the Centers; and the tenth Quarterly meeting on December 5, 2002, with a topic of Occult Injuries. Presentations from these meetings are available through the NHTSA Web site.

NHTSA plans to continue holding quarterly meetings on a regular basis to disseminate CIREN information to interested parties. This is the eleventh such meeting. The ten CIREN Centers will be presenting papers on the injuries sustained in crashes where vehicles are mis-matched in terms of size or weight.

Should it be necessary to cancel the meeting due to inclement weather or to any other emergencies, a decision to cancel will be made as soon as possible and posted immediately on NHTSA's Web site *http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.* If you do not have access to the Web site, you may call the contact listed below and leave your telephone or fax number. You will be called only if the meeting is postponed or canceled.

FOR FURTHER INFORMATION CONTACT: Mark Scarboro, Office of Advanced Safety Research, 400 Seventh Street, SW., Room 6220, Washington, DC 20590, telephone: (202) 366–5932.

Issued on: March 5, 2003.

Raymond P. Owings,

Associate Administrator for Advanced Research and Analysis, National Highway Traffic Safety Administration.

[FR Doc. 03–5884 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2003–14628]

Notice of Receipt of Petitions for Decision That Nonconforming 1996 and 1997 Lamborghini Diablo Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1996 and 1997 Lamborghini Diablo passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1996 and 1997 Lamborghini Diablo passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is April 11, 2003.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm].

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Northern California Diagnostic Laboratories, Inc. of Napa, California (''NCDL'') (Registered Importer 92–011) petitioned NHTSA to decide whether 1996 and 1997 Lamborghini Diablo passenger cars are eligible for importation into the United States. The vehicles that NCDL believes are substantially similar are 1996 and 1997 Lamborghini Diablo passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as

conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it has carefully compared non-U.S. certified 1996 and 1997 Lamborghini Diablo passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

NCDL submitted information with its petition intended to demonstrate that non-U.S. certified 1996 and 1997 Lamborghini Diablo passenger cars, as originally manufactured for sale in Europe, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1996 and 1997 Lamborghini Diablo passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 110 *Tire Selection and Rims,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

NCDL states that non-U.S certified 1996 and 1997 Lamborghini Diablo passenger cars are capable of being readily altered to meet the following standards, in the manner indicated below:

Standard No. 101 Controls and Displays: installation of a U.S.-model instrument warning module and speedometer.

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: installation of U.S.-model headlamp, front side marker, taillight, license lamp, and high mounted stop lamp assemblies.

Standard No. 111 Rearview Mirrors: installation of U.S.-model rearview mirrors.

Standard No. 208 Occupant Crash Protection: installation of U.S.-model automatic seat belts.

Standard No. 209 Seat Belt Assemblies: installation of U.S.-model automatic seat belt assemblies.

Additionally, NCDL states that U.S.-model front and rear bumper reinforcements must be installed on non-U.S. certified 1996 and 1997 Lamborghini Diablo passenger cars to comply with the Bumper Standard found in 49 CFR part 581.

NCDL also states that a vehicle identification number (VIN) plate must be affixed to non-U.S. certified 1996 and 1997 Lamborghini Diablo passenger cars to meet the requirements of 49 CFR part 565.

Interested persons are invited to submit comments on the petitions described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petitions will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 7, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03–5885 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2003–14631]

Notice of Receipt of Petition for Decision That Nonconforming 1986 Chevrolet Blazer, Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1986 Chevrolet Blazer multipurpose passenger vehicles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1986 Chevrolet Blazer multipurpose passenger vehicles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is April 11, 2003.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. 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 19477–19478) or you may visit *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period,

NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (''WETL'') (Registered Importer 90–005) has petitioned NHTSA to decide whether 1986 Chevrolet Blazer multipurpose passenger vehicles, originally manufactured for sale in European and other foreign markets, are eligible for importation into the United States. The vehicles which WETL believes are substantially similar are 1986 Chevrolet Blazer multipurpose passenger vehicles that were manufactured for sale in the United States and certified by their manufacturer, General Motors Corporation, as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1986 Chevrolet Blazer multipurpose passenger vehicles to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 1986 Chevrolet Blazer multipurpose passenger vehicles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1986 Chevrolet Blazer multipurpose passenger vehicles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 101 *Controls and Displays*, 102 *Transmission Shift Lever Sequence * * **, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 108 *Lamps, Reflective Devices and Associated Equipment*, 113 *Hood Latch Systems*, 116 *Motor Vehicle Brake Fluids*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, 124 *Accelerator Control Systems*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that non-U.S. certified 1986 Chevrolet Blazer multipurpose passenger vehicles comply with the Vehicle Identification Number plate requirement of 49 CFR part 565.

Petitioner further contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 111 Rearview Mirror: replacement of the passenger side rearview mirror, which is flat and has 1:1 magnification.

Standard No. 114 Theft Protection: installation of an audible warning module.

Standard No. 120 Tire Selection and Rims for Motor Vehicles other than Passenger Cars: installation of a tire information placard.

Standard No. 208 Occupant Crash Protection: installation of an audible safety belt warning system. The petitioner states that the vehicle is equipped with Type II seat belts in both front outboard seating positions and Type I seat belts in the rear outboard and center seating positions and that driver and front outboard passenger seating positions are not required to have air bags.

The petitioner also states that a certification label must be affixed to the driver's side door jamb to meet the requirements of 49 CFR Part 567.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 7, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03–5886 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2002–13933; Notice 2]

Decision That Nonconforming 1996–2002 Mercedes Benz E Class (W210) Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1996–2002 Mercedes Benz E Class (W210) passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1996–2002 Mercedes Benz E Class (W210) passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States and certified by their manufacturer as complying with the safety standards (the U.S. certified version of the 1996–2002 Mercedes Benz E Class (W210)), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of the date of its publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and

affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Automobile Concepts, Inc. of Miami, Florida (''AMC'') (Registered Importer 01–278) petitioned NHTSA to decide whether non-U.S. certified 1996–2002 Mercedes Benz E Class (W210) passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on December 18, 2002 (67 FR 77556) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice of the petition. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–401 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1996–2002 Mercedes Benz E Class (W210) passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are substantially similar to 1996–2002 Mercedes Benz E Class (W210) passenger cars originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 7, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03–5887 Filed 3–11–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34316]

The Burlington Northern and Santa Fe Railway Company-Trackage Rights Exemption-Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) over UP's Port Lavaca Subdivision extending from milepost 14.2 in Placedo, TX, to milepost 6.95 in Kamey, TX, a distance of approximately 7.25 miles. The purpose of the trackage rights is to allow BNSF access to the rail line it is constructing between Kamey and Seadrift, TX.[1] In addition, UP has agreed to grant BNSF temporary trackage rights [2] on UP's Port Lavaca Subdivision from UP milepost 15.4 to UP milepost 14.2 and from UP milepost 6.0 to UP milepost 6.95.

The transaction is scheduled to be consummated on or after February 27, 2003, the effective date of the exemption (7 days after the notice was filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.-Trackage Rights–BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.-Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket

No. 34316, must be filed with the Surface Transportation Board, 1925 K Street NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Sarah W. Bailiff, Senior General Attorney, The Burlington Northern and Santa Fe Railway Company, P.O. Box 961039, Fort Worth, TX 76161–0039.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: March 6, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 03–5893 Filed 3–11–03; 8:45 am]

BILLING CODE 4915–00–P

[1] BSNF was granted authority to construct and operate this railroad line in The *Burlington Northern and Santa Fe Railway Company-Construction and Operation Exemption-Seadrift and Kamey, TX,* STB Finance Docket No. 34003 (STB served Jan. 25, 2002).

[2] On February 28, 2003, BNSF filed a petition for exemption in STB Finance Docket No. 34316 (Sub-No. 1), *The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption-Union Pacific Railroad Company,* wherein BNSF requests that the Board permit the proposed temporary trackage rights arrangement described in this notice to expire upon completion of the construction of its rail line. That petition will be addressed by the Board in a separate decision.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be held April 9, 2003.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held on April 9, 2003, in Room 4600E beginning at 9:30 a.m., Franklin Court Building, 1099 14th Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, C:AP:AS, 1099 14th Street, NW., Washington, DC 20005. Telephone (202) 694–1861 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a closed meeting of the Art Advisory Panel will be held on April 9, 2003, in Room 4600E beginning at 9:30 a.m., Franklin Court Building, 1099 14th Street, NW., Washington, DC 20005.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c)(3), (4), (6), and (7),

and that the meeting will not be open to the public.

David B. Robison,

Chief, Appeals.

[FR Doc. 03–5943 Filed 3–11–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Ad Hoc Issue Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Ad Hoc Issue Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Monday, April 7, 2003.

FOR FURTHER INFORMATION CONTACT: Anne Gruber at 1–888–912–1227, or 206–220–6095.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Ad Hoc Issue Committee of the Taxpayer Advocacy Panel will be held Monday, April 7, 2003, from 1 p.m. P.s.t. to 3 p.m. P.s.t. via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6095, or write Anne Gruber, TAP Office, 915 2nd Ave, Seattle, WA 98174. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made in advance with Anne Gruber. Ms. Gruber can be reached at 1–888–912–1227 or 206–220–6095.

The agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: March 4, 2003.

Deryle J. Temple,

Director, Taxpayer Advocacy Panel.

[FR Doc. 03–5944 Filed 3–11–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 5 Taxpayer Advocacy Panel (Including the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 5 Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Monday, April 14, 2003, at 2:30 p.m., central standard time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 5 Taxpayer Advocacy Panel will be held Monday, April 14, 2003, from 2:30 to 3:30 p.m. central standard time via a telephone conference call. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service. You can submit written comments to the panel by faxing to (414) 297–1623, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221. Public comments will also be welcome during the meeting. Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 297–1604 for more information.

The agenda will include the following: Various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: March 6, 2003.

Deryle Temple,

Director, Taxpayer Advocacy Panel.

[FR Doc. 03–5945 Filed 3–11–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Wednesday, April 2, 2003, at 11 a.m., central standard time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 4 Taxpayer Advocacy Panel will be held Wednesday, April 2, 2003, from 11 a.m. to noon central standard time via a telephone conference call. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service. You can submit written comments to the panel by faxing to (414) 297–1623, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221. Public comments will also be welcome during the meeting. Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 297–1604 for dial-in information.

The agenda will include the following: Various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: March 6, 2003.

Deryle Temple,

Director, Taxpayer Advocacy Panel.

[FR Doc. 03–5946 Filed 3–11–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be conducted (via teleconference).

DATES: The meeting will be held Wednesday, April 23, 2003.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227, or 718–488–3557.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section

10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be held Wednesday, April 23, 2003, from 2 p.m. e.s.t. to 3 p.m. e.s.t. via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 718–488–3557, or write Marisa Knispel, TAP Office, 10 Metrotech Center, 625 Fulton Street, Brooklyn, NY 11021, or post comments to the Web site: *http://www.improveirs.org.* Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made in advance with Marisa Knispel. Ms. Knispel can be reached at 1–888–912–1227 or 718–488–3557.

The agenda will include the following: Various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: March 4, 2003.

Deryle Temple,

Director, Taxpayer Advocacy Panel.

[FR Doc. 03–5947 Filed 3–11–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Joint Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Joint Committee of the Taxpayer Advocacy Panel will be conducted via teleconference.

DATES: The meeting will be held Tuesday, April 22, 2003, at 1:30 p.m., eastern standard time.

FOR FURTHER INFORMATION CONTACT: Barbara Toy at 1–888–912–1227, or 414–297–1611.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Joint Committee of the Taxpayer Advocacy Panel (TAP) will be held Tuesday, April 22, 2003, from 1:30 to 3 p.m. e.s.t. via a telephone conference call. If you would like to have the Joint Committee of TAP consider a written statement, please call 1–888–912–1227 or 414–297–1611, or write Barbara Toy, TAP Office, MS–1006–MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or FAX to 414–297–1623. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Barbara Toy. Ms. Toy can be reached at 1–888–912–1227 or 414–297–1611, or FAX 414–297–1623.

The agenda will include the following: monthly committee summary report, discussion of issues brought to the joint committee, office report and discussion of next meeting.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: March 6, 2003.

Deryle Temple,

Director, Taxpayer Advocacy Panel.

[FR Doc. 03–5948 Filed 3–11–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel, E-Filing Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel, E-Filing Issue Committee will be conducted (via teleconference).

DATES: The meeting will be held Thursday, April 10, 2003, at 2 p.m., central standard time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel, E-Filing Issue Committee will be held Thursday, April 10, 2003, from 2 p.m. to 3 p.m. central standard time via a telephone conference call. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service. You can submit written comments to the panel by faxing to (414) 297–1623, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221. Public comments will also be welcome during the meeting. Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 297–1604 for dial-in information.

The agenda will include the following: Various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: March 6, 2003.

Deryle Temple,

Director, Taxpayer Advocacy Panel.

[FR Doc. 03–5949 Filed 3–11–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted.

DATES: The meeting will be held Monday, April 28, 2003, from 9 a.m. to 4 p.m., and Tuesday, April 29, 2003, from 2 p.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 4 Taxpayer Advocacy Panel will be held Monday, April 28, 2003, from 9 a.m. to 4 p.m., and Tuesday, April 29, 2003, from 2 p.m. to 5 p.m. at the Embassy Suites Hotel, 10 East River Center Boulevard, Covington, KY 41011. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service. You can submit written comments to the panel by faxing to (414) 297–1623, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221. Public comments will also be welcome during the meeting. Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 297–1604 for more information.

The agenda will include the following: Various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: March 6, 2003.

Deryle Temple,

Director, Taxpayer Advocacy Panel.

[FR Doc. 03–5950 Filed 3–11–03; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Wednesday,
March 12, 2003

Part II

Department of Transportation

Federal Transit Administration

FTA Fiscal Year 2003 Apportionments, Allocations and Program Information; Notice

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FTA Fiscal Year 2003 Apportionments, Allocations and Program Information

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: The Omnibus Appropriations Bill ''Consolidated Appropriations Resolution, 2003'', (Pub. L. 108–7) was signed into law by President Bush on February 20, 2003, which includes the Department of Transportation and Related Agencies Appropriations for fiscal year 2003 (FY 2003 DOT Appropriations Act), and provides FY 2003 appropriations for the Federal Transit Administration (FTA) transit assistance programs. Based upon this Act, the Transportation Equity Act for the 21st Century (TEA–21), and 49 U.S.C. Chapter 53, this notice contains a comprehensive list of apportionments and allocations for transit programs.

In addition, prior year unobligated allocations for the section 5309 New Starts and Bus and Bus-Related Programs are listed. The FTA policy regarding pre-award authority to incur project costs, Letter of No Prejudice Policy, and other pertinent program information are provided.

FOR FURTHER INFORMATION CONTACT: The appropriate FTA Regional Administrator for grant-specific information and issues; Mary Martha Churchman, Director, Office of Resource Management and State Programs, (202) 366–2053, for general information about the Urbanized Area Formula Program, the Nonurbanized Area Formula Program, the Rural Transit Assistance Program, the Elderly and Persons with Disabilities Program, the Clean Fuels Formula Program, the Over-the-Road Bus Accessibility Program, the Capital Investment Program, or the Job Access and Reverse Commute Program; or Paul L. Verchinski, Chief, Statewide and Intermodal Planning Division, (202) 366–1626, for general information concerning the Metropolitan Planning Program and the Statewide Planning and Research Program; or Henry Nejako, Program Management Officer, Office of Research, Demonstration and Innovation, (202) 366–3765, for general information about the National Planning and Research Program.

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I. Background

Metropolitan Planning funds are apportioned by statutory formula to the States for allocation to Metropolitan Planning Organizations (MPOs) in urbanized areas or portions thereof to provide funds for their Unified Planning Work Programs. Statewide Planning and Research funds are apportioned to States by statutory formula to provide funds for their Statewide Planning and Research Programs. Urbanized Area Formula Program funds are apportioned by statutory formula to urbanized areas and to Governors to provide capital, operating and planning assistance in

urbanized areas. Nonurbanized Area Formula Program funds are apportioned by statutory formula to Governors for capital, operating and administrative assistance in nonurbanized areas. Elderly and Persons with Disabilities Program funds are apportioned by statutory formula to Governors to provide capital assistance to organizations providing transportation service for the elderly and persons with disabilities. Fixed Guideway Modernization funds are apportioned by statutory formula to specified urbanized areas for capital improvements in rail and other fixed guideways. New Starts identified in the FY 2003 DOT Appropriations Act and Bus and Bus-Related Allocations identified in the Conference Report accompanying the Act are included in this notice. FTA will honor those designations included in report language to the extent that the projects meet the statutory intent of the specific program.

II. Overview

A. Fiscal Year 2003 Appropriations

The FY 2003 funding amounts for FTA programs are displayed in Table 1. The amounts have been adjusted, from the FY 2003 enacted funding levels, to reflect an across-the-board .65 percent reduction proportionately applied to the discretionary budget authority and obligation limitation, and to each program, project and activity, as directed under section 601 of Title VI of the Consolidated Appropriations Resolution, 2003, along with transferred and reallocated resources. The following text provides a narrative explanation of the funding levels and other factors affecting the apportionments and allocations.

B. TEA–21 Authorized Program Levels

TEA–21 provides a combination of trust and general fund authorizations that total $8.194 billion for the FY 2003 FTA program. Of this amount, $7.226 billion was guaranteed under the discretionary spending cap and was enacted under the FY 2003 DOT Appropriations Act. However, after applying the across-the-board .65 percent reduction, as directed by section 601 of Title IV of the Consolidated Appropriations Resolution, 2003, new funding for FTA programs is $7.179 billion. See Table 11 for fiscal years 1998–2003 guaranteed funding levels by program and Table 11A for the total of guaranteed and non-guaranteed levels by program.

C. Project Management Oversight

Section 5327 of Title 49 U.S.C., permits the Secretary of Transportation to use up to one-half percent of the funds made available under the Urbanized Area Formula Program and the Nonurbanized Area Formula Program, and three-quarters percent of funds made available under the Capital Investment Program to contract with any person to oversee the construction of any major project under these statutory programs; to conduct safety, procurement, management and financial reviews and audits; and to provide technical assistance to correct deficiencies identified in compliance reviews and audits. Language in the 2002 DOT Appropriations Act increased the amount made available under the Capital Investment Program for oversight activities to one percent.

D. Leveraging Grant Funds

Public transportation grantees are reminded that with interest rates at currently low levels it may be cost-effective to leverage their projected grant receipts, and thereby accelerate the acquisition of needed rolling stock or completion of essential infrastructure. FTA encourages grant recipients to examine all leveraging options at their disposal, including the use of grant anticipation notes (GAN) secured with Formula Capital, Fixed Guideway Modernization, and New Starts funds. To date, over $1.7 billion in grant anticipation bonds have been issued, allowing major projects to be completed early and at lower cost. FTA will provide information and other assistance to grantees that wish to examine financing options during their project development process.

For additional information, contact Paul L. Marx, Office of Policy Development, at (202) 366–1675.

III. Fiscal Year 2003 Focus Areas

FTA draws attention to the following areas of particular interest to grantees in FY 2003 relative to the FTA programs.

A. Transit Safety and Security

Since September 11th, the Federal Transit Administration (FTA) has undertaken a series of major steps to help prepare the transit industry to counter terrorist threats. FTA has provided direct assistance to transit agencies through on-site readiness assessments, technical assistance teams, regional forums for emergency responders, grants for drills, training, and accelerating technology and research projects. From this initial work, it is clear that it is critical to integrate security throughout every aspect of transit programs, operations, and infrastructure.

Although the transit industry has made great strides in strengthening security and emergency preparedness, there is much more to do. The most important investments for transit agencies to improve security elements are in the areas of employee training, public awareness, and emergency response planning. Detailed information about these three areas and other important actions can be found in FTA's list of Top 20 Security Program Action Items for transit agencies. These 20 action items are based on good security practices identified through FTA's Security Assessments and the technical assistance program. The Top 20 Security Program Action Items can be found on FTA's Web site at [*http://transit-safety.volpe.dot.gov/security/SecurityInitiatives/Top20/default.asp*]. FTA will work with transit agencies to assist you as you incorporate these practices into your programs.

B. Ridership

FTA's FY 2003 strategic business plan establishes FTA's core values and identifies a number of strategic goals for sustaining these values over the next three years. Specifically, FTA seeks to deliver products and services that are valued by its customers and to assist transit agencies in better meeting the needs of their customers. Increasing transit ridership is a key measure of success in achieving this objective. FTA has further identified a goal of achieving an average 2.5 percent increase in the number of transit passenger-miles traveled per market (controlling for differences in employment levels) this fiscal year. FTA is in the process of identifying a range of research, guidance, and other technical assistance to support State and local transit efforts to increase ridership. FTA encourages all transit agencies to focus attention on ways to increase transit ridership, and will be issuing further information about the FTA ridership initiative throughout FY 2003.

C. 2000 Census Changes and Impact on Grantee Status as Designated Recipient

The Census Bureau released the 2000 Census urbanized area designations on May 1, 2002, and provided corrections/changes to the list of designated areas in subsequent **Federal Register** Notices, dated August 23 and November 20, 2002. FTA used this 2000 Census population data and information for the first time to apportion transit funds in FY 2003, which accounts for a number of changes from FY 2002 apportionments.

In the 2000 Census, nonurbanized population decreased by three percent to 89.6 million from the 1990 Census, and elderly population increased by 18 percent to 35.4 million. Four hundred sixty-five urbanized areas were designated, which is 59 more than the 406 designated in the 1990 Census. Seventy-six are newly qualified urbanized areas, and more than 50 urbanized areas crossed the 200,000 population threshold, as a result of growth; the merger of two small urbanized areas; or the merger of one or more small urbanized areas into an existing urbanized area with population over 200,000. In addition, 14 urbanized areas were formed from splitting existing urbanized areas, more than 70 urbanized areas had name or description changes, which in some cases includes the addition of a new State in the urbanized area description/geographical boundary, and two urbanized areas (Montgomery, AL and Lorain-Elyria, OH) saw their populations decrease to less than 200,000. 2000 Census information and FTA analysis of the changes may be found on the FTA Web site at [*http://www.fta.dot.gov/library/planning/census/censusinfo.html*].

The large number of urbanized areas affected by 2000 Census changes and the assorted types of changes experienced require that many areas designate or change their ''Designated Recipient.'' In order for FTA to award a grant to an urbanized area as part of its Urbanized Area Formula Program (Title 49 U.S.C. section 5307), a grant recipient must be a ''Designated Recipient'' for that urbanized area or must be a public agency authorized by the Designated Recipient to apply for grants. Documentation for new or changed Designated Recipients in areas over 200,000 in population shall include the following:

1. A letter expressing the concurrence of the Governor or of another state agency in which the Governor's authority to concur in designations of recipients has been delegated;

2. Concurrence by the publicly-owned operators of mass transportation servicing the urbanized area of the Designated Recipient(s);

3. An appropriately certified resolution of the policy-making body of the Metropolitan Planning Organization (MPO) concurring in the Designated Recipient(s); and

4. For each Designated Recipient, an opinion of counsel certifying to the entity's legal capacity to perform the functions of a Designated Recipient.

For urbanized areas greater than 50,000 but under 200,000 in population, the Governor of each State is the Designated Recipient. The Governor may:

1. Retain Designated Recipient status himself/herself. No documentation needs to be submitted to support this action; or

2. Designate one or more local Designated Recipients for each urbanized area under 200,000 in population. Such designation must be documented by letter from the Governor naming the local Designated Recipient and by an opinion of counsel for each such Designated Recipient certifying its legal capacity to perform the functions of a Designated Recipient.

Documentation relative to Designated Recipients or public agencies authorized by the Designated Recipient to apply for grants should be forwarded to the appropriate FTA Regional Office. For further information contact the appropriate FTA Regional Office, or Ken Johnson, FTA Office of Resource Management and State Programs, at (202) 366–2053.

IV. Metropolitan Planning Program and State Planning and Research Program

A. Metropolitan Planning Program

Funding made available for the Metropolitan Planning Program (49 U.S.C. 5303) by the FY 2003 DOT Appropriations Act is $59,993,094 after application of the across-the-board .65 percent reduction. The FY 2003 Metropolitan Planning Program apportionment to States for MPOs' use in urbanized areas totals $60,443,434. This amount includes $59,993,094 in FY 2003 funds, and $450,340 in prior year funds available for reapportionment under this program. A basic allocation of 80 percent of this amount ($48,354,747) is distributed to the States based on the State's urbanized area population as defined by the U.S. Census Bureau for subsequent State distribution to each urbanized area, or parts thereof, within each State. A supplemental allocation of the remaining 20 percent ($12,088,687) is also provided to the States based on an FTA administrative formula to address planning needs in the larger, more complex urbanized areas. Table 2 contains the State apportionments for the combined basic and supplemental allocations.

Each State, in cooperation with the MPOs, must develop an allocation formula for the combined apportionment, which distributes these funds to MPOs representing urbanized areas, or parts thereof, within the State. States must reaffirm these in-State formulas or develop new ones, which then must be submitted to the FTA Regional Office for approval before these funds area distributed.

As noted in section III.C above, 2000 Census urbanized area designations are available in **Federal Register** Notices issued by the Census Bureau and may be accessed at [*http://www.fta.dot.gov/library/legal/federalregister/2002/index.html*] on the FTA Web site. FTA has posted on its Web site a comparison of FY 2003 guaranteed funding levels based on 2000 Census and based on the 1990 census information for each State at [*http://www.fta.dot.gov/library/planning/census/comp/t2.html*] and a comparison of the amounts actually apportioned for fiscal year 2002 using both the 1990 Census and the 2000 Census at [*http://www.fta.dot.gov/library/planning/census/comp/t1.html*]. This information should be utilized by each state when reaffirming or revising in-state formulas.

B. Statewide Planning and Research Program

Funding made available for the Statewide Planning and Research Program (49 U.S.C. 5313(b)) by the FY 2003 DOT Appropriations Act is $12,532,406 after application of the across-the-board .65 percent reduction. The FY 2003 apportionment for the Statewide Planning and Research Program (SPRP) totals $12,643,295. This amount includes $12,532,406 in FY 2003 funds, and $110,889 in prior year funds available for reapportionment under this program. Final State apportionments for this program are also contained in Table 2. These funds may be used for a variety of purposes such as planning, technical studies and assistance, demonstrations, management training, and cooperative research. In addition, a State may authorize a portion of these funds to be used to supplement metropolitan planning funds allocated by the State to its urbanized areas, as the State deems appropriate.

C. FHWA Metropolitan Planning Program and State Planning and Research Program

For informational purposes, the estimated FY 2003 apportionments for the FHWA Metropolitan Planning Program (PL) are contained in Table 3. Actual apportionments for the FY 2003 FHWA State Planning and Research Program (SPRP) were not available at the time of publication of this notice.

D. Local Match Waiver for Specified Planning Activities

Job Access and Reverse Commute Planning. Federal, State and local

welfare reform initiatives may require the development of new and innovative public and other transportation services to ensure that former welfare recipients have adequate mobility for reaching employment opportunities. In recognition of the key role that transportation plays in ensuring the success of welfare-to-work initiatives, FTA and FHWA permit the waiver of the local match requirement for job access and reverse commute planning activities undertaken with both FTA and FHWA Metropolitan Planning Program and State Planning and Research Program funds. FTA and FHWA will support requests for waivers when they are included in Metropolitan Unified Planning Work Programs and State Planning and Research Programs and meet all other requirements.

E. Planning Emphasis Areas for Fiscal Year 2003

The FTA and FHWA identify Planning Emphasis Areas (PEAs) annually to promote priority themes for consideration, as appropriate, in metropolitan and statewide transportation planning processes. To support this, FTA and FHWA will prepare an inventory of current practice, guidance and training in those areas. Opportunities for exchanging ideas and experiences on innovative practices in these topic areas also will be provided throughout the year. For FY 2003, five key planning themes have been identified: (1) Consideration of safety and security in the transportation planning process; (2) integration of planning and environmental processes; (3) consideration of management and operations within planning processes; (4) State DOT consultation with non-metropolitan local officials; and (5) enhancing the technical capacity of planning processes.

1. Safety and Security in the Transportation Planning Process. TEA–21 emphasizes the safety and security of transportation systems as a national priority and calls for transportation projects and strategies that ''increase the safety and security of transportation systems.'' This entails integration of safety and facility security into all stages of the transportation planning process.

FTA and FHWA are working together to advance the state-of-practice in addressing safety and security in the metropolitan and statewide planning process through workshops and case studies. A report prepared by the Transportation Research Board (TRB), Transportation Research Circular E–C02, ''Safety-Conscious Planning,'' January 2001, describes the issues and recommendations identified at a Safety in Planning workshop held earlier. The report is available on the TRB Web site at *[http://www.nas.edu/trb].* Also, the Institute of Transportation Engineers (ITE) has prepared a discussion paper on the topic, entitled ''The Development of the Safer Network Transportation Planning Process,'' which is posted to their Web site at *[http://www.ite.org].*

2. Integrated Planning and Environmental Processes. TEA–21 mandated the elimination of the Major Investment Study as a stand-alone requirement, while integrating the concept within the planning and project development/environmental review processes. A training course entitled ''Linking Planning and NEPA'' is being developed and will be made available at the National Transit Institute Web site, *[http://www.ntionline.com].*

3. Consideration of Management and Operations within Planning Processes. TEA–21 challenges FHWA and FTA to move beyond traditional capital programs for improving the movement of people and goods—focusing on the need to improve the way transportation systems are managed and operated. FTA and FHWA have convened a working group and have commissioned discussion papers on the topic. This information is available at *[http://plan2op.fhwa.dot.gov].*

4. State DOT Consultation With Non-Metropolitan Local Officials. On January 23, 2003, the FTA and FHWA issued a final Rule on consultation, which can be accessed at *[http://www.fta.dot.gov/library/legal/federalregister/2003/fr12303.html].* This final rule amends the 1993 Joint FTA/FHWA Planning regulation published in the **Federal Register**, Volume 58, No. 207, on October 28, 1993. Consultation is a vital issue within the transportation planning process. Each State shall have a documented process(es) that implements consultation with non-metropolitan local officials in the statewide planning process and development of the statewide transportation improvement program by February 24, 2004. The FTA and FHWA will work with each State to help facilitate development of the documented process(es), but will not review or approve the documented process(es). However, the FTA and FHWA in the State Planning Finding will comment on progress toward accomplishing the documented process(es) and its implementation. Since consultation is a vital issue, each state shall review its documented process and solicit comments regarding the effectiveness of its consultation process within two years of adopting its documented process, and thereafter, at least once every five years.

5. Enhancing the Technical Capacity of Planning Processes. Reliable information on current and projected usage and performance of transportation systems is critical to the ability of planning processes to supply credible information to decision-makers to support preparation of plans and programs that respond to their localities' unique needs and policy issues. To ensure the reliability of usage and performance data, as well as the responsiveness of policy forecasting tools, an evaluation is needed of the quality of information provided by the technical tools, data sources, and forecasting models, as well as the expertise of staff to ensure its adequacy to support decision-making. If this expertise is found to be lacking, the responsible agencies within metropolitan and statewide planning processes are encouraged to devote appropriate resources to enhance and maintain their technical capacity.

The metropolitan and statewide transportation planning processes have become critical tools for responding to increasingly complex issues at the State and local levels. Many of these issues are encompassed in previously listed planning emphasis areas (*e.g.*, integrated planning and environmental processes, management and operations, analytical tools and methods) and include much more. It is essential that FTA and FHWA provide technical assistance, training, and information to our customers to further enhance the skills and capabilities they utilize to conduct effective transportation planning processes. The FTA and FHWA have created the Planning Capacity Building (PCB) Program, which combines what previously were separate programs focused on planning processes in metropolitan, statewide and rural areas. The PCB is a tool to disseminate and coordinate information, training, and foster a dialogue for the exchange of ideas. More information on the PCB program can be found at *[http://www.mcb.fhwa.dot.gov].* (Note—As of this writing, a merged Web site focused on metropolitan, statewide, and rural issues is under development.)

For further information on these PEAs, contact Candace Noonan, FTA Office of Planning, (202) 366–1648, or John Humeston, FHWA Office of Planning, (202) 366–1862.

F. Consolidated Planning Grants

Since FY 1997, FTA and FHWA have offered States the option of participating in a pilot Consolidated Planning Grant (CPG) program. Information concerning

participation in the CPG program can be found on the FTA Web site at *[http://www.fta.dot.gov/office/public/cpg.htm].* For further information on participating in the CPG Pilot, contact Candace Noonan, Office of Planning, FTA, at (202) 366–1648 or Anthony Solury, Office of Planning and Environment, FHWA, at (202) 366–5003.

G. FTA Review of Alternative Analysis

FTA has long had substantive involvement in the evaluation of alternatives performed to comply with the National Environmental Policy Act (NEPA). FTA would like to extend this interest to comparable planning-level alternatives analysis, and requests that local agencies that intend to conduct such a study prior to NEPA review notify their FTA Regional Office in writing if such a study may result in a transit project being proposed for funding under the Section 5309 New Starts program. FTA further requests the opportunity to review any NEPA or pre-NEPA alternatives analysis scope of work, purpose and need, description of alternatives, and technical methodologies and results as they are developed. FTA desires to become involved in these local studies for three reasons: (1) To assist local agencies in addressing technical and procedural issues early in the study process, rather than at the end when it may be too late to solve them efficiently; (2) to ensure that FTA requirements for alternatives analysis are met (this includes the selection of a New Starts Baseline alternative and documentation of planning-level information needed to perform a Before and After Study, should the resulting project eventually receive a Full Funding Grant Agreement); and (3) to gain sufficient understanding of the resulting project to support FTA's decision to advance it into preliminary engineering (PE) and, later, final design. If the alternatives analysis is done outside of NEPA, FTA's review is further intended to help ensure that its results, including any elimination of alternatives from further consideration, are adequately supported and will stand up when the NEPA review is initiated.

Failure to provide FTA with an opportunity to participate in the alternatives analysis could result in additional study effort necessary to ensure consistency with FTA policy and good planning practices. Such additional work could further result in significant delays in the processing of the request to enter into PE.

In February 2003, FTA posted under the New Starts section of its Web site *[http://www.fta.dot.gov/library/policy/ns/ns.htm]* revised preliminary guidance on advancing fixed guideway transit investments through planning and project development. This guidance provides additional detail on FTA's expectations for alternatives analysis and its role in the study process. For additional information, contact Sean Libberton, FTA Office of Planning, at (202) 366–2360.

V. Urbanized Area Formula Program

A. Total Urbanized Area Formula Apportionments

The amount made available to the Urbanized Area Formula Program (49 U.S.C. 5307) by the FY 2003 DOT Appropriations Act is $3,423,540,998, after application of the across-the-board .65 percent reduction. In addition, $5,479,136 in prior year funds became available for reapportionment under the Urbanized Area Formula Program as provided by 49 U.S.C. 5336(i).

After reserving $17,117,705 for oversight, the amount of FY 2003 funds available for apportionment is $3,406,423,293. The funds to be reapportioned, described in the previous paragraph, are then added and increase the total amount apportioned for this program to $3,411,902,429. Table 4 displays the amounts apportioned under the Urbanized Area Formula Program. Table 12 contains the apportionment formula for the Urbanized Area Formula Program.

An additional $4,818,425 is made available for the Alaska Railroad for improvements to its passenger operations, after application of the across-the-board .65 percent reduction. After reserving $24,092 for oversight, $4,794,333 is available for the Alaska Railroad.

B. Data Used for Urbanized Area Formula Apportionments

Data from the 2001 National Transit Database (NTD) Report Year were used to calculate the FY 2003 Urbanized Area Formula apportionments for urbanized areas 200,000 in population and over. 2000 Census Population and population density data are also used in calculating apportionments under the Urbanized Area Formula Program.

C. Urbanized Area Formula Apportionments to Governors

The total Urbanized Area Formula apportionment to the Governor for use in areas under 200,000 in population for each State is shown in Table 4. This table also contains the apportionment amount attributable to each urbanized area within the State. The Governor may determine the allocation of funds among the urbanized areas under 200,000 in population with the following exception: as further discussed in Section F below, funds attributed to an urbanized area under 200,000 in population, located within the planning boundaries of a Transportation Management Area, must be obligated in that small urbanized area.

D. Transit Enhancements

One percent of the Urbanized Area Formula Program apportionment in each urbanized area with a population of 200,000 and over must be made available only for transit enhancements. Table 4 shows the amount set aside for enhancements in these areas.

The term ''transit enhancement'' includes projects or project elements that are designed to enhance mass transportation service or use and are physically or functionally related to transit facilities. Eligible enhancements include the following: (1) Historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities); (2) bus shelters; (3) landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights; (4) public art; (5) pedestrian access and walkways; (6) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles; (7) transit connections to parks within the recipient's transit service area; (8) signage; and (9) enhanced access for persons with disabilities to mass transportation.

It is the responsibility of the MPO to determine how the one percent will be allotted to transit projects. The one percent minimum requirement does not preclude more than one percent being expended in an urbanized area for transit enhancements. However, items that are only eligible as enhancements—in particular, operating costs for historic facilities—may be assisted only within the one percent funding level.

The recipient must submit a report to the appropriate FTA Regional Office listing the projects or elements of projects carried out with those funds during the previous fiscal year and the amount awarded. The report must be submitted with the Federal fiscal year's final quarterly progress report in TEAM-Web. The report should include the following elements: (a) Grantee name, (b) urbanized area name and number, (c) FTA project number, (d) transit enhancement category, (e) brief description of enhancement and progress towards project

implementation, (f) activity line item code from the approved budget, and (g) amount awarded by FTA for the enhancement.

E. Fiscal Year 2003 Operating Assistance

In general, FY 2003 funding for operating assistance is available only to urbanized areas with populations under 200,000. For these areas, there is no limitation on the amount of the State apportionment that may be used for operating assistance, and the Federal/local share ratio is 50/50. TEA–21 provides an exception to the restriction on operating assistance in areas over 200,000 in population; eligible areas have already been identified and notified.

Pub. L. 107–232, signed by the President on October 1, 2002, allows transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 Census to use section 5307 funds for operating assistance. A list of the eligible 2000 Census urbanized areas (with populations 200,000 or greater) to which Pub. L. 107–232 applies and that may use FY 2003 funds for operating assistance is provided in Table 15. The listing also shows the maximum amount of the area's FY 2003 apportionment that may be used for operating assistance (the FY 2003 Operating Limitation). The use of the urbanized area funds for operating assistance by these areas is restricted to projects carried out within the geographical or service area boundary of the affected 1990 census small (less than 200,000 population) urbanized area.

F. Designated Transportation Management Areas

All 2000 Census urbanized areas having a population of at least 200,000 have been designated as Transportation Management Areas (TMAs), in accordance with 49 U.S.C. 5305. In addition, the Santa Barbara, CA urbanized area, which did not meet the population threshold requirement for TMA status with respect to 2000 Census, retained its previously granted TMA status based on Gubernatorial request. These TMA designations were formally made in the FTA Notices at 67 FR 45173 *et seq.* (July 8, 2002) and 67 FR 62285 *et seq.* (October 4, 2002).

Guidance for setting the boundaries of TMAs is contained in the joint transportation planning regulations codified at 23 CFR part 450 and 49 CFR part 613. In some cases, the TMA planning boundaries, which have been established by the MPO for the designated TMA, also include one or more urbanized areas less than 200,000 in population. Where this situation exists, the discretion of the Governor to allocate Urbanized Area Formula program ''Governor's Apportionment'' funds for urbanized areas with less than 200,000 in population is restricted, *i.e.*, the Governor only has discretion to allocate Governor's Apportionment funds attributable to areas that are outside of designated TMA planning boundaries.

If any additional small urbanized areas—within the planning boundaries of a TMA—are identified, notification should be made in writing to the Associate Administrator for Program Management, Federal Transit Administration, 400 Seventh Street, SW, Washington, DC 20590, no later than July 1 of each fiscal year. FTA has revised and provided below the list of previously identified urbanized areas with population less than 200,000 included within the planning boundaries of designated TMAs, based on 2000 Census urbanized area designations. With respect to Norman, OK, Section 336 of FY 2003 DOT Appropriations Act directs that the city of Norman, OK shall be considered part of the Oklahoma City TMA.

Designated TMA	Small urbanized area included in TMA boundary
Houston, TX	Galveston, TX; Texas City, TX
Orlando, FL	Kissimmee, FL
Palm Bay-Melbourne, FL	Titusville, FL
Philadelphia, PA–NJ–DENJ–MD	Pottstown, PA
Pittsburgh, PA	Monessen, PA; Weirton, WV—Steubenville, OH–PA (PA portion)
Seattle, WA	Bremerton, WA
Washington, DCNJ–VANJ–MD	Frederick, MD
Oklahoma City, OK	Norman, Oklahoma

G. Urbanized Area Formula Funds Used for Highway Purposes

Urbanized Area Formula funds apportioned to a TMA can be transferred to FHWA and made available for highway projects if the following three conditions are met: (1) Such use must be approved by the MPO in writing after appropriate notice and opportunity for comment and appeal are provided to affected transit providers; (2) in the determination of the Secretary, such funds are not needed for investments required by the Americans with Disabilities Act of 1990 (ADA); and (3) the MPO determines that local transit needs are being addressed.

Urbanized Area Formula funds that are designated for highway projects will be transferred to and administered by FHWA. The MPO should notify FTA of its intent to use FTA funds for highway purposes, as prescribed in section VIII.A., below.

H. National Transit Database (NTD) Internet Reporting and Redesign Effort

The National Transit Database (NTD) is FTA's repository for nationwide statistics about the transit industry, including safety and security data. The new, redesigned NTD reporting system is on the Internet and in operation. The new reporting software and statistical data reports can be found on FTA's NTD web site at *[http://www.ntdprogram.com].* More than 600 FTA grantees have filed reports to FTA via the Internet on the new system. To meet Government Performance and Results Act deadlines, NTD data is available on a timelier basis. The new monthly reporting of safety and ridership data provides the NTD with current data. In addition, thousands of incident and summary safety and security reports will be submitted to FTA on the new NTD system. The new, detailed safety data will help FTA and the transit industry fashion countermeasures to recurring safety problems. The revised NTD includes several valuable new features like the new reporting software, which includes enhanced pre-submission validation routines. Reporters can save time by pre-loading certain large data fields

from last year. The new Oracle database and reports aid researchers.

FTA grantees receive Urbanized Area Formula and Fixed Guideway Modernization apportionments based, in part, on the data they submit to the NTD. NTD data is also summarized and used to report to Congress on the condition, performance, and safety of the transit industry, and associated costs. The Transportation Security Administration is already using security reports from the NTD. In addition, these data are used in the assessment of FTA goals.

This year, the voluntary reporting of rural transit data by State DOTs is being tested. Work also continues on the collection of data on the condition of the capital infrastructure of transit. A voluntary test version of the asset condition module was put on-line and was well accepted, providing an excellent inventory and assessment of tunnels, bridges, track, stations, bus maintenance facilities, and other assets.

VI. Nonurbanized Area Formula Program and Rural Transit Assistance Program

A. Nonurbanized Area Formula Program

The amount made available for the Nonurbanized Area Formula Program (49 U.S.C. 5311) by the FY 2003 DOT Appropriations Act is $239,043,694, after application of the across-the-board .65 percent reduction. The FY 2003 Nonurbanized Area Formula apportionments to the States total $238,954,559 and are displayed in Table 5. Of the $239,043,694 available, $1,195,218 was reserved for oversight. The funds apportioned include $1,106,083 in prior year funds available for reapportionment.

The Nonurbanized Area Formula Program provides capital, operating and administrative assistance for areas under 50,000 in population. Each State must spend no less than 15 percent of its FY 2003 Nonurbanized Area Formula apportionment for the development and support of intercity bus transportation, unless the Governor certifies to the Secretary that the intercity bus service needs of the State are being adequately met.

B. Rural Transit Assistance Program

Funding made available for the Rural Transit Assistance Program (RTAP) (49 U.S.C. 5311(b)(2)) by the FY 2003 DOT Appropriations Act is $5,215,875, after application of the across-the-board .65 percent reduction. The FY 2003 RTAP allocations to the States total $5,216,875 and are displayed in Table 5. This amount includes $1,000 in prior year funds available for reapportionment.

The funds are allocated to the States to undertake research, training, technical assistance, and other support services to meet the needs of transit operators in nonurbanized areas. These funds are to be used in conjunction with the States' administration of the Nonurbanized Area Formula Program.

FTA also supports RTAP activities at the national level within the National Planning and Research Program (NPRP). The National RTAP projects support the States in their use of the formula allocations for training and technical assistance. Congress did not designate any funds for the National RTAP among the NPRP allocations in the Conference Report accompanying the FY 2003 DOT Appropriations Act. FTA will, however, include the National RTAP among priority projects to be funded from available NPRP funds. During FY 2002, FTA conducted a competitive selection and chose the American Public Works Association, in consortium with the Community Transportation Association of America, to provide National RTAP services for the next five years.

VII. Elderly and Persons With Disabilities Program

The amount made available for the Elderly and Persons with Disabilities Program (49 U.S.C. 5310) by the FY 2003 DOT Appropriations Act is $90,063,558, after application of the across-the-board .65 percent reduction. The FY 2003 Elderly and Persons with Disabilities Program apportionments to the States total $90,166,393 and are displayed in Table 6. The funds apportioned include $102,835 in prior year funds available for reapportionment.

The formula for apportioning these funds uses Census population data for persons aged 65 and over, and for persons with disabilities. The funds provide capital assistance for transportation for elderly persons and persons with disabilities. Eligible capital expenses may include, at the option of the recipient, the acquisition of transportation services by a contract, lease, or other arrangement.

While the assistance is intended primarily for private non-profit organizations, public bodies that coordinate services for the elderly and persons with disabilities, or any public body that certifies to the State that there are no non-profit organizations in the area that are readily available to carry out the service, may receive these funds.

These funds may be transferred by the Governor to supplement Urbanized Area Formula or Nonurbanized Area Formula capital funds during the last 90 days of the fiscal year.

VIII. FHWA Surface Transportation Program and Congestion Mitigation and Air Quality Funds Used for Transit Purposes

A. Transfer Process

The process for transferring flexible formula funds between FTA and FHWA programs is described below. For information on the transfer of FHWA funds to FTA planning programs contact the FTA/FHWA staff identified in section IV.F, above.

Transfer from FHWA to FTA. FHWA funds designated for use in transit capital projects must be derived from the metropolitan and statewide planning and programming process, and must be included in an approved Statewide Transportation Improvement Program (STIP) before the funds can be transferred. The State DOT requests, by letter, the transfer of highway funds for a transit project to the FHWA Division Office. The letter should specify the project, amount to be transferred, apportionment year, State, Federal aid apportionment category *i.e.,* Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ), Interstate Substitute, or congressional earmark), and a description of the project as contained in the STIP.

The FHWA Division Office confirms that the apportionment amount is available for transfer and concurs in the transfer by letter to the State DOT and FTA. The FHWA Office of Budget and Finance then transfers obligation authority and an equal amount of cash to FTA. All FHWA CMAQ, STP, and congressional earmarked funds for transit projects in the Appropriations Act or Conference Report will be transferred to one of the three FTA formula programs (*i.e.,* Urbanized Area Formula (section 5307), Nonurbanized Area Formula (section 5311) or Elderly and Persons with Disabilities (section 5310).

The FTA grantee's application for the project must specify which program the funds will be used for and the application should be prepared in accordance with the requirements and procedures governing that program. Upon review and approval of the grantee's application, FTA obligates funds for the project.

Transferred funds are treated as FTA formula funds, but are assigned a distinct identifying code for tracking purposes. The funds may be used for any capital purpose eligible under the FTA formula program to which they are

transferred and in the case of CMAQ for certain operating costs. FTA and FHWA have issued guidance on project eligibility under the CMAQ program in a Notice at 65 FR 9040 *et seq.* (February 23, 2000). In accordance with 23 U.S.C. 104(k), all FTA requirements are applicable to transferred funds except local share—FHWA local share requirements apply. Transferred funds should be combined with regular FTA funds in a single annual grant application.

Transfers From FTA to FHWA. The Metropolitan Planning Organization (MPO) submits a request to the FTA Regional Office for a transfer of FTA section 5307 formula funds (apportioned to an urbanized area 200,000 and over in population) to FHWA based on approved use of the funds for highway purposes, as contained in the Governor's approved State Transportation Improvement Program. The MPO must certify that: (1) The funds are not needed for capital investments required by the Americans with Disabilities Act; (2) notice and opportunity for comment and appeal has been provided to affected transit providers; and (3) local funds used for non-Federal match are eligible to provide assistance for either highway or transit projects. The FTA Regional Administrator reviews and concurs in the request, then forwards the approval to FTA Headquarters, where a reduction is made to the grantee's urbanized area formula apportionment and FTA's National Operating Budget in TEAM-Web, equal to the dollar amount being transferred to FHWA.

For information regarding these procedures, please contact Kristen D. Clarke, FTA Budget Office, at (202) 366–1686; or Richard Meehleib, FHWA Finance Division, at (202) 366–2869.

B. Matching Share for FHWA Transfers

The provisions of Title 23 U.S.C., regarding the non-Federal share apply to Title 23 funds used for transit projects. Thus, FHWA funds transferred to FTA retain the same matching share that the funds would have if used for highway purposes and administered by FHWA.

There are three instances in which a Federal share higher than 80 percent would be permitted. First, in States with large areas of Indian and certain public domain lands and national forests, parks and monuments, the local share for highway projects is determined by a sliding scale rate, calculated based on the percentage of public lands within that State. This sliding scale, which permits a greater Federal share, but not to exceed 95 percent, is applicable to transfers used to fund transit projects in these public land States. FHWA develops the sliding scale matching ratios for the increased Federal share.

Secondly, commuter carpooling and vanpooling projects and transit safety projects using FHWA transfers administered by FTA may retain the same 100 percent Federal share that would be allowed for ride-sharing or safety projects administered by the FHWA.

The third instance includes the 100 percent Federal safety projects; however, these are subject to a nationwide 10 percent program limitation.

IX. Capital Investment Program (49 U.S.C. 5309)

A. Fixed Guideway Modernization

The formula for allocating the Fixed Guideway Modernization funds contains seven tiers. The apportionment of funding under the first four tiers, through FY 2003, is based on data used to apportion the funding in FY 1997. Funding under the last three tiers is apportioned based on the latest available route miles and revenue vehicle miles on segments at least seven years old, as reported to the NTD.

Table 7 displays the FY 2003 Fixed Guideway Modernization apportionments. Fixed Guideway Modernization funds apportioned for this section must be used for capital projects to maintain, modernize, or improve fixed guideway systems.

All urbanized areas with fixed guideway systems that are at least seven years old are eligible to receive Fixed Guideway Modernization funds. A request for the start-up service dates for fixed guideways has been incorporated into the NTD reporting system to ensure that all eligible fixed guideway data is included in the calculation of the apportionments. A threshold level of more than one mile of fixed guideway is required to receive Fixed Guideway Modernization funds. Therefore, urbanized areas reporting one mile or less of fixed guideway mileage under the NTD are not included.

The FY 2003 DOT Appropriations Act makes $1,206,506,400 available for Fixed Guideway Modernization, after application of the across-the-board .65 percent reduction. An amount of $12,065,064 was then reserved for oversight, leaving $1,194,441,336 available for apportionment to eligible urbanized areas. In addition, prior year funds available for reapportionment in the amount of $84,033 are added and increase the total amount apportioned to $1,194,525,369 under Fixed Guideway Modernization. Table 13 contains information regarding the Fixed Guideway Modernization apportionment formula.

B. New Starts

The amount made available for New Starts by the FY 2003 DOT Appropriations Act is $1,252,229,548, after application of the across-the-board .65 percent reduction. This amount includes $45 million (adjusted for the .65 percent reduction) in FY 2003 funds transferred from the Job Access and Reverse Commute Program (JARC) and additional transfers of $1,015,648 from unobligated 1999 JARC funds, in accordance with language in the FY 2003 DOT Appropriations Act and accompanying Conference Report. Of the $1,252,229,548 made available $12,522,295 was reserved for oversight activities, leaving $1,239,707,253 available for allocations to projects. The final allocation for each New Starts projects is listed in Table 8.

Prior year unobligated allocations for New Starts in the amount of $483,496,983 remain available for obligation in FY 2003. This amount includes $464,241,119 in fiscal years 2001 and 2002 unobligated allocations, and $19,255,864 for fiscal years 1999 and 2000 unobligated allocations that are extended in the FY 2003 Conference Report. These unobligated amounts are displayed in Table 8A.

Capital Investment Program funds for New Starts projects identified as having been extended in the FY 2003 Conference Report accompanying the FY 2003 DOT Appropriations Act will lapse September 30, 2003. A list of the extended projects and the amount that remains unobligated as of September 30, 2002, is appended to Table 8A for ready reference.

C. Bus and Bus-Related

The FY 2003 DOT Appropriations Act provides $603,253,200 for the purchase of buses, bus-related equipment and paratransit vehicles, and for the construction of bus-related facilities, after application of the across-the-board .65 percent reduction.

TEA–21 established a $100 million Clean Fuels Formula Program under 49 U.S.C. 5308 (described in section XII below). The program is authorized to be funded with $50 million from the Bus and Bus-Related category of the Capital Investment Program and $50 million from the Formula Program. However, the FY 2003 DOT Appropriations Act directs FTA to transfer the formula portion to, and merge it with, funding provided for the Bus and Bus-Related category of the Capital Investment Program. The .65 percent across-the-

board reduction has been applied to the $50 million in transferred funds. Thus, $652,928,200 of funds appropriated in FY 2003 is available for funding the Bus and Bus-Related category of the Capital Investment Program. In addition, Congress directed that funds made available for bus and bus facilities include $4,567,156 reallocated from projects in previous appropriations Acts, which increases the total amount made available to $657,495,356. The reallocated funds are derived from unobligated balances for the following projects: Essex Junction, Vermont multimodal station, $490,547; Towamencin Township, Pennsylvania intermodal center (1999), $1,488,750; Towamencin Township, Pennsylvania intermodal center (2000), $1,471,643; Folsom, California multimodal facility, $992,500; and Georgetown University fuel cell program, $123,176.

After reserving $6,529,282 for oversight, the amount available for allocation under the Bus and Bus-Related category is $650,966,074. Table 9 displays the allocation of the FY 2003 Bus and Bus-Related funds by State and project. The FY 2003 Conference Report accompanying the FY 2003 DOT Appropriations Act allocated all of the FY 2003 Bus and Bus-Related funds to specified States or localities for bus and bus-related projects. FTA will fund all designations that comply with the statutory requirements for the program.

Prior year unobligated balances for Bus and Bus-Related allocations in the amount of $515,023,153 remain available for obligation in FY 2003. This includes $503,518,819 in fiscal years 2001 and 2002 unobligated allocations, and $11,504,334 for fiscal years 1998, 1999 and 2000 unobligated allocations extended in the FY 2003 Conference Report. These unobligated amounts are displayed in Table 9A.

Capital Investment Program funds for Bus and Bus-Related projects identified as having been extended in the Conference Report accompanying the FY 2003 DOT Appropriations Act will lapse September 30, 2003. A list of the extended projects and the amount that remains unobligated as of September 30, 2002, is appended to Table 9A for ready reference.

In addition, FY 2003 Conference Report provides clarifications for Bus and Bus-Related projects as follows:

(1) Funding provided to Bevill State Community College may also made available to Jasper, Alabama.

(2) Within the funding provided in FY 2003 to the State of Illinois, $1,000,000 shall be for the refurbishment of the Dan Ryan station.

(3) The conference agreement provides $7,500,000 to Kentucky for bus and bus facilities needs statewide. Of this funding, $4,000,000 shall be provided to southern and eastern Kentucky. The remainder shall be allocated to: Bluegrass Community Action Services, City of Frankfort, Kentucky Foothills Development Council, Community Action Council of Fayette/Lexington, Lexington Red Cross, East Kentucky Independent Service Organization, and Lexington Transit Authority.

(4) Within the funding provided for the state of Michigan, the state should strongly consider requests from Alger County, Charlevoix County, Delta Area Transit Authority, Houghton, Ontonogan County, City of Sault Ste. Marie, and Schoolcraft County.

(5) Within the funds provided for the state of Ohio, the state should strongly consider requests from Kent, and the East Side transit center.

(6) Funding provided for the Sierra Madre Villa intermodal center in fiscal year 2002 shall also be made available to the Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus related facilities in the LACMTA's service area.

(7) Funds provided in fiscal year 2002 for the Fort Worth intermodal center park and ride facility shall be used to facilitate the finish out the intermodal connections into downtown Fort Worth and to enhance the linkage of the TRE with the T's bus operation and park and ride elements occurring at two sites: the ITC (and geographically related areas like the 7th Street parking lot and Alarm Supply Building) and a larger facility at the Texas and Pacific Station.

(8) Funding provided for Wyandotte County buses and Kansas City joblinks in fiscal year 2001 shall be made available to the Unified Government of Wyandotte County/Kansas City.

(9) Funds provided in fiscal year 2001 for Louisiana's Plaquemines Parish Ferry shall also be made available to the New Orleans Regional Planning Commission for vans, buses and related facility construction in Plaquemines, St. Bernard, St. John and St. Charles parishes.

(10) Funds made available in fiscal year 2001 for the Tompkins County intermodal facility shall also be made available for the Ulster County, New York rural bus garage.

(11) Funding provided for the Swampscott buses in fiscal year 2000 may also be available to Lynnfield, Massachusetts to replace buses.

(12) Funds made available in fiscal year 2000 to the Ithaca intermodal transportation center shall also be made available for the Binghamton intermodal transportation center.

X. Job Access and Reverse Commute Program

The FY 2003 DOT Appropriations Act provides $104,317,500, for the Job Access and Reverse Commute (JARC) Program after the transfer of $45 million from JARC to the Capital Investment Program (New Starts) as stipulated in the FY 2003 DOT Appropriations Act and the accompanying Conference Report, and the application of the across-the-board .65 percent reduction. JARC project funding will be published separately from this notice.

The JARC program, established under TEA–21, provides funding for the provision of transportation services designed to increase access to jobs and employment-related activities. Job Access projects are those that transport welfare recipients and low-income individuals, including economically disadvantaged persons with disabilities, in urban, suburban, or rural areas to and from jobs and activities related to their employment. Reverse Commute projects provide transportation services for the general public from urban, suburban, and rural areas to suburban employment opportunities. A total of up to $10,000,000 from the appropriation may be used for Reverse Commute Projects.

XI. Over-the-Road Bus Accessibility Program

The amount made available for the Over-the-Road Bus Accessibility (OTRB) Program by the FY 2003 DOT Appropriations Act is $6,904,825, after application of the across-the-board .65 percent reduction. Of this amount, $5,215,875 is available to providers of intercity fixed-route service, and $1,688,950 is available to other providers of over-the-road bus services, including local fixed-route service, commuter service, and charter and tour service.

The OTRB program authorizes FTA to make grants to operators of over-the-road buses to help finance the incremental capital and training costs of complying with the DOT over-the-road bus accessibility final rule, published on September 28, 1998 (63 FR 51670). Funds will be provided at 90 percent Federal share. FTA conducts a national solicitation of applications and grantees are selected on a competitive basis.

A **Federal Register** Notice providing program guidance and application procedures for FY 2003 was published in the **Federal Register** on February 7, 2003. Applications are due by March 28, 2003.

XII. Clean Fuels Formula Program

TEA–21 established the Clean Fuels Formula Grant Program under section 5308 of Title 49 U.S.C. to assist non-attainment and maintenance areas in achieving or maintaining attainment status and to support markets for emerging clean fuel technologies. No funds were provided for this program in the FY 2003 DOT Appropriations Act. For further information contact Nancy Grubb, FTA Office of Resource Management and State Programs, at (202) 366–2053.

XIII. National Planning and Research Program

The amount made available to the National Planning and Research Program by the FY 2003 DOT Appropriations Act is $31,295,250, after application of the across-the-board .65 percent reduction, of that amount $16,442,426 is allocated for specific activities. These allocations are listed in Table 10. For additional information contact Henry Nejako, Program Management Officer, Office of Research, Demonstration and Innovation, at (202) 366–0184.

XIV. Unit Values of Data for Urbanized Area Formula Program, Nonurbanized Area Formula Program, and Fixed Guideway Modernization

The dollar unit values of data derived from the computations of the Urbanized Area Formula Program, the Nonurbanized Area Formula Program, and the Capital Investment Program—Fixed Guideway Modernization apportionments are displayed in Table 14 of this notice. To replicate an area's apportionment, multiply its population, population density, and data from the NTD by the appropriate unit value.

XV. Period of Availability of Funds

The funds apportioned under the Metropolitan Planning Program and the Statewide Planning and Research Program, the Urbanized Area Formula Program, and Fixed Guideway Modernization, in this notice, will remain available to be obligated by FTA to recipients for three fiscal years following FY 2003. Any of these apportioned funds that remain unobligated at the close of business on September 30, 2006, will revert to FTA for reapportionment under the respective program.

Funds apportioned to nonurbanized areas under the Nonurbanized Area Formula Program, including RTAP funds, will remain available for two fiscal years following FY 2003. Any such funds that remain unobligated at the close of business on September 30, 2005, will revert to FTA for reapportionment among the States under the Nonurbanized Area Formula Program. Funds allocated to States under the Elderly and Persons with Disabilities Program in this notice must be obligated by September 30, 2003. Any such funds that remain unobligated as of that date will revert to FTA for reapportionment among the States under the Elderly and Persons with Disabilities Program. The FY 2003 DOT Appropriations Act includes a provision requiring that FY 2003 New Starts and Bus and Bus-Related funds not obligated for their original purpose as of September 30, 2005, shall be made available for other projects under 49 U.S.C. 5309.

JARC funds for projects selected by FTA for funding in FY 2003 will remain available for two fiscal years following FY 2003. Any such funds that remain unobligated at the close of business on September 30, 2005, will revert to FTA for reallocation under the JARC program.

Capital Investment Program funds for New Starts and Bus and Bus-Related projects identified as having been extended in the FY 2003 Conference Report accompanying the FY 2003 DOT Appropriations Act will lapse September 30, 2003.

XVI. Automatic Pre-Award Authority To Incur Project Costs

This information incorporates and elaborates on guidance previously provided in the FTA FY 2002 Apportionments and Allocations Notice found at *[http://www.fta.dot.gov/library/legal/federalregister/2002/fr1202a.pdf].*

A. Policy

FTA provides blanket or automatic pre-award authority to cover certain program areas described below. This pre-award authority allows grantees to incur project costs prior to grant approval and retain their eligibility for subsequent reimbursement after grant approval. The grantee assumes all risk and is responsible for ensuring that all conditions, which are described below, are met to retain eligibility. This automatic pre-award spending authority permits a grantee to incur costs on an eligible transit capital or planning project without prejudice to possible future Federal participation in the cost of the project or projects. Prior to exercising pre-award authority, grantees must comply with the conditions and Federal requirements outlined in paragraphs B and C immediately below. Failure to do so will render an otherwise eligible project ineligible for FTA financial assistance. In addition, grantees are strongly encouraged to consult with the appropriate FTA regional office if there is any question regarding the eligibility of the project for future FTA funds or the applicability of the conditions and Federal requirements.

Pre-award authority was extended in the June 24, 1998 **Federal Register** Notice on TEA–21 to all formula funds and flexible funds that will be apportioned during the authorization period of TEA–21, 1998–2003. Pre-award authority for operating and planning projects under the formula grants programs is not limited to the authorization period. Pre-award authority also applies to Capital Investment Bus and Bus-Related allocations identified in this notice. For such section 5309 Capital Investment Bus and Bus-Related projects, the date that costs may be incurred is the date that the appropriation bill in which they are contained is enacted. Pre-award authority does not apply to Capital New Start funds, or to Capital Investment Bus and Bus-Related projects not specified in this or previous notices, except as described in D below.

Extension of Pre-Award Authority Beyond the TEA–21 Authorization Period

Because there is uncertainty in the timing of the FY 2004 appropriations act and/or the surface transportation reauthorization act, a large number of LONPs might be requested for routine, continuing transit projects using anticipated formula funds. FTA, in this Notice, is extending pre-award authority to grantees for project costs to be reimbursed by formula funds and flexible funds that will be appropriated in FY 2004.

In using this pre-award authority for FY 2004 formula funds, grantees are cautioned that reauthorization may result in changes in program structure, administrative requirements, or funding availability. As with all pre-award authority, activities must be conducted in compliance with Federal requirements in order to retain eligibility for future reimbursement.

B. Conditions

Similar to the FTA LONP authority, the conditions under which this authority may be utilized are specified below:

(1) The pre-award authority is not a legal or moral commitment that the project(s) will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or moral commitment that all

items undertaken by the applicant will be eligible for inclusion in the project(s).

(2) All FTA statutory, procedural, and contractual requirements must be met.

(3) No action will be taken by the grantee that prejudices the legal and administrative findings that the Federal Transit Administrator must make in order to approve a project.

(4) Local funds expended by the grantee pursuant to and after the date of the pre-award authority will be eligible for credit toward local match or reimbursement if FTA later makes a grant for the project(s) or project amendment(s).

(5) The Federal amount of any future FTA assistance awarded to the grantee for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the Federal/local match ratio at the time the funds are obligated.

(6) For funds to which the pre-award authority applies, the authority expires with the lapsing of the fiscal year funds.

(7) The Financial Status Report, in TEAM-Web, must indicate the use of pre-award authority.

C. Environmental, Planning, and Other Federal Requirements

FTA emphasizes that all of the Federal grant requirements must be met for the project to remain eligible for Federal funding. Compliance with the National Environmental Policy Act (NEPA) and other environmental laws or executive orders (*e.g.,* protection of parklands, wetlands, and historic properties) must be completed before State or local funds are spent on implementing activities such as final design, construction, and acquisition for a project that is expected to be subsequently funded with FTA funds. Depending on which class the project is included under in FTA environmental regulations, 23 CFR part 771, the grantee may not advance the project beyond planning and preliminary engineering before FTA has issued either a categorical exclusion, refer to 23 CFR part 771.117(d), a finding of no significant impact, or a record of decision. The conformity requirements of the Clean Air Act, 40 CFR part 93, also must be fully met before the project may be advanced into implementation under pre-award authority.

Similarly, the requirement that a project be included in a locally adopted metropolitan transportation improvement program and federally approved statewide transportation improvement program must be followed before the project may be advanced with non-Federal funds under pre-award authority. For planning projects, the project must be included in a locally approved Planning Work Program that has been coordinated with the State. In addition, Federal procurement procedures, as well as the whole range of Federal requirements, must be followed for projects in which Federal funding will be sought in the future. Failure to follow any such requirements could make the project ineligible for Federal funding. In short, this increased administrative flexibility requires a grantee to make certain that no Federal requirements are circumvented through the use of pre-award authority. If a grantee has questions or concerns regarding the environmental requirements, or any other Federal requirements that must be met before incurring costs, it should contact the appropriate regional office.

Before an applicant may incur costs for Bus and Bus-Related Capital projects not listed in this notice or previous notices, it must first obtain a written LONP from FTA. To obtain an LONP, a grantee must submit a written request accompanied by adequate information and justification to the appropriate FTA regional office, as described in section XVII below.

D. Pre-Award Authority for New Starts Projects

1. Preliminary Engineering and Final Design

New Starts projects are required to follow a federally defined project development process. This process includes, among other things, FTA approval of entry of a project into preliminary engineering and approval to enter final design. The grantee request for entry into preliminary engineering and the request for entry into final design document the project's justification and financial criteria, which FTA evaluates as part of its approval process. With FTA approval to enter preliminary engineering, and subsequent approval to enter final design, FTA will automatically extend pre-award authority to that phase of project development.

2. Real Property Acquisition Activities

FTA will extend automatic pre-award authority for the acquisition of real property and real property rights for a New Starts project upon completion of the NEPA review of that project. NEPA review is completed when FTA signs an environmental Record of Decision (ROD) or Finding of No Significant Impact (FONSI), or makes a Categorical Exclusion (CE) determination. With the limitations and caveats described below, real estate acquisition for a New Starts project may now commence upon completion of the NEPA review process.

Most major FTA-assisted projects require the acquisition of residential and/or business properties and the relocation of the occupants. Often real property rights, like railroad track usage rights, are needed. With limited exceptions set forth in FTA's NEPA guidance, the purchase of real property can prejudice the consideration of less damaging alternatives and may not take place until the NEPA process has been completed by FTA's signing of an environmental ROD or FONSI or making a CE determination.

For FTA-assisted projects, any acquisition of real property must be conducted in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and its implementing regulations, 49 CFR part 24. Compliance with the URA regulations requires substantial lead-time. Properties must be appraised, persons who will be displaced must be educated about their relocation rights, proper housing must be found for displaced residents, and businesses must be relocated in accordance with the URA. In some cases, the remediation of contaminated soils or groundwater, or the removal of underground storage tanks must be dealt with during the acquisition process. Potentially responsible parties of the contamination must be identified and their financial liability negotiated or litigated. Acquisition of railroad right-of-way or usage rights is frequently a negotiated transaction that is fundamental to the transit project and therefore should be negotiated as early as possible after the completion of the NEPA process. Delays in the closing on an acquisition can lead to inconvenience or hardship for residents and businesses that are being displaced. Delays can also lead to increases in property values or in the current owners' financial expectations that prolong negotiated settlements.

To facilitate the acquisition process for New Starts projects, FTA will extend automatic pre-award authority for the acquisition of real property and real property rights with the signing of the environmental ROD or FONSI or the CE determination. This pre-award authority is strictly limited to costs incurred to acquire real property and real property rights and to provide relocation assistance in accordance with the URA regulation. It is limited to the acquisition of real property and real property rights that are explicitly identified in the final EIS, EA or CE determination, as needed for the selected alternative that is the subject of

the FTA-signed ROD or FONSI, or the CE determination. It does not cover site preparation, demolition, or any other activity that is not strictly necessary to comply with the URA. At FTA's discretion, these other activities may be covered by a LONP, described in section XVII, below. This pre-award authority does not cover the acquisition of construction equipment or transit vehicles or any other acquisition except that of real property and real property rights.

Grant applicants should use this pre-award authority for real property very discreetly with a clear understanding that it does not constitute a funding commitment by FTA. On occasion, even projects that received a ''recommended'' rating from FTA under the New Starts regulation, 49 CFR part 611, have not received a Full Funding Grant Agreement from FTA simply because the competition for the limited New Starts funds is so intense.

This pre-award authority for the acquisition of real property and real property rights, in accordance with the URA and after FTA's signing of a ROD or FONSI or making a CE determination, is intended to streamline the project delivery process, to enhance relocation services for residents and businesses, and to avoid the escalation in the cost of real property caused by delays in its acquisition. In granting this pre-award authority, FTA is aware that the risk taken by the grant applicant in acquiring real property without an FTA commitment is somewhat mitigated by the re-sale value of the real property, in the event that FTA funding assistance is not ultimately forthcoming and the project is abandoned.

3. National Environmental Policy Act (NEPA) Activities

The NEPA requires that projects with potentially significant adverse impacts proposed for Federal funding assistance be subjected to a public and interagency review of the need for the project, its environmental and community impacts, and alternatives with potentially fewer damaging effects. Projects for which FTA experience indicates there are no significant impacts are subject to NEPA, but categorically excluded from the more rigorous levels of NEPA review.

FTA regulations, 23 CFR 771.105(e), state that the costs incurred by a grant applicant for the preparation of environmental documents requested by FTA are eligible for FTA assistance. FTA extends automatic pre-award authority for costs incurred to conduct the NEPA environmental review, including historic preservation activities, and to prepare an EIS, EA, CE, or other environmental documents for a proposed New Starts project, effective as of the date of the federal approval of the relevant STIP or STIP amendment that includes any phase of the project. This pre-award authority applies to New Starts funding, as well as other FTA funding sources. This pre-award authority is strictly limited to costs incurred to conduct the NEPA process and prepare environmental and historic preservation documents. It does not cover preliminary engineering activities beyond those necessary for NEPA compliance. As with any pre-award authority, FTA participation in costs incurred is not guaranteed.

This pre-award authority for environmental and historic preservation work for a proposed New Starts project in the FTA-approved STIP is intended to streamline the NEPA process in accordance with TEA–21 Section 1309, ''Environmental Streamlining,'' by eliminating unnecessary delays in starting up the conceptual engineering and environmental reviews, the public involvement process, and the interagency coordination process for New Starts projects.

4. Other New Starts Activities Requiring LONP

Except as discussed in paragraphs 1–3 above, a grant applicant must obtain a written LONP from FTA before incurring costs for any activity expected to be funded by New Start funds not yet granted. To obtain an LONP, an applicant must submit a written request accompanied by adequate information and justification to the appropriate FTA regional office, as described in section XVII below.

XVII. Letter of no Prejudice (LONP) Policy

A. Policy

LONP authority allows an applicant to incur costs on a project utilizing non-Federal resources with the understanding that the costs incurred subsequent to the issuance of the LONP may be reimbursable as eligible expenses or eligible for credit toward the local match should FTA approve the project at a later date. LONPs are applicable to projects and project activities not covered by automatic pre-award authority. The majority of LONPs will be for Section 5309 New Starts funds not covered under a full funding grant agreement or for Section 5309 Bus and Bus-Related funds not yet appropriated by Congress. At the end of an authorization period, there may be LONPs for formula funds beyond the life of the current authorization.

Under most circumstances the LONP will cover the total project. Under certain circumstances the LONP may be issued for local match only, for example, to permit real estate purchased as it becomes available to be used for match for the project at a later date.

B. Conditions

The following conditions apply to all LONPs.

(1) LONP pre-award authority is not a legal or moral commitment that the project(s) will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or moral commitment that all items undertaken by the applicant will be eligible for inclusion in the project(s).

(2) All FTA, DOT, and other Federal statutory, regulatory, procedural, and contractual requirements must be met.

(3) No action will be taken by the grantee that prejudices the legal and administrative findings that the Federal Transit Administrator must make in order to approve a project.

(4) Local funds expended by the grantee pursuant to and after the date of the LONP will be eligible for credit toward local match or reimbursement if FTA later makes a grant for the project(s) or project amendment(s).

(5) The Federal amount of any future FTA assistance to the grantee for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the Federal/local match ratio at the time the funds are obligated.

(6) For funds to which this pre-award authority applies, the authority expires with the lapsing of the fiscal year funds.

C. Environmental, Planning, and Other Federal Requirements

As with automatic pre-award authority, FTA emphasizes that all of the Federal grant requirements must be met for the project to remain eligible for Federal funding. Compliance with NEPA and other environmental laws or executive orders (*e.g.*, protection of parklands, wetlands, historic properties) must be completed before State or local funds are spent on implementation activities such as final design, construction, or acquisition for a project expected to be subsequently funded with FTA funds. Depending on which class the project is included under in FTA's environmental regulations, 23 CFR part 771, the grantee may not advance the project beyond planning and preliminary engineering before FTA has approved a CE determination, 23 CFR Section 771.117(d), a finding of no significant impact (FONSI), or an environmental ROD. Because project

implementation activities may not be initiated prior to NEPA completion, FTA will normally not issue an LONP for such activities until the NEPA process has been completed with a ROD, FONSI, or CE determination. The conformity requirements of the Clean Air Act, 40 CFR part 93, also must be fully met before the project may be advanced with non-Federal funds.

Similarly, the requirement that a capital project be included in a locally adopted metropolitan transportation improvement program and federally approved statewide transportation improvement program must be followed before the project may be advanced with non-Federal funds. For planning projects, the project must be included in a locally approved Planning Work Program that has been coordinated with the State. In addition, Federal procurement procedures, as well as the whole range of Federal requirements, must be followed for projects in which Federal funding will be sought in the future. Failure to follow any such requirements could make the project ineligible for Federal funding. In short, this pre-award authority requires a grantee to make certain that no Federal requirements are circumvented. If a grantee has questions or concerns regarding the environmental requirements, or any other Federal requirements that must be met before incurring costs, it should contact the appropriate FTA regional office.

D. Request for LONP

Before an applicant may incur costs for a project not covered by automatic pre-award authority, it must first submit a written request for an LONP to the appropriate regional office and obtain written approval.

XVIII. FTA Web Site on the Internet

FTA provides extended customer service by making available transit information on the FTA Web site, including this apportionment notice. Also posted on the Web site are FTA program Circulars: C9030.1C, Urbanized Area Formula Program: Grant Application Instructions, dated October 1, 1998; C9040.1E, Nonurbanized Area Formula Program Guidance and Grant Application Instructions, dated October 1, 1998; C9070.1E, The Elderly and Persons with Disabilities Program Guidance and Application Instructions, dated October 1, 1998; C9300.1A, Capital Program: Grant Application Instructions, dated October 1, 1998; 4220.1D, Third Party Contracting Requirements, dated April 15, 1996; C5010.1C, Grant Management Guidelines, dated October 1, 1998; C8100.1B, Program Guidance and Application Instructions for Metropolitan Planning Program Grants, dated October 25, 1996; C8200.1, Program Guidance and Application Instructions for State Planning and Research Program Grants, dated December 27, 2001; and C5200.1A, Full Funding Grant Agreement Guidance, dated December 5, 2002. The FY 2003 Annual List of Certifications and Assurances is also posted on the FTA Web site. Other documents on the FTA Web site of particular interest to public transit providers and users include the annual Statistical Summaries of FTA Grant Assistance Programs, and the National Transit Database Profiles.

FTA circulars are listed at [*http://www.fta.dot.gov/library/admin/checklist/circulars.htm*]. Other guidance of interest to Grantees can be found at: [*http://www.fta.dot.gov/grantees/index.html*]. Grantees should check the FTA Web site frequently to keep up to date on new postings.

XIX. FTA Fiscal Year 2003 Annual List of Certifications and Assurances

On October 23, 2002, FTA published in the **Federal Register** the list and accompanying text of all Certifications and Assurances required of recipients of FTA assistance in Fiscal Year 2003. *See,* 67 FR 65171 *et seq.* The full text of the Fiscal Year 2003 Certifications and Assurances is also accessible both on FTA's Internet Web site at [*http://www.fta.dot.gov/library/legal/ca.htm*] and FTA's TEAM Web site for recipients, TEAM-Web at [*http://ftateamweb.fta.dot.gov/static/2003–CERTS-TEAM.doc*]. In compliance with 49 U.S.C. 5323(n), which requires a simultaneous publication of a list of the Certifications and Assurances and FTA's annual notice of Apportionments, recipients are directed to the October 23, 2002 notice at 67 FR 65171 *et seq.* for the list and text of FTA's Certifications and Assurances and to FTA's Web sites displaying those Certifications and Assurances. Any questions regarding this document may be addressed to the appropriate Regional Office.

As in previous years, the grant applicant should certify electronically. Under certain circumstances the applicant may enter its Personal Identification Number (PIN) in lieu of an electronic signature provided by its attorney, provided the applicant has on file the current affirmation of its attorney in writing dated this Federal fiscal year. The applicant is advised to contact the appropriate FTA Regional Office for electronic procedure information.

XX. Grant Application Procedures

All applications for FTA funds should be submitted to the appropriate FTA Regional Office. FTA utilizes TEAM-Web, an Internet accessible electronic grant application system, and all applications should be filed electronically. FTA has provided exceptions to the requirement for electronic filing of applications for certain new, non-traditional grantees in the Job Access and Reverse Commute and Over-the-Road Bus Accessibility programs as well as to a few grantees that have not successfully connected to or accessed TEAM-Web.

FTA is committed to processing grants within 60 days of receipt of a completed application by the appropriate Regional Office. In order for an application to be considered complete, it must meet the following requirements: All projects must be contained in an approved STIP (when required), all environmental findings must be made by FTA, there must be an adequate project description, local share must be secure, any flexible funds included in the budget must be secured, all required civil rights submissions must be current and certifications and assurances must be properly submitted. Once an application is complete, the FTA Regional Office will assign a project number and, when required, submit the application to the Department of Labor for a certification under section 5333(b). The FTA circulars contain more information regarding application contents and complete applications. State applicants for section 5311 are reminded that they must certify to DOL that all subrecipients have agreed to the standard labor protection warranty for section 5311 and provide DOL with other related information for each grant.

This notice and all program guidance circulars may be accessed via the FTA Web site. Copies of circulars are available from FTA Regional Offices as well.

Issued on: March 5, 2003.

Jennifer L. Dorn.

Administrator.

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FEDERAL TRANSIT ADMINISTRATION

TABLE 1

(Appropriation amounts include a .65 percent reduction directed by section 601 of Title VI of the Consolidated Appropriations Resolution, 2003, Pub. L. 108-7)

FY 2003 APPROPRIATIONS FOR GRANT PROGRAMS

SOURCE OF FUNDS	APPROPRIATION	
TRANSIT PLANNING AND RESEARCH PROGRAMS		
Section 5303 Metropolitan Planning Program	$59,993,094	
Reapportioned Funds Added	450,340	
Total Apportioned	$60,443,434	
Section 5313(b) State Planning and Research Program	$12,532,406	
Reapportioned Funds Added	110,889	
Total Apportioned	$12,643,295	
Section 5311(b)(2) Rural Transit Assistance Program (RTAP)	$5,215,875	
Reapportioned Funds Added	1,000	
Total Apportioned	$5,216,875	
Section 5314 National Planning and Research Program	$31,295,250	
FORMULA PROGRAMS	$3,764,371,500	a/
Alaska Railroad (Section 5307)	4,818,425	
Less Oversight (one-half percent)	(24,092)	
Total Available	4,794,333	
Section 5308 Clean Fuels Formula Program	0	a/
Over-the-Road Bus Accessibility Program	6,904,825	
Section 5307 Urbanized Area Formula Program		
91.23% of Total Available for Sections 5307, 5311, and 5310	$3,423,540,998	
Less Oversight (one-half percent)	(17,117,705)	
Reapportioned Funds Added	5,479,136	
Total Apportioned	$3,411,902,429	
Section 5311 Nonurbanized Area Formula Program		
6.37% of Total Available for Sections 5307, 5311, and 5310	$239,043,694	
Less Oversight (one-half percent)	(1,195,218)	
Reapportioned Funds Added	1,106,083	
Total Apportioned	$238,954,559	
Section 5310 Elderly and Persons with Disabilities Formula Program		
2.4% of Total Available for Sections 5307, 5311, and 5310	$90,063,558	
Reapportioned Funds Added	102,835	
Total Apportioned	$90,166,393	
CAPITAL INVESTMENT PROGRAM	$3,111,664,148	
Section 5309 Fixed Guideway Modernization	$1,206,506,400	
Less Oversight (one percent)	(12,065,064)	
Reapportioned Funds Added	84,033	
Total Apportioned	$1,194,525,369	
Section 5309 New Starts	$1,252,229,548	b/
Less Oversight (one percent)	(12,522,295)	
Total Allocated	$1,239,707,253	
Section 5309 Bus	$652,928,200	c/
Less Oversight (one percent)	(6,529,282)	
Reallocated Funds Added	4,567,156	d/
Total Allocated	$650,966,074	
JOB ACCESS AND REVERSE COMMUTE PROGRAM (Section 3037, TEA-21)	$104,317,500	
TOTAL APPROPRIATION (Above Grant Programs)	**$7,089,389,773**	

a/ The FY 2003 DOT Appropriations Act transfers funds appropriated for the Cleans Fuels Formula Program to the Section 5309 Bus category.

b/ Includes funds transferred from the Job Access and Reverse Commute Program in the FY 2003 DOT Appropriations Act (Pub. L. 108-7), including $1,015,648 in unobligated balances remaining from Pub. L. 105-277.

c/ Includes funds transferred from the Cleans Fuels Formula Program.

d/ FY 2003 Conference Report reallocation of Bus funds with funds made available from projects included in previous Appropriations Acts.

FEDERAL TRANSIT ADMINISTRATION

TABLE 2

FY 2003 SECTION 5303 METROPOLITAN PLANNING PROGRAM AND SECTION 5313(b) STATE PLANNING AND RESEARCH PROGRAM APPORTIONMENTS

STATE	SECTION 5303 APPORTIONMENT	SECTION 5313(b) APPORTIONMENT
Alabama	$457,533	$119,631
Alaska	241,774	63,216
Arizona	1,208,807	240,848
Arkansas	241,774	63,216
California	9,508,814	1,850,030
Colorado	905,848	198,006
Connecticut	671,412	175,544
Delaware	241,774	63,216
District of Columbia	241,774	63,216
Florida	3,950,008	830,122
Georgia	1,557,952	308,759
Hawaii	241,774	63,216
Idaho	241,774	63,216
Illinois	3,351,984	600,091
Indiana	910,620	210,206
Iowa	262,750	68,701
Kansas	307,218	74,435
Kentucky	383,434	96,555
Louisiana	599,031	156,262
Maine	241,774	63,216
Maryland	1,354,869	264,840
Massachusetts	1,780,132	347,276
Michigan	1,988,503	405,418
Minnesota	848,611	167,117
Mississippi	241,774	63,216
Missouri	895,077	190,467
Montana	241,774	63,216
Nebraska	241,774	63,216
Nevada	442,517	103,306
New Hampshire	241,774	63,216
New Jersey	2,803,964	477,843
New Mexico	241,774	63,216
New York	5,344,441	955,503
North Carolina	886,418	231,771
North Dakota	241,774	63,216
Ohio	1,923,518	450,573
Oklahoma	349,686	91,432
Oregon	537,922	121,783
Pennsylvania	2,483,277	506,019
Puerto Rico	1,002,961	214,258
Rhode Island	249,820	63,216
South Carolina	441,650	115,478
South Dakota	241,774	63,216
Tennessee	698,769	182,707
Texas	4,437,000	911,825
Utah	412,013	107,729
Vermont	241,774	63,216
Virginia	1,371,687	290,467
Washington	1,288,470	265,231
West Virginia	241,774	63,216
Wisconsin	716,560	175,174
Wyoming	241,774	63,216
TOTAL	**$60,443,434**	**$12,643,295**

FEDERAL HIGHWAY ADMINISTRATION

TABLE 3

FY 2003 ESTIMATED METROPOLITAN PLANNING PROGRAM (PL) APPORTIONMENTS a/

STATE	PL APPORTIONMENT
Alabama	$1,922,359
Alaska	996,646
Arizona	3,870,215
Arkansas	996,646
California	29,728,163
Colorado	3,181,777
Connecticut	2,820,838
Delaware	996,646
District of Columbia	996,646
Florida	13,339,312
Georgia	4,961,470
Hawaii	996,646
Idaho	996,646
Illinois	9,642,924
Indiana	3,377,812
Iowa	1,103,965
Kansas	1,196,104
Kentucky	1,551,547
Louisiana	2,510,993
Maine	996,646
Maryland	4,206,742
Massachusetts	5,580,413
Michigan	6,514,700
Minnesota	2,685,419
Mississippi	996,646
Missouri	3,060,634
Montana	996,646
Nebraska	996,646
Nevada	1,660,032
New Hampshire	996,646
New Jersey	7,678,504
New Mexico	996,646
New York	15,354,073
North Carolina	3,724,353
North Dakota	996,646
Ohio	7,240,302
Oklahoma	1,469,232
Oregon	1,956,936
Pennsylvania	8,131,258
Rhode Island	996,646
South Carolina	1,855,626
South Dakota	996,646
Tennessee	2,935,935
Texas	14,652,197
Utah	1,731,106
Vermont	996,646
Virginia	4,667,537
Washington	4,262,014
West Virginia	996,646
Wisconsin	2,814,894
Wyoming	996,646
TOTAL	**$199,329,014**

a/ Apportionments are estimated and do not reflect the .65 percent across-the-board reduction directed by section 601 of Title VI of the Consolidated Appropriations Resolution, 2003 (Pub. L 108-7).

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	ONE PERCENT TRANSIT ENHANCEMENT a/	APPORTIONMENT
OVER 1,000,000 IN POPULATION	$25,109,193	$2,510,919,137
200,000-1,000,000 IN POPULATION	5,765,259	576,526,375
50,000-200,000 IN POPULATION	———	324,456,917
NATIONAL TOTAL	$30,874,452	$3,411,902,429
Amounts Apportioned to Urbanized Areas 1,000,000 and Over in Population:		
Atlanta, GA	$489,603	$48,960,270
Baltimore, MD	366,112	36,611,216
Boston, MA--NH--RI	981,090	98,109,022
Chicago, IL--IN	2,076,310	207,630,956
Cincinnati, OH--KY--IN	167,089	16,708,852
Cleveland, OH	258,490	25,849,035
Columbus, OH	107,543	10,754,281
Dallas--Fort Worth--Arlington, TX	514,186	51,418,630
Denver--Aurora, CO	320,799	32,079,858
Detroit, MI	354,259	35,425,897
Houston, TX	576,988	57,698,822
Indianapolis, IN	94,536	9,453,640
Kansas City, MO--KS	117,739	11,773,912
Las Vegas, NV	193,272	19,327,170
Los Angeles--Long Beach--Santa Ana, CA	2,275,160	227,515,950
Miami, FL	757,755	75,775,535
Milwaukee, WI	201,449	20,144,875
Minneapolis--St. Paul, MN	380,347	38,034,686
New Orleans, LA	160,923	16,092,325
New York--Newark, NY--NJ--CT	6,793,093	679,309,328
Orlando, FL	153,078	15,307,824
Philadelphia, PA--NJ--DE--MD	1,196,334	119,633,394
Phoenix--Mesa, AZ	327,077	32,707,726
Pittsburgh, PA	333,840	33,383,996
Portland, OR--WA	295,063	29,506,256
Providence, RI--MA	177,051	17,705,061
Riverside--San Bernardino, CA	214,254	21,425,410
Sacramento, CA	161,300	16,129,975
San Antonio, TX	198,604	19,860,430
San Diego, CA	473,858	47,385,802
San Francisco--Oakland, CA	1,176,129	117,612,853
San Jose, CA	387,072	38,707,243
San Juan, PR	313,263	31,326,272
Seattle, WA	756,251	75,625,055
St. Louis, MO--IL	252,178	25,217,798
Tampa--St. Petersburg, FL	173,512	17,351,200
Virginia Beach, VA	156,976	15,697,607
Washington, DC--VA--MD	1,176,610	117,660,975
TOTAL	**$25,109,193**	**$2,510,919,137**

a/ The amount listed for transit enhancement is included in the apportionment amount for the urbanized area.

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	ONE PERCENT TRANSIT ENHANCEMENT a/	APPORTIONMENT
Amounts Apportioned to Urbanized Areas 200,000 to 1,000,000 in population		
Aguadilla--Isabela--San Sebastian, PR	$12,238	$1,223,816
Akron, OH	66,038	6,603,798
Albany, NY	69,826	6,982,571
Albuquerque, NM	71,031	7,103,124
Allentown--Bethlehem, PA--NJ	57,657	5,765,727
Anchorage, AK	32,966	3,296,561
Ann Arbor, MI	42,395	4,239,452
Antioch, CA	39,826	3,982,561
Asheville, NC	13,172	1,317,218
Atlantic City, NJ	10,955	1,095,541
Augusta-Richmond County, GA--SC	18,736	1,873,555
Austin, TX	156,891	15,689,142
Bakersfield, CA	51,703	5,170,321
Barnstable Town, MA	20,300	2,030,034
Baton Rouge, LA	45,313	4,531,331
Birmingham, AL	44,744	4,474,410
Boise City, ID	21,665	2,166,521
Bonita Springs--Naples, FL	9,627	962,701
Bridgeport--Stamford, CT--NY	179,881	17,988,095
Buffalo, NY	116,579	11,657,912
Canton, OH	36,038	3,603,832
Cape Coral, FL	33,465	3,346,520
Charleston--North Charleston, SC	37,795	3,779,543
Charlotte, NC--SC	102,217	10,221,747
Chattanooga, TN--GA	26,115	2,611,546
Colorado Springs, CO	46,856	4,685,625
Columbia, SC	31,545	3,154,458
Columbus, GA--AL	17,823	1,782,326
Concord, CA	180,231	18,023,087
Corpus Christi, TX	43,307	4,330,726
Davenport, IA--IL	32,103	3,210,322
Dayton, OH	132,481	13,248,093
Daytona Beach--Port Orange, FL	37,063	3,706,257
Denton--Lewisville, TX	18,590	1,858,983
Des Moines, IA	45,912	4,591,206
Durham, NC	50,027	5,002,726
El Paso, TX--NM	94,778	9,477,839
Eugene, OR	41,390	4,139,009
Evansville, IN--KY	18,771	1,877,080
Fayetteville, NC	20,075	2,007,540
Flint, MI	56,780	5,678,001
Fort Collins, CO	18,154	1,815,444
Fort Wayne, IN	23,016	2,301,619
Fresno, CA	71,602	7,160,179
Grand Rapids, MI	63,306	6,330,568
Greensboro, NC	24,010	2,400,966
Greenville, SC	16,873	1,687,287
Gulfport--Biloxi, MS	18,082	1,808,223

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	ONE PERCENT TRANSIT ENHANCEMENT a/	APPORTIONMENT
Harrisburg, PA	42,962	4,296,173
Hartford, CT	126,057	12,605,687
Honolulu, HI	260,416	26,041,624
Huntsville, AL	14,914	1,491,411
Indio--Cathedral City--Palm Springs, CA	32,964	3,296,374
Jackson, MS	20,892	2,089,168
Jacksonville, FL	131,781	13,178,120
Knoxville, TN	33,423	3,342,283
Lancaster, PA	30,035	3,003,465
Lancaster--Palmdale, CA	28,415	2,841,495
Lansing, MI	42,724	4,272,392
Lexington-Fayette, KY	30,433	3,043,285
Lincoln, NE	23,556	2,355,647
Little Rock, AR	35,247	3,524,708
Louisville, KY--IN	109,753	10,975,324
Lubbock, TX	25,962	2,596,178
Madison, WI	59,610	5,960,979
McAllen, TX	26,169	2,616,872
Memphis, TN--MS--AR	113,464	11,346,423
Mission Viejo, CA	38,131	3,813,148
Mobile, AL	24,146	2,414,643
Modesto, CA	33,728	3,372,827
Nashville-Davidson, TN	64,901	6,490,136
New Haven, CT	132,776	13,277,628
Ogden--Layton, UT	43,077	4,307,688
Oklahoma City, OK	64,432	6,443,193
Omaha, NE--IA	59,291	5,929,093
Oxnard, CA	71,455	7,145,501
Palm Bay--Melbourne, FL	41,967	4,196,688
Pensacola, FL--AL	24,533	2,453,271
Peoria, IL	23,235	2,323,461
Port St. Lucie, FL	17,115	1,711,520
Poughkeepsie--Newburgh, NY	25,576	2,557,610
Provo--Orem, UT	37,332	3,733,239
Raleigh, NC	45,629	4,562,938
Reading, PA	23,664	2,366,401
Reno, NV	43,943	4,394,271
Richmond, VA	82,622	8,262,177
Rochester, NY	75,632	7,563,196
Rockford, IL	22,162	2,216,202
Round Lake Beach--McHenry--Grayslake, IL--WI	10,553	1,055,341
Salem, OR	27,776	2,777,563
Salt Lake City, UT	176,367	17,636,658
Santa Rosa, CA	30,566	3,056,584
Sarasota--Bradenton, FL	54,547	5,454,747
Savannah, GA	27,165	2,716,517
Scranton, PA	35,264	3,526,404
Shreveport, LA	27,409	2,740,867
South Bend, IN--MI	35,307	3,530,741
Spokane, WA--ID	60,439	6,043,943
Springfield, MA--CT	76,734	7,673,398
Springfield, MO	17,539	1,753,941

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	ONE PERCENT TRANSIT ENHANCEMENT a/	APPORTIONMENT
Stockton, CA	70,603	7,060,294
Syracuse, NY	46,394	4,639,377
Tallahassee, FL	20,954	2,095,355
Temecula--Murrieta, CA	12,476	1,247,633
Thousand Oaks, CA	14,011	1,401,069
Toledo, OH--MI	53,598	5,359,786
Trenton, NJ	45,018	4,501,811
Tucson, AZ	94,339	9,433,880
Tulsa, OK	57,547	5,754,717
Victorville--Hesperia--Apple Valley, CA	20,638	2,063,821
Wichita, KS	41,545	4,154,517
Winston-Salem, NC	23,217	2,321,739
Worcester, MA--CT	53,537	5,353,680
Youngstown, OH--PA	27,644	2,764,410
TOTAL	**$5,765,259**	**$576,526,375**

a/ The amount listed for transit enhancement is included in the apportionment amount for the urbanized area.

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Amounts Apportioned to State Governors for Urbanized Areas 50,000 to 200,000 in Population	
ALABAMA	$6,539,449
Anniston, AL	599,897
Auburn, AL	561,141
Decatur, AL	536,835
Dothan, AL	507,943
Florence, AL	641,667
Gadsden, AL	498,591
Montgomery, AL	2,092,461
Tuscaloosa, AL	1,100,914
ALASKA	$443,225
Fairbanks, AK	443,225
ARIZONA	$3,076,381
Avondale, AZ	777,482
Flagstaff, AZ	570,602
Prescott, AZ	592,448
Yuma, AZ--CA	1,135,849
ARKANSAS	$4,414,405
Fayetteville--Springdale, AR	1,647,460
Fort Smith, AR--OK	1,091,795
Hot Springs, AR	433,188
Jonesboro, AR	454,956
Pine Bluff, AR	569,326
Texarkana, TX--Texarkana, AR	217,680
CALIFORNIA	$45,210,680
Atascadero--El Paso de Robles (Paso Robles), CA	550,767
Camarillo, CA	825,711
Chico, CA	1,080,653
Davis, CA	1,200,666
El Centro, CA	733,338
Fairfield, CA	1,899,150
Gilroy--Morgan Hill, CA	947,752
Hanford, CA	876,706
Hemet, CA	1,496,905
Livermore, CA	1,119,993
Lodi, CA	1,237,087
Lompoc, CA	433,982
Madera, CA	704,674
Manteca, CA	783,472
Merced, CA	1,489,905
Napa, CA	1,145,428
Petaluma, CA	836,215
Porterville, CA	778,294
Redding, CA	978,065
Salinas, CA	2,852,752
San Luis Obispo, CA	797,320
Santa Barbara, CA	2,756,468
Santa Clarita, CA	2,328,831
Santa Cruz, CA	2,035,964
Santa Maria, CA	1,721,755
Seaside--Monterey--Marina, CA	1,697,779
Simi Valley, CA	1,835,790
Tracy, CA	1,038,436
Turlock, CA	1,057,658

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Vacaville, CA	1,334,981
Vallejo, CA	2,822,253
Visalia, CA	1,598,471
Watsonville, CA	968,532
Yuba City, CA	1,236,271
Yuma, AZ--CA	8,656
COLORADO	$6,761,484
Boulder, CO	1,616,810
Grand Junction, CO	896,850
Greeley, CO	1,194,066
Lafayette--Louisville, CO	631,674
Longmont, CO	1,012,090
Pueblo, CO	1,409,994
CONNECTICUT	$11,312,997
Danbury, CT--NY	4,531,125
Norwich--New London, CT	1,570,776
Waterbury, CT	5,211,096
DELAWARE	$624,276
Dover, DE	605,722
Salisbury, MD--DE	18,554
FLORIDA	$17,809,806
Brooksville, FL	876,625
Deltona, FL	1,435,100
Fort Walton Beach, FL	1,456,414
Gainesville, FL	1,722,651
Kissimmee, FL	1,878,881
Lady Lake, FL	407,391
Lakeland, FL	1,940,224
Leesburg--Eustis, FL	875,630
North Port--Punta Gorda, FL	1,098,501
Ocala, FL	907,434
Panama City, FL	1,164,343
St. Augustine, FL	505,206
Titusville, FL	518,231
Vero Beach--Sebastian, FL	1,122,289
Winter Haven, FL	1,425,254
Zephyrhills, FL	475,632
GEORGIA	$7,105,390
Albany, GA	876,478
Athens-Clarke County, GA	946,445
Brunswick, GA	440,347
Dalton, GA	470,053
Gainesville, GA	704,284
Hinesville, GA	516,507
Macon, GA	1,323,632
Rome, GA	531,826
Valdosta, GA	540,199
Warner Robins, GA	755,619

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
HAWAII	$1,755,553
Kailua (Honolulu County)--Kaneohe, HI	1,755,553
IDAHO	$3,534,269
Coeur d'Alene, ID	751,505
Idaho Falls, ID	741,582
Lewiston, ID--WA	319,259
Nampa, ID	1,042,153
Pocatello, ID	679,770
ILLINOIS	$8,718,240
Alton, IL	823,360
Beloit, WI--IL	127,844
Bloomington--Normal, IL	1,501,653
Champaign, IL	1,654,265
Danville, IL	527,104
Decatur, IL	1,006,905
DeKalb, IL	759,801
Dubuque, IA--IL	25,889
Kankakee, IL	754,357
Springfield, IL	1,537,062
INDIANA	$8,315,635
Anderson, IN	912,412
Bloomington, IN	1,020,810
Columbus, IN	526,861
Elkhart, IN--MI	1,273,206
Kokomo, IN	644,094
Lafayette, IN	1,437,946
Michigan City, IN--MI	698,722
Muncie, IN	991,268
Terre Haute, IN	810,316
IOWA	$6,391,194
Ames, IA	702,887
Cedar Rapids, IA	1,907,775
Dubuque, IA--IL	696,106
Iowa City, IA	994,099
Sioux City, IA--NE--SD	922,455
Waterloo, IA	1,167,872
KANSAS	$2,702,311
Lawrence, KS	1,166,134
St. Joseph, MO--KS	9,496
Topeka, KS	1,526,681
KENTUCKY	$2,578,168
Bowling Green, KY	558,818
Clarksville, TN--KY	244,228
Huntington, WV--KY--OH	500,582
Owensboro, KY	676,412
Radcliff--Elizabethtown, KY	598,128
LOUISIANA	$7,101,884
Alexandria, LA	699,433
Houma, LA	1,219,119
Lafayette, LA	1,625,783
Lake Charles, LA	1,221,778
Mandeville--Covington, LA	561,606
Monroe, LA	1,045,747
Slidell, LA	728,418

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
MAINE	$3,046,980
Bangor, ME	553,188
Dover--Rochester, NH--ME	58,033
Lewiston, ME	598,530
Portland, ME	1,761,964
Portsmouth, NH--ME	75,265
MARYLAND	$5,976,992
Aberdeen--Havre de Grace--Bel Air, MD	1,724,536
Cumberland, MD-WV-PA	478,026
Frederick, MD	1,114,897
Hagerstown, MD--WV--PA	865,429
Salisbury, MD--DE	516,890
St. Charles, MD	720,034
Westminster, MD	557,180
MASSACHUSETTS	$3,340,128
Leominster--Fitchburg, MA	1,143,106
Nashua, NH--MA	225
New Bedford, MA	1,696,684
Pittsfield, MA	500,113
MICHIGAN	$10,949,957
Battle Creek, MI	747,224
Bay City, MI	760,832
Benton Harbor--St. Joseph, MI	552,410
Elkhart, IN--MI	16,675
Holland, MI	958,122
Jackson, MI	868,519
Kalamazoo, MI	1,873,468
Michigan City, IN--MI	4,454
Monroe, MI	536,980
Muskegon, MI	1,463,474
Port Huron, MI	818,928
Saginaw, MI	1,467,662
South Lyon--Howell--Brighton, MI	881,209
MINNESOTA	$3,580,428
Duluth, MN--WI	898,688
Fargo, ND--MN	447,854
Grand Forks, ND--MN	95,781
La Crosse, WI--MN	54,511
Rochester, MN	1,036,037
St. Cloud, MN	1,047,557
MISSISSIPPI	$1,103,270
Hattiesburg, MS	585,265
Pascagoula, MS	518,005
MISSOURI	$3,606,229
Columbia, MO	1,029,605
Jefferson City, MO	487,395
Joplin, MO	625,460
Lee's Summit, MO	651,882
St. Joseph, MO--KS	811,887
MONTANA	$2,568,755
Billings, MT	1,118,773
Great Falls, MT	726,945
Missoula, MT	723,037

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
N. MARIANA ISLANDS	$672,671
Saipan, MP	672,671
NEBRASKA	$180,046
Sioux City, IA--NE--SD	180,046
NEVADA	$631,699
Carson City, NV	631,699
NEW HAMPSHIRE	$4,335,418
Dover--Rochester, NH--ME	641,941
Manchester, NH	1,535,455
Nashua, NH--MA	1,801,282
Portsmouth, NH--ME	356,740
NEW JERSEY	$2,089,964
Hightstown, NJ	807,681
Vineland, NJ	812,834
Wildwood--North Wildwood--Cape May, NJ	469,449
NEW MEXICO	$2,270,944
Farmington, NM	459,565
Las Cruces, NM	1,005,310
Santa Fe, NM	806,069
NEW YORK	$6,235,119
Binghamton, NY--PA	1,691,224
Danbury, CT--NY	39,486
Elmira, NY	704,293
Glens Falls, NY	556,817
Ithaca, NY	541,620
Kingston, NY	510,582
Middletown, NY	503,322
Saratoga Springs, NY	461,480
Utica, NY	1,226,295
NORTH CAROLINA	$10,003,668
Burlington, NC	867,189
Concord, NC	999,480
Gastonia, NC	1,201,386
Goldsboro, NC	512,617
Greenville, NC	865,922
Hickory, NC	1,446,732
High Point, NC	1,206,820
Jacksonville, NC	887,448
Rocky Mount, NC	576,469
Wilmington, NC	1,439,605
NORTH DAKOTA	$3,040,683
Bismarck, ND	840,105
Fargo, ND--MN	1,487,856
Grand Forks, ND--MN	712,722
OHIO	$8,096,145
Huntington, WV--KY--OH	332,135
Lima, OH	709,619
Lorain--Elyria, OH	2,168,182
Mansfield, OH	757,822
Middletown, OH	995,249
Newark, OH	740,778
Parkersburg, WV--OH	234,719
Sandusky, OH	503,392

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Springfield, OH	965,239
Weirton, WV--Steubenville, OH--PA	399,944
Wheeling, WV--OH	289,066
OKLAHOMA	$2,001,768
Fort Smith, AR--OK	20,516
Lawton, OK	863,668
Norman, OK	1,117,584
OREGON	$2,621,024
Bend, OR	548,359
Corvallis, OR	621,142
Longview, WA--OR	14,637
Medford, OR	1,436,886
PENNSYLVANIA	$10,501,796
Altoona, PA	921,169
Binghamton, NY--PA	33,113
Cumberland, MD-WV-PA	122
Erie, PA	2,317,135
Hagerstown, MD--WV--PA	11,217
Hazleton, PA	522,217
Johnstown, PA	765,503
Lebanon, PA	700,740
Monessen, PA	533,571
Pottstown, PA	654,348
State College, PA	1,010,668
Uniontown--Connellsville, PA	515,112
Weirton, WV--Steubenville, OH--PA	2,424
Williamsport, PA	652,077
York, PA	1,862,380
PUERTO RICO	$10,257,850
Arecibo, PR	1,397,228
Fajardo, PR	798,384
Florida--Barceloneta--Bajadero, PR	621,647
Guayama, PR	811,908
Juana Diaz, PR	545,395
Mayaguez, PR	1,263,640
Ponce, PR	2,780,615
San German--Cabo Rojo--Sabana Grande, PR	977,788
Yauco, PR	1,061,245
RHODE ISLAND	0
SOUTH CAROLINA	$5,231,887
Anderson, SC	567,235
Florence, SC	551,552
Mauldin--Simpsonville, SC	703,135
Myrtle Beach, SC	1,054,320
Rock Hill, SC	586,238
Spartanburg, SC	1,180,488
Sumter, SC	588,919
SOUTH DAKOTA	$2,336,381
Rapid City, SD	745,818
Sioux City, IA--NE--SD	30,057
Sioux Falls, SD	1,560,506
TENNESSEE	$5,688,663
Bristol, TN--Bristol, VA	308,361
Clarksville, TN--KY	904,651

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Cleveland, TN	496,864
Jackson, TN	637,345
Johnson City, TN	853,348
Kingsport, TN--VA	745,479
Morristown, TN	463,060
Murfreesboro, TN	1,279,555
TEXAS	$30,163,668
Abilene, TX	1,210,505
Amarillo, TX	2,108,618
Beaumont, TX	1,375,931
Brownsville, TX	2,156,443
College Station--Bryan, TX	1,654,733
Galveston, TX	950,009
Harlingen, TX	1,141,670
Killeen, TX	2,064,823
Lake Jackson--Angleton, TX	814,676
Laredo, TX	2,860,345
Longview, TX	736,340
McKinney, TX	581,775
Midland, TX	1,106,550
Odessa, TX	1,212,787
Port Arthur, TX	1,372,310
San Angelo, TX	919,727
Sherman, TX	562,376
Temple, TX	716,066
Texarkana, TX--Texarkana, AR	407,207
Texas City, TX	935,969
The Woodlands, TX	986,379
Tyler, TX	1,017,274
Victoria, TX	525,357
Waco, TX	1,710,553
Wichita Falls, TX	1,035,245
UTAH	$1,451,904
Logan, UT	808,058
St. George, UT	643,846
VERMONT	$1,038,754
Burlington, VT	1,038,754
VIRGINIA	$7,042,747
Blacksburg, VA	635,738
Bristol, TN--Bristol, VA	181,438
Charlottesville, VA	904,463
Danville, VA	482,526
Fredericksburg, VA	901,172
Harrisonburg, VA	556,433
Kingsport, TN--VA	14,066
Lynchburg, VA	873,998
Roanoke, VA	1,977,390
Winchester, VA	515,523
WASHINGTON	$9,882,783
Bellingham, WA	981,547
Bremerton, WA	1,670,517
Kennewick--Richland, WA	1,562,034
Lewiston, ID--WA	186,536
Longview, WA--OR	668,741
Marysville, WA	1,082,372
Mount Vernon, WA	492,159
Olympia--Lacey, WA	1,364,544

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2003 SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Wenatchee, WA	601,810
Yakima, WA	1,272,523
WEST VIRGINIA	$4,925,632
Charleston, WV	1,760,378
Cumberland, MD-WV-PA	20,298
Hagerstown, MD--WV--PA	266,219
Huntington, WV--KY--OH	898,383
Morgantown, WV	542,701
Parkersburg, WV--OH	607,640
Weirton, WV--Steubenville, OH--PA	276,240
Wheeling, WV--OH	553,773
WISCONSIN	$13,812,728
Appleton, WI	2,280,697
Beloit, WI--IL	477,144
Duluth, MN--WI	292,639
Eau Claire, WI	873,388
Fond du Lac, WI	593,700
Green Bay, WI	2,133,216
Janesville, WI	746,590
Kenosha, WI	1,366,681
La Crosse, WI--MN	957,411
Oshkosh, WI	883,605
Racine, WI	1,662,133
Sheboygan, WI	850,713
Wausau, WI	694,811
WYOMING	$1,374,889
Casper, WY	646,459
Cheyenne, WY	728,430
TOTAL	**$324,456,917**

FEDERAL TRANSIT ADMINISTRATION

TABLE 5

FY 2003 SECTION 5311 NONURBANIZED AREA FORMULA APPORTIONMENTS, AND SECTION 5311(b)(2) RURAL TRANSIT ASSISTANCE PROGRAM (RTAP) ALLOCATIONS

STATE	SECTION 5311 APPORTIONMENT	SECTION 5311(b)(2) APPORTIONMENT
Alabama	$6,680,271	$117,051
Alaska	931,072	72,255
American Samoa	152,728	11,190
Arizona	3,258,889	90,392
Arkansas	4,832,217	102,651
California	10,268,763	145,012
Colorado	2,901,181	87,605
Connecticut	1,485,046	76,571
Delaware	673,302	70,246
Florida	6,697,284	117,184
Georgia	8,467,558	130,977
Guam	412,683	13,216
Hawaii	1,001,351	72,802
Idaho	1,839,806	79,335
Illinois	7,149,265	120,705
Indiana	7,116,563	120,451
Iowa	4,829,234	102,628
Kansas	3,946,984	95,754
Kentucky	6,597,942	116,410
Louisiana	5,154,006	105,159
Maine	2,561,781	84,961
Maryland	2,663,229	85,751
Massachusetts	1,903,314	79,830
Michigan	8,956,820	134,789
Minnesota	5,885,421	110,858
Mississippi	5,770,793	109,965
Missouri	6,676,739	117,024
Montana	1,780,772	78,875
N. Mariana Islands	20,063	10,156
Nebraska	2,415,643	83,822
Nevada	858,257	71,687
New Hampshire	1,823,313	79,207
New Jersey	1,760,932	78,721
New Mexico	2,550,401	84,872
New York	9,255,315	137,115
North Carolina	11,432,239	154,077
North Dakota	1,096,729	73,545
Ohio	10,774,859	148,955
Oklahoma	5,243,722	105,858
Oregon	3,852,851	95,020
Pennsylvania	10,850,052	149,541
Puerto Rico	884,838	71,894
Rhode Island	320,432	67,497
South Carolina	5,700,044	109,413
South Dakota	1,493,555	76,637
Tennessee	7,263,205	121,593
Texas	16,144,128	190,793
Utah	1,293,163	75,076
Vermont	1,342,142	75,458
Virgin Islands	289,541	12,256
Virginia	6,305,245	114,129
Washington	4,239,511	98,033
West Virginia	3,447,683	91,863
Wisconsin	6,721,029	117,369
Wyoming	980,653	72,641
TOTAL	**$238,954,559**	**$5,216,875**

FEDERAL TRANSIT ADMINISTRATION

TABLE 6

FY 2003 SECTION 5310 ELDERLY AND PERSONS WITH DISABILITIES APPORTIONMENTS

STATE	APPORTIONMENT
Alabama	$1,574,462
Alaska	239,634
American Samoa	60,030
Arizona	1,643,979
Arkansas	1,024,619
California	9,434,569
Colorado	1,154,002
Connecticut	1,122,819
Delaware	351,670
District of Columbia	307,973
Florida	6,030,405
Georgia	2,283,038
Guam	157,040
Hawaii	474,109
Idaho	453,848
Illinois	3,506,514
Indiana	1,861,380
Iowa	975,895
Kansas	878,255
Kentucky	1,454,080
Louisiana	1,447,830
Maine	530,716
Maryland	1,537,234
Massachusetts	2,030,290
Michigan	2,922,516
Minnesota	1,358,804
Mississippi	1,027,452
Missouri	1,779,151
Montana	382,979
N. Mariana Islands	60,934
Nebraska	593,773
Nevada	718,475
New Hampshire	455,921
New Jersey	2,573,478
New Mexico	652,129
New York	6,056,491
North Carolina	2,549,567
North Dakota	309,647
Ohio	3,412,005
Oklahoma	1,202,110
Oregon	1,116,722
Pennsylvania	4,021,684
Puerto Rico	1,392,309
Rhode Island	461,042
South Carolina	1,375,958
South Dakota	338,061
Tennessee	1,904,441
Texas	5,612,511
Utah	589,608
Vermont	293,443
Virgin Islands	150,622
Virginia	2,006,713
Washington	1,711,667
West Virginia	780,503
Wisconsin	1,565,992
Wyoming	255,294
TOTAL	**$90,166,393**

FEDERAL TRANSIT ADMINISTRATION

TABLE 7

FY 2003 SECTION 5309 FIXED GUIDEWAY MODERNIZATION APPORTIONMENTS

STATE	AREA	APPORTIONMENT
AK	Anchorage, AK - Alaska Railroad	$2,275,498
AZ	Phoenix--Mesa, AZ	2,576,161
CA	Concord, CA	7,275,393
CA	Los Angeles--Long Beach--Santa Ana, CA	36,772,162
CA	Oxnard, CA	1,798,686
CA	Riverside--San Bernardino, CA	1,798,387
CA	Sacramento, CA	3,410,682
CA	San Diego, CA	13,891,143
CA	San Francisco--Oakland, CA	66,559,438
CA	San Jose, CA	14,741,179
CO	Denver--Aurora, CO	2,934,066
CT	Hartford, CT	1,578,499
CT	Southwestern Connecticut	38,732,023
DC	Washington, DC--VA--MD	68,094,661
FL	Jacksonville, FL	115,642
FL	Miami, FL	18,917,758
FL	Tampa--St. Petersburg, FL	62,761
GA	Atlanta, GA	24,974,158
HI	Honolulu, HI	1,148,189
IL	Chicago, IL--IN	139,131,661
IN	South Bend, IN--MI	789,044
LA	New Orleans, LA	2,959,087
MA	Boston, MA-NH-RI	70,636,817
MA	Worcester, MA--CT	1,217,142
MD	Baltimore Commuter Rail	18,794,753
MD	Baltimore, MD	9,766,450
MI	Detroit, MI	653,975
MN	Minneapolis--St. Paul, MN	6,225,814
MO	Kansas City, MO--KS	34,064
MO	St. Louis, MO--IL	4,471,143
NJ	Northeastern New Jersey	85,825,177
NJ	Trenton, NJ	1,450,250
NY	Buffalo, NY	1,440,547
NY	New York	365,831,945
OH	Cleveland, OH	12,782,857
OH	Dayton, OH	4,274,288
OR	Portland, OR--WA	4,457,988
PA	Harrisburg, PA	807,653
PA	Philadelphia, PA-NJ, DE-MD	20,869,580
PA	Philadelphia/Southern New Jersey	74,247,234
PA	Pittsburgh, PA	20,485,940
PR	San Juan, PR	2,417,921
RI	Providence, RI--MA	2,831,632
TN	Chattanooga, TN--GA	88,498
TN	Memphis, TN--MS--AR	229,546
TX	Dallas--Fort Worth--Arlington, TX	961,125
TX	Houston, TX	7,455,635
VA	Virginia Beach, VA	1,351,575
WA	Seattle, WA	23,567,344
WI	Madison, WI	812,198
	TOTAL	**$1,194,525,369**

FEDERAL TRANSIT ADMINISTRATION

TABLE 8

FY 2003 SECTION 5309 NEW STARTS ALLOCATIONS

STATE	PROJECT LOCATION AND DESCRIPTION	ALLOCATION
AK/HI	Alaska or Hawaii Setaside	10,126,964
AL	Birmingham, Alabama, Transit Corridor Study	1,967,165
AR	Little Rock, Arkansas, River Rail Streetcar Project	1,672,090
AZ	Central Phoenix/East Valley, Arizona, Light Rail	11,802,989
CA	Altamont, California, Commuter Express Maintenance Facility San Joaquin Rail Commission	983,582
CA	Los Angeles, California, Eastside Corridor Light Rail Transit	3,934,330
CA	Los Angeles, California, North Hollywood Red Line	39,825,251
CA	Oceanside - Escondido, California, Rail Corridor	13,376,721
CA	Orange County, California, Centerline Light Rail Project	1,475,374
CA	San Diego, California, Trolley Mission Valley East Light Rail Extension	63,932,856
CA	San Francisco, California, Third Street Light Rail Extension (Phase II)	1,475,374
CA	San Francisco, California, BART Extension to San Francisco, California Airport	98,358,234
CA	San Jose, California, Silicon Valley Rapid Transit Corridor Project	245,896
CO	Denver, Colorado, Southeast Center LRT (T-REX)	68,850,768
CT	Bridgeport, Connecticut, Intermodal Transportation Center Project	2,458,956
CT	Metro North Rolling Stock, Connecticut	3,934,330
CT	Stamford, Connecticut, Urban Transitway	9,835,824
DC	Washington, District of Columbia, Dulles Corridor Rapid Transit Project	26,064,934
DC	Washington, District of Columbia/Maryland, Largo Extension	59,014,944
DE	Wilmington, Delaware, Train Station Improvements	1,967,165
FL	Fort Lauderdale, Florida, Tri-County Commuter Rail Upgrades	28,769,785
GA	Atlanta North Springs, Georgia, North Line Extension	15,845,512
IL	Metra Commuter Rail and Line Extension Projects (North Central, Union Pacific, Southwest)	51,146,285
IL	Chicago Transit Authority, Illinois, Douglas Branch Reconstruction	54,097,032
IL	Chicago Transit Authority, Illinois, Ravenswood Reconstruction Project	2,950,747
IN	Northern Indiana South Shore Commuter Rail Project	2,458,956
LA	New Orleans, Louisiana, Canal Street Streetcar Project	21,638,813
MA	Boston, Massachusetts, North Shore Corridor Project	332,451
MA	Boston, Massachusetts, South Boston Piers Transitway	669,820
MD	Baltimore, Maryland, Central LRT Double Tracking Project	17,704,483
MD	Maryland, MARC Commuter Rail Improvements	11,557,093
MN	Minneapolis, Minnesota, Northstar Corridor	4,917,912
MN	Minneapolis, Minnesota, Hiawatha Corridor Light Rail Transit	59,014,944
MO	St. Louis, Missouri, MetroLink, St. Clair Extension	3,314,673
NC	Charlotte, North Carolina, South Corridor Light Rail Transit Project	10,819,406
NC	Raleigh, North Carolina Triangle Transit Regional Rail Service	8,852,242
NH	Lowell, Massachusetts-Nashua, New Hampshire Commuter Rail Extension	2,950,747
NJ	Newark-Elizabeth, New Jersey, Rail Link	59,014,944
NJ	New Jersey Hudson - Bergen Light Rail MOS-1	18,884,782
NJ	New Jersey Hudson - Bergen Light Rail MOS-2	49,179,120
NV	Las Vegas, Nevada, Resort Corridor Fixed Guideway	6,885,077
NY	New York, Long Island Railroad Eastside Access Project	13,278,362
NY	New York, Second Avenue Subway	1,967,165
OH	Cleveland, Ohio, Euclid Corridor Transportation Project	5,901,494
OR	Portland, Oregon, Interstate MAX Light Rail Extension	68,850,768
OR	Wilsonville-Beaverton Commuter Rail Line, Oregon	2,458,956
PA	SEPTA, Pennsylvania, Schuylkill Valley Metro Line	8,852,242
PA	Pittsburgh, Pennsylvania, North Shore Connector	6,909,666
PA	Pittsburgh, Pennsylvania, Stage II Light Rail Transit Reconstruction	25,819,038

FEDERAL TRANSIT ADMINISTRATION

TABLE 8

FY 2003 SECTION 5309 NEW STARTS ALLOCATIONS

STATE	PROJECT LOCATION AND DESCRIPTION	ALLOCATION
PA	Scranton, Pennsylvania to New York City, New York, Passenger Rail Service	1,967,165
PR	San Juan, Puerto Rico, Tren Urbano	39,343,296
RI	Pawtucket, Rhode Island, Layover Facility	4,426,121
TN	Memphis, Tennessee, Medical Center Rail Extension	15,353,721
TN	Nashville, Tennessee, East Corridor Commuter Rail	3,934,330
TX	Dallas, Texas, North Central Light Rail Extension	59,014,944
TX	Houston, Texas, Advanced Metro Transit Project	10,819,406
UT	Ogden to Provo, Utah, Commuter Rail Corridor	4,917,912
UT	Salt Lake City, Utah, CBD to University Light Rail Transit	67,631,126
UT	Salt Lake City, Utah, Medical Center Light Rail Transit	11,802,989
UT	Salt Lake City, Utah, North/South Light Rail Transit	708,179
VA	Virginia Railway Express Project	1,967,165
VT	Burlington-Middlebury, Vermont, Commuter Rail	1,475,374
VT	Vermont Transportation Authority Rolling Stock	491,791
WA	Puget Sound, Washington, Sounder Commuter Rail	29,507,472
	TOTAL ALLOCATION	**$1,239,707,253**

FEDERAL TRANSIT ADMINISTRATION

TABLE 8A

PRIOR YEAR UNOBLIGATED SECTION 5309 NEW START ALLOCATIONS

STATE	PROJECT LOCATION AND DESCRIPTION	FY 2001 UNOBLIGATED ALLOCATIONS	FY 2002 UNOBLIGATED ALLOCATIONS	TOTAL UNOBLIGATED ALLOCATIONS	
AK/HI	Alaska/Hawaii Ferry Project	$5,420,459	$10,193,157	$15,613,616	a/
AK	Girdwood, Alaska Commuter Rail Project	10,004,450	0	10,004,450	
AK	Wasilla Alternative Route Project	0	2,475,033	2,475,033	
AL	Birmingham- Transit Corridor Project	4,953,216	1,980,026	6,933,242	
AZ	Phoenix-Central Phoenix/East Valley Corridor Project	0	9,900,131	9,900,131	
CA	Hollister/Gilroy Branch Line Rail Extension Project	990,644	0	990,644	
CA	Sacramento Light Rail Transit Project	0	324,724	324,724	
CA	Los Angeles-San Diego LOSSAN Corridor Project	2,971,930	0	2,971,930	
CA	San Diego- Mid-Coast Corridor Project	0	990,013	990,013	
CA	San Diego- Oceanside-Escondido Light Rail Project	9,906,431	6,435,085	16,341,516	
CA	Stockton-Altamont Commuter Rail Project	5,943,859	2,970,039	8,913,898	
CA	Yosemite Area Regional Transportation System Project	0	396,005	396,005	b/
CO	Roaring Fork Valley Project	990,644	0	990,644	
CT	Stamford-Fixed Guideway Connector Project	7,925,144	4,950,065	12,875,209	
DE	Wilmington-Downtown Transit Connector Project	4,953,216	0	4,953,216	c/
FL	South Miami-Dade Busway Extension Project	0	4,950,065	4,950,065	
HI	Honolulu bus Rapid Transit Project	0	11,880,175	11,880,175	
IA	Des Moines DSM Bus Feasibility Project	0	148,502	148,502	
IA	Iowa Metrolink Light Rail Feasibility Project	0	297,004	297,004	
IA	Sioux City Light Rail Project	0	1,683,022	1,683,022	
IN	Indianapolis-Northeast Downtown Corridor Project	2,753,009	2,475,033	5,228,042	
KS	Johnson County, Kansas - Kansas City, Missouri-I-35 Commuter Rail Project	0	1,485,020	1,485,020	
LA	New Orleans Canal Street Car Line Project	0	14,850,196	14,850,196	
LA	New Orleans Desire Corridor Streetcar Project	0	1,188,016	1,188,016	
MA	Boston-North Shore Corridor Project	3	0	3	
MA	Boston-South Boston Piers Transitway Project	4,000,002	10,525,072	14,525,074	
MA	Boston-Urban Ring Project	0	1	1	
MA/NH	Lowell, MA - Nashua, NH Commuter Rail Project	1,981,286	2,970,039	4,951,325	
MD	Baltimore Rail Transit Project	0	1,485,020	1,485,020	
MD	MARC Commuter Rail Improvements Project	4,953,215	11,880,157	16,833,372	
ME	Portland Marine Highway Project	1,981,286	0	1,981,286	
MN	Minneapolis Rice, Northstar Corridor Commuter Rail Project	0	9,900,131	9,900,131	
MN	Minneapolis-Twin Cities Transitways Projects	4,953,216	0	4,953,216	
MO	Kansas City Southtown Corridor Project	2,267,251	0	2,267,251	
NC	Charlotte-North-South Corridor Transitway Project	1,573,791	6,930,092	8,503,883	
NC	Raleigh-Durham-Chapel Hill-Triangle Transit Project	2,780,586	8,910,118	11,690,704	
NJ	West Trenton Rail Project	1,981,286	0	1,981,286	
NM	Greater Albuquerque Mass Transit Project	495,321	990,013	1,485,334	
NV	Clark County RTC Fixed Guideway Project	1,485,965	0	1,485,965	
OH	Canton-Akron-Cleveland Commuter Rail Project	1,981,286	0	1,981,286	
OH	Cleveland-Euclid Corridor Improvement Project	3,962,572	0	3,962,572	
OR	Washington County Wilsonville to Beaverton Commuter Rail Project	0	495,007	495,007	
PA	Philadelphia-Reading SEPTA Schuylkill Valley Metro Project	9,906,431	8,910,118	18,816,549	
PA	Philadelphia-SEPTA Cross County Metro Project	1,981,286	0	1,981,286	
PA	Pittsburgh-North Shore- Central Business District Corridor Project	4,953,216	7,920,105	12,873,321	
PR	San Juan Tren Urbano Project	0	39,600,523	39,600,523	
TN	Nashville East Corridor-Commuter Rail Project	5,883,198	3,960,052	9,843,250	
TX	Dallas Southeast Corridor Light Rail Project	997,800	0	997,800	
TX	Houston-Advanced Transit Program	0	1,600,000	1,600,000	d/
VA	Dulles Corridor Project	49,532,158	24,750,327	74,282,485	
VT	Burlington-Bennington (ABRB) Commuter Rail Project	1,981,286	0	1,981,286	
WA	Puget Sound RTA Sounder Commuter Rail Project	0	19,800,262	19,800,262	
WA	Seattle Central Link Light Rail Project	49,532,158	0	49,532,158	
WA	Spokane-South Valley Corridor Light Rail Project	2,122,572	0	2,122,572	
WI	Kenosha-Racine-Milwaukee Commuter Rail Project	3,962,572	1,980,026	5,942,598	
	TOTAL UNOBLIGATED ALLOCATION	**$222,062,745**	**$242,178,374**	**$464,241,119**	

FEDERAL TRANSIT ADMINISTRATION

TABLE 8A

PRIOR YEAR UNOBLIGATED SECTION 5309 NEW START ALLOCATIONS

STATE	PROJECT LOCATION AND DESCRIPTION	FY 2001 UNOBLIGATED ALLOCATIONS	FY 2002 UNOBLIGATED ALLOCATIONS	TOTAL UNOBLIGATED ALLOCATIONS
Fiscal Years 1999 and 2000 Allocations Extended in FY 2003 Conference Report 108-010				
AL	Birmingham, Alabama, Transit Corridor Project			$1,127,786
CO	Roaring Fork Valley, Colorado Project			981,079
MN	Twin Cities, Minnesota, Transitways Project			2,943,236
NM	Albuquerque, New Mexico, Light Rail Project			3,822,316
VA	Dulles, Virginia, Corridor Project			9,400,368
WI	Kenosha-Racine-Milwaukee, Wisconsin, Rail Extension Project			981,079
	Total Extended Allocations			**$19,255,864** e/

a/ SEC. 319. of the FY 2002 DOT Appropriations Act provides that funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding-49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

b/ Bus earmark listed in Conference Report 107-308 as a New Starts project

c/ SEC. 323. (a) of the FY 2002 DOT Appropriations Act stipulates that funds provided in Public Law 106-69 for the Wilmington, Delaware downtown transit connector and funds provided in Public Law 106-346 for the Wilmington downtown corridor project shall be available for Wilmington, Delaware commuter rail improvements.

d/ SEC. 332. of the FY 2003 DOT Appropriations Act prohibits funds for the design or construction of a light rail system in Houston, Texas.

e/ Period of availability for funds extended in FY 2003 DOT Appropriations Act is one additional year, and they will lapse September 30, 2003. Projects extended in the FY 2003 Conference Report whose funds were obligated as of September 30, 2002 are not listed.

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2003 SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	ALLOCATION
AL	Alabama A&M University bus & bus facilities	$491,839
AL	Alabama State Docks Intermodal Facility	7,869,429
AL	Alabama Statewide Replacement of Senior Center Vans	983,679
AL	Bevill State Community College Transit Project	295,104
AL	Cullman County Commission (CARTS)	147,552
AL	Hoover & Vestavia Hills Diesel Hybrid Electric Buses	983,679
AL	Hunstville Intermodal Center	2,951,036
AL	Jefferson County, Diesel Hybrid Electric Buses	737,759
AL	Maritime Center of the Gulf	3,934,715
AL	Troy State University Bus Shuttle Program	1,475,518
AL	Union Station/Molton Street Multimodal Facility, Montgomery	4,918,393
AL	University of North Alabama Transit Projects	1,967,357
AK	Anchorage Int'l Airport Intermodal Facility	1,967,357
AK	Anchorage ship creek intermodal facility (AK)	3,934,715
AK	Coffman-Cove Inner-island Ferry/Bus Terminal	1,967,357
AK	Fairbanks Intermodal Facility	245,920
AK	Fairbanks Rail/Bus Transfer	1,967,357
AK	Port MacKenzie Intermodal Facility	1,967,357
AK	Port of Anchorage Intermodal Facility	2,951,036
AK	Seward Buses & Bus Facility	196,736
AK	Skagway Municipal and Regional Transit	344,287
AK	Wasilla Intermodal Facility	885,311
AZ	City of Phoenix (RPTA) replacement buses	3,772,408
AZ	Coconino County Buses	983,679
AZ	RPTA Bus Facilities (Mesa, Scottsdale, Tempe, Phoenix)	4,131,450
AZ	Sun Tran Replacement Buses, including alternatively fueled	983,679
AZ	SunTran Bus Storage & Maintenance Facility	1,721,438
AZ	Tucson Intermodal Center (Union Pacific Depot)	3,934,715
AR	Fort Smith Bus	737,759
AR	State of Arkansas Bus & Bus Facilities	4,426,554
CA	Alameda Contra Costa Transit - Bus and Bus Facilities	1,032,862
CA	Anaheim Resort Transportation (ART) Project	491,839
CA	Antelope Valley Transit Authority - Operations and Maintenance Facility	491,839
CA	BART Fruitvale Transit Village, parking structure	245,920
CA	Chino, Transcenter, Omnitrans	324,614
CA	City of Salinas - Intermodal Transportation Center	1,229,598
CA	City of Sierra Madre Buses and Natural Gas Vehicle Fueling Station	295,104
CA	East County Bus Maintenance Facility	1,573,886
CA	El Garces Intermodal Station	1,524,702
CA	Fairfield/Suisun Transit Alternative Fueled Buses	491,839
CA	Folsom Railroad Block Project	983,679
CA	Foothill Transit - Bus Purchase	1,475,518
CA	Fresno Area Express (FAX) Bus Expansion	590,207
CA	Golden Empire Transit District	737,759
CA	Los Angeles (MTA) Bus and Bus Facilities	3,442,875
CA	Los Angeles to Pasadena Construction Authority Bus Program	2,951,036
CA	Modesto, Bus Maintenance Facility	1,672,254
CA	Monterey-Salinas Transit Bus Facility & Buses	2,360,829
CA	MUNI Bus & Facility Upgrade, San Francisco	4,918,393
CA	Municipal Transit Operators Coalition - Bus and Bus Facilities	1,721,438
CA	Omnitrans, City of Yucaipa - the Yucaipa Transit Advancement Project	934,495
CA	Palmdale intermodal facility	983,679

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2003 SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	ALLOCATION
CA	Redondo Beach, Bus Transfer Station	491,839
CA	Riverside Transit Agency (RTA) Transit Centers - Corona, Riverside	983,679
CA	Roseville Multitransit Center	1,475,518
CA	Sacramento Hydrogen Bus Technology (University of California at Davis)	590,207
CA	Sacramento Regional CNG Bus & Bus Facility	1,229,598
CA	San Diego Bus Rapid Transit	491,839
CA	San Fernando Valley East and Ventura Boulevard, Park and ride facilities	491,839
CA	San Mateo County Transit District (SamTrans) Zero-Emission Buses	1,362,395
CA	Santa Barbara Metropolitan Transit District (MTD) Hybrid Bus BRT Project	737,759
CA	Santa Clara Valley Transportation Authority Clean Fuel Bus Program	1,475,518
CA	Solano Transportation Authority - Fairfield/Vacaville Intermodal Station	491,839
CA	Sonoma County CNG Fueling Facility Upgrade	491,839
CA	South Pasadena Circulator Bus	147,552
CA	Sun Line Transit Hydrogen Refueling Station	1,229,598
CA	Yolobus and Unitrans CNG Buses	1,278,782
CA	Yosemite (YARTS)	393,471
CO	Colorado Transit Coalition - Statewide Bus and Bus Facilities	11,804,144
CT	Bridgeport High Speed Ferry Terminal Project	983,679
CT	Connecticut State-wide Buses	983,679
CT	Hartford Downtown Circulator	1,475,518
CT	Hartford-New Britain Busway Project	7,377,590
CT	Hollyhock Station/Intermodal Transportation Center, Norwich	2,606,748
CT	New Haven, Bus Maintenance Facility	983,679
CT	New Haven, Fuel Cell and Electric Bus Project	983,679
CT	West Haven Intermodal	983,679
DE	Delaware Transit Corporation	2,951,036
DC	Georgetown University Fuel Cell Transit Bus Program	4,770,841
DC	WMATA - Buses in D.C., Maryland, and Virginia	1,967,357
FL	Broward County Buses and Bus Facility	196,736
FL	Collier Area Transit, Transit Facility	737,759
FL	DeLand Intermodal Center (VOTRAN)	1,721,438
FL	East Central Florida Transit Coalition Bus and Facilities	5,902,072
FL	Ft. Lauderdale, Transit Shuttle Vehicles	1,475,518
FL	Gainesville, Multimodal Transportation Center	983,679
FL	Hillsborough Area Regional Transit (HART)	491,839
FL	Jacksonville Transit Authority (JTA) - Buses	1,229,598
FL	Key West Buses and Bus Facilities	983,679
FL	Lakeland, Citrus Connection	491,839
FL	Lee County, Bus Facility	737,759
FL	LYNX buses, bus facilities, and passenger amenities	737,759
FL	Miami Beach Intermodal Transit Center	1,475,518
FL	Miami-Dade Buses	2,951,036
FL	Pinellas County Bus Replacement	4,131,450
FL	SunTran Transit Maintenance Facility - City of Ocala	786,943
FL	Tallahassee (TALTRAN) buses	1,229,598
FL	Tallahassee (TALTRAN) Intermodal Center	491,839
FL	West Coast Florida Bus Coalition	7,869,429
FL	West Palm Beach, Trolley Buses	1,229,598
FL	Winter Haven Transit Terminal	491,839
GA	Atlanta, Multimodal Terminal	1,967,357
GA	Chatham Area Transit	2,655,932
GA	Georgia Regional Transportation Authority - Regional Express Bus and Facilities	4,363,598

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2003 SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	ALLOCATION
GA	Georgia Statewide Bus Replacement Program	1,475,518
GA	Gwinnett County Operations & Maintenance Facility	1,475,518
GA	Macon Intermodal Center	1,967,357
GA	MARTA buses, clean fuel buses and facilities	2,459,197
HI	BRT Systems, Appurtenances & Facilities	7,869,429
HI	Bus Transit Centers - Waianae, Mililani, Wahiawa	737,759
HI	Hawaii Statewide Bus and Bus Facilities	4,918,393
HI	Maui County Buses	1,082,046
ID	Idaho Transit Coalition Bus and Bus Facilities	2,459,197
IL	Illinois Statewide Buses and Facilities	12,000,880
IL	Normal Multi-modal Facility	737,759
IN	Cherry Street Multimodal Facility	491,839
IN	Fort Wayne Public Transportation Corporation (Fort Wayne Citilink)	590,207
IN	Indiana Transit Consortium - Bloomington Public Transportation	491,839
IN	Indianapolis Downtown Transit Facility	4,426,554
IN	Wabash Landing Transit Bus and Bus Facility	245,920
IA	Cedar Falls Multimodal Facility	1,082,046
IA	Des Moines MTA Bus Purchase	786,943
IA	Iowa City Intermodal Transit Facility	5,902,072
IA	State of Iowa, Buses, Facilities, Equipment	6,393,911
KS	City of Wichita, Mini-Transfer Station	393,471
KS	Johnson County Transit Programs	491,839
KS	Kansas City Area Transportation Authority (KCATA)	245,920
KS	Kansas, Buses and Bus Facilities	2,951,036
KS	Lawrence Transit System Transfer Center	491,839
KS	Topeka Transit Buses	1,475,518
KS	Unified Government Transit Bus Replacement - Wyandotte County/Kansas City	344,288
KS	Wichita Transit Authority	1,180,414
KY	Fulton County Transit Authority R V Cutaways	177,062
KY	Henderson Area Rapid Transit Bus	94,433
KY	Henderson County Facility	491,839
KY	KY Statewide, Bus and Bus Facilities	7,377,590
KY	KY Transportation Cabinet - Community Action groups	1,401,742
KY	Laurel County intermodal facility	4,918,393
KY	Paducah Area Transit Authority Buses	472,166
KY	Pennyrile Allied Community Services Transit Facility	365,928
KY	Pikesville parking and transit facility enhancements	983,679
KY	Red Cross Wheels	1,967,357
KY	Transit Authority of Northern Kentucky (TANK)	1,475,518
KY	Transit Authority of River City	1,967,357
LA	LA Public Transit Association, Buses and Bus Facilities	9,836,787
LA	LSU Health Sciences Center Shreveport Intermodal Facility	245,920
LA	St. Bernard intermodal facility	491,839
ME	Maine Statewide Bus & Bus Facility	983,679
ME	Oceangateway Development Project	491,839
ME	Westbrook, Intermodal Facility	983,679
MD	Maryland Statewide Bus and Bus Facilities	7,869,429
MD	Montgomery County FDA Transit Center	245,920
MA	Attleboro Intermodal Mixed-Use Garage Facility	737,759

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2003 SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	ALLOCATION
MA	Brockton Area Transit, Intermodal Transportation Center	983,679
MA	Cape Ann Transit Authority, buses and trolleys	147,552
MA	Cape Cod Intermodal Facilities (Cape & Island Transit Ctrs)	295,104
MA	Cities of Beverly and Salem, Intermodal Facility Improvements	245,920
MA	CTS Northern Tier Buses - MA	295,104
MA	Essex County, City of Lynn, MA, buses and senior citizen vans	137,715
MA	Essex County, City of Peabody, MA, buses	47,217
MA	Essex County, Town of Danvers, MA, buses and senior citizen vans	64,923
MA	Lowell-Gallagher Intermodal Facility	983,679
MA	Merrimack Valley Regional Transit Authority (MVTRA), facility improvements	245,920
MA	Montachusett Area Regional Transit (MART) Commuter Park and Ride Facility - Leominster	737,759
MA	Montachusett Area Regional Transit (MART) Passenger and Handicap Vans	418,063
MA	Montachusett Commuter Facilities in Fitchburg	1,573,886
MA	Northern Tier Intermodal Center - Athol	295,104
MA	Springfield Union Station Intermodal Redevelopment Project	5,902,072
MA	Worcester Regional Transit Authority (WRTA) Maintenance Facility	196,736
MI	Ann Arbor Transportation Authority Bus & Bus Facilities	245,920
MI	Battle Creek	295,104
MI	Bay Area Transportation Authority Buses, Traverse City	491,839
MI	Blue Water Area Transportation	983,679
MI	Branch County Transit Authority	295,104
MI	City of Alma, intermodal facility and buses	762,351
MI	Detroit Department of Transportation Transit Facility	5,065,945
MI	Flint Mass Transportation Authority bus and bus facilities	1,967,357
MI	Grand Rapids, buses and bus facilities	491,839
MI	Ionia Area Transportation Authority Dial-a-Ride	299,038
MI	Jackson Transportation Authority, Bus Maintenance Facility	491,839
MI	Kalamazoo Metro Transit - Transfer Center	2,852,668
MI	Lansing, Capital Area Transit Authority	983,679
MI	Livingston Essential Transportation Service	216,409
MI	Ludington Mass Transportation Authority (LMTA) Transit Facility	516,431
MI	Marquette County Transit Authority bus and bus facilities	1,967,357
MI	Michigan Statewide Bus and Facilities	983,679
MI	Milan Public Transit	177,062
MI	Saginaw Transit Authority Regional Service buses	491,839
MI	Suburban Mobility Authority for Regional Transit (SMART)	3,442,875
MI	Washtenaw County, Chelsa Area Transportation System (CATS)	259,691
MI	Yates Township Transit System	442,655
MN	Dakota County, Cedar Avenue Project	983,679
MN	Duluth Transit Authority Bus and Bus Facilities	491,839
MN	Greater Minnesota Transit Authority Bus & Bus Facilities	1,967,357
MN	La Crescent - Public Transfer Hub	59,021
MN	Metro Transit	11,395,917
MN	Metropolitan Light Rail Transit Joint Powers Board - Rush Line Corridor	491,839
MN	Minneapolis downtown circulator	1,967,357
MN	Minneapolis, 63rd Ave N. Park and Ride	983,679
MN	Northwest Corridor Busway	2,459,197
MN	Rochester - Bus Purchase	498,725
MN	St. Cloud Metropolitan Transit Commission Facilities	491,839
MN	STEELE - Bus Purchase	47,217
MN	Two Harbors Bus and Bus Facilities	196,736
MS	Brookhaven, Multi-modal Center	1,967,357
MS	Harrison County multi-modal facilities and shuttle service	491,839

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2003 SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	ALLOCATION
MS	Hattiesburg Intermodal Facility	737,759
MO	Bi-State Development Agency Bus Replacement	2,951,036
MO	Ferguson Van Replacement	44,266
MO	Hazelwood Van Expansion	78,694
MO	Houston buses	98,368
MO	Jefferson City Transit Bus and Van	491,839
MO	Kansas City KCATA Buses	196,736
MO	Missouri Bus & Bus Facilities - Dunklin County, City of Houston, Southeast Missouri Transportation Service, Scott County, SE Missouri State University	2,213,277
MO	Missouri Statewide Bus and Bus Facility Projects	5,410,233
MO	OATS Bus and Bus Facilities	1,475,518
MO	Southeast Missouri Trans. Services Bus and Bus Facilities	491,839
MO	Southwest Missouri State University Intermodal Transfer Facility	2,951,036
MO	Springfield Public Utilities Buses	1,278,782
MO	St. Charles Buses and Equipment	241,001
MO	St. Joseph Buses	983,679
MO	Stoddard County Van	29,510
MT	Billings bus and bus facilities	983,679
MT	District IX - Bozeman Galavan	245,920
MT	Mountain Line Buses Missoula	491,839
NE	Metro Area Transit - Intermodal Facility	983,679
NE	Metro Area Transit South Omaha/Stockyard Center	737,759
NE	Nebraska Statewide	737,759
NV	Bus Rapid Transit on South Virginia Steet - Reno	2,410,013
NV	Bus Rapid Transit Project Las Vegas Blvd	4,918,393
NV	Las Vegas Downtown Transportation Center	2,213,277
NV	Regional Transportation Commission (RTC) BRT - North Las Vegas CIVIS Bus Stops	319,696
NV	Reno and Sparks Bus and Bus Facilities	2,655,932
NV	Rural Transit Buses & Facilities	737,759
NH	New Hampshire Statewide Bus Acquisition	737,759
NJ	Bergen County Intermodal Facilities and Park-n-Ride	2,213,277
NJ	Central New Jersey Raritan Valley Line Park-n-Ride	983,679
NJ	Gloucester Co Sr. Buses	196,736
NJ	Harrison New Jersey PATH Station Rehabilitation	245,920
NJ	Montclair Community Wide Bus System	983,679
NJ	Morris County, Intermodal Park-n-Rides Facilities	1,475,518
NJ	Newark Penn Station Intermodal Access Enhancements	1,967,357
NJ	Route 80 Howard Boulevard NJ Transit Park and Ride	491,839
NJ	Trenton Station Intermodal	6,393,911
NM	Albuquerque Buses and Bus Facility	983,679
NM	Alvorado Transportation Center - Phase II	295,104
NM	Espanola ADA van & Compressed Gas Equipment	73,776
NM	Rio Rancho Buses and Facilities	245,920
NM	Santa Fe Bus Facility Renovation	196,736
NY	Albany, NY - Capital District Transportation Authority (CDTA), Bus and Bus Facilities	2,655,932
NY	Brooklyn, downtown intermodal transit district	491,839
NY	Broome County, Binghamton Intermodal Terminal	983,679
NY	Buffalo Intermodal Transportation Center	4,918,393
NY	Central New York Regional Transportation Authority	2,951,036
NY	City of Schenectady, bus and bus facilities	491,839
NY	Jamaica Intermodal Facilities	1,475,518

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2003 SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	ALLOCATION
NY	Lower Hudson Intercounty Bus Program	786,943
NY	Mobile Health Service Buses, NYC	491,839
NY	Nassau County's Long Island Bus	245,920
NY	New Rochelle Intermodal Center	737,759
NY	Niagara Transportation Authority Buses and Bus Facilities	3,196,956
NY	Oneonta Public Transit Buses	737,759
NY	Orange County, Buses	737,759
NY	Rensselaer Intermodal Station and related community enhancements	786,943
NY	Rochester-Genesee Regional Transportation Authority (RGRTA) - Rochester Central Station	2,951,036
NY	Ulster County Rural Bus Facility	885,311
NY	Utica Transit Authority Buses	885,311
NY	Westchester County Bee-Line Buses	1,721,438
NC	City of Charlotte Bus and Bus Facilities	1,475,518
NC	North Carolina Bus and Bus Facilities	7,869,429
NC	Piedmont Authority for Regional Transportation (PART) - Bus Purchase	983,679
NC	Triangle Transit Authority (TTA) Maintenance Facility	344,288
ND	North Dakota Statewide Capital Transit	2,853,652
OH	Cincinnati Government Square Transit Transfer Center	3,934,715
OH	Greater Triskett Bus Garage Rehabilitation	983,679
OH	Lorain Renovation Train Depot in a Multi-modal Hub	983,679
OH	Ohio Public Transportation Association - Bus and Bus Facilities for the State of Ohio	8,361,269
OK	Central Oklahoma Transportation & Parking Authority (COPTA)	2,459,197
OK	Metropolitan Tulsa Transit Authority (MTTA)	983,679
OK	Oklahoma Transit Association - Bus and Bus Facilities	4,918,393
OK	OSU Multimodal Transportation Facility	2,951,036
OR	Albany, Buses	216,409
OR	Canby Transit	196,736
OR	Eugene Lane Transit District	1,967,357
OR	Portland, Tri-Met Buses	1,967,357
OR	Rogue Valley Transit District	983,679
OR	Salem Area Mass Transit Bus and Bus Facility	491,839
OR	Wilsonville, South Metro Area Rapid Transit (SMART)	245,920
PA	Adams Transit Authority Buses and Bus Facility	393,471
PA	Allentown Intermodal Transportation Center	1,967,357
PA	Altoona Metro Transit Buses	491,839
PA	AMTRAN Bus and Transit System Improvements	737,759
PA	Area Transportation Authority Buses, North Central Pennsylvania	1,967,357
PA	Beaver County Transit Authority Buses	147,552
PA	Berks Area Reading Transportation Authority - Buses and Facilities	983,679
PA	Bucks County, SEPTA Intermodal facility improvement	983,679
PA	Butler Township/City Joint Municipal Transit Multi-Modal Transfer Center	418,063
PA	Cambria County Operations and Maintenance Facility	491,839
PA	Capital Area Transit Buses	491,839
PA	Easton Intermodal Terminal	1,967,357
PA	Endless Mountain Transportation Authority	295,104
PA	Fayette County Transit Facility	885,311
PA	Hershey Intermodal Transportation Center	1,967,357
PA	Indiana County Transit Authority	403,308
PA	Mid-County Transit Authority, Facilities and Equipment	491,839
PA	Port Authority of Allegheny County Buses (including clean fuels)	1,746,030
PA	Pullman Multi-modal Center	491,839
PA	SEPTA - Paratransit Vehicles	491,839

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2003 SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	ALLOCATION
PA	SEPTA Norristown Intermodal Facility	983,679
PA	Somerset County Transportation System	157,389
PA	TEA-21 Altoona, PA	2,951,036
PA	Westmoreland County Transit Authority	1,426,334
PA	Wilkes-Barre Intermodal Facility	245,920
PA	Williamsport Bureau of Transportation City Bus - Lycoming County	1,229,598
PA	York County Transit Authority Buses	491,839
PR	Puerto Rico Metropolitan Bus Authority (MBA), bus and bus facilities	245,920
RI	Newport Trolley Project	491,839
RI	Premium Commuter Service Pilot Program	983,679
RI	Rhode Island Buses and Alternatively Fueld Infrastructure	2,951,036
RI	University of Rhode Island Student Transportation Services	737,759
SC	Intermodal/Inland Port Terminal	983,679
SC	Myrtle Beach Regional Multimodal Transit Center	1,106,638
SC	North Charleston Regional Intermodal Transportation Center	491,839
SC	South Carolina Vehicles and Facilities	6,885,751
SC	Sumter Intermodal Transportation Center (Union Station)	2,951,036
SD	Rosebud Sioux Tribe Bus Facility	196,736
SD	South Dakota Statewide - Bus and Bus Facilities	737,759
TN	Knoxville Electric Transit Intermodal Center	3,344,507
TN	Memphis Airport Intermodal Facility Improvements	2,951,036
TN	Tennessee Bus Replacements & Bus Facilities	9,344,947
TX	Abilene Bus Replacement - Citylink	590,207
TX	Austin Bus Projects	4,918,393
TX	Beaumont Buses	98,368
TX	Brownsville Buses	98,368
TX	Corpus Christi Regional Transportation Authority (RTA) Bus & Bus Facilities	491,839
TX	El Paso Bus Projects	1,475,518
TX	Fort Worth Transportation Authority	2,951,036
TX	Galveston Buses	983,679
TX	Houston Advanced Transit Program	1,967,357
TX	Laredo, Administrative/Operations/ Maintenance Facility	1,721,438
TX	Lubbock Buses	147,552
TX	Odessa & Midland, TX - Alternative Fuel Buses	983,679
TX	San Antonio VIA Metropolitan Transit Authority	1,475,518
TX	Texas Tech University Park & Ride; Buses	1,819,806
TX	Waco Transit, Buses,Maintenance and Administration Facilities	1,868,989
TX	Woodlands District Park & Ride	1,180,414
UT	State of Utah - Buses and Facilities	983,679
UT	UTA and Park City Transit Buses	3,934,715
UT	Utah Statewide Regional Intermodal Transportation Centers	491,839
VT	Chittenden County Transit Authority Bus and Facility	1,967,357
VT	Montpelier Multimodal Center	1,967,357
VT	St. Johnsbury Transit Center Rehabilitation	245,920
VT	Winooski Falls Downtown Multimodal Transportation Center	491,839
VA	Arlington Bus Transfer Stations	491,839
VA	Greater Roanoke Transit Company (GRTC) Buses	1,032,863
VA	Hampton Roads Bus and Bus Facilities	1,500,110
VA	Petersburg Area Transit	737,759
VA	Potomac & Rappahannock Transportation Commission	2,065,725

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2003 SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	ALLOCATION
VA	Potomac Yard Transitway	786,943
VA	Richmond Mulit-modal Facility	2,901,852
VI	Virgin Islands Transit (VITRAN)	491,839
WA	Clark County, WA C-TRAN Vancouver Mall Transit Center	2,557,565
WA	Aurora Avenue Bus Rapid Transit	1,475,518
WA	Burien transit center transit oriented development	1,967,357
WA	Edmonds Crossing multi-modal project	3,442,875
WA	Intercity Transit (Thurston County) Fare Collection Equipment	245,920
WA	Issaquah Highlands Park & Ride	1,377,150
WA	Jefferson Transit Facilities	983,679
WA	King Street Station Multimodal Facility	245,920
WA	Lakewood SR 512 Park-n-Ride Expansion	1,475,518
WA	Mason County Transportation Authority Facilities	295,104
WA	Mercer Island Transit Center, Park and Ride	491,839
WA	Mount Vernon multi-modal facility and buses	1,967,357
WA	Pierce County bus and bus facilities	2,951,036
WA	Port Angeles International Gateway project	1,475,518
WA	Small Bus System Program of Projects	
WA	Grant Transit Authority	424,949
WA	Grays Harbor Transportation	141,650
WA	Island Transit	283,299
WA	Pacific Transit	94,433
WA	Pullman Transit	1,160,741
WA	Snohomish County Community Transit park and ride	2,951,036
WA	Sound Transit regional transit hubs	3,934,715
WA	Spokane bus and bus facilities	2,459,197
WV	Huntington, Tri-State Transit Authority (TTA) buses and vans	1,770,622
WV	Monongalia Courthouse Annex in Morgantown - Intermodal Parking Facility	3,442,875
WV	West Virginia Statewide	3,934,715
WI	Wisconsin Statewide Bus & Bus facilities	16,033,962
WY	Wyoming Department of Transportation	2,459,197
	TOTAL ALLOCATION	**$650,966,074**

FEDERAL TRANSIT ADMINISTRATION

TABLE 9A

PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	UNOBLIGATED ALLOCATION
FY 2001 Unobligated Allocations		
AK	Alaska State Fair park and ride and passenger shuttle system	$990,315
AK	Homer Alaska Maritime Wildlife Refuge intermodal and welcome center	841,768
AK	Port McKenzie intermodal facilities	7,427,361
AK	Ship Creek pedestrian and bus facilities and intermodal center/parking garage	4,951,574
AL	Birmingham-Jefferson County Transit Authority buses and bus facilities	990,315
AL	University of Alabama Birmingham fuel cell bus	1,980,630
AL	Dothan-Wiregrass Transit Authority buses and bus facilities	567,772
AL	Alabama A&M University buses and bus facilities	498,900
AL	Huntsville International Airport intermodal center	4,951,574
AL	Alabama State Docks intermodal passenger and freight facility	990,315
AL	University of South Alabama, buses and bus facilities	2,475,787
AL	Montgomery - Moulton Street Intermodal Facility	2,970,945
AL	Montgomery, civil rights trail trolleys	247,579
AL	University of North Alabama, bus and bus facilities	1,980,630
AL	Tuscaloosa interdisciplinary science building parking and intermodal facility	9,407,991
AR	Central Arkansas Transit Authority, bus and bus facilities	487,671
AR	River Market and College Station Livable Communities Program	1,089,346
CA	Anaheim, buses and bus facilities	247,579
CA	Brea, buses	148,547
CA	Compton, buses and bus-related equipment	247,579
CA	El Dorado, buses	495,157
CA	Folsom, transit stations	1,485,472
CA	Fresno, intermodal facilities	495,157
CA	Municipal Transit Operators Coalition, buses	1,980,630
CA	Modesto, bus facility	247,579
CA	Monterey Salinas Transit Authority, buses and bus facilities	495,157
CA	Oceanside, intermodal facility	1,980,630
CA	Sunline transit agency, buses	990,315
CA	Sacramento, buses and bus facilities	990,315
CA	San Bernardino, intermodal facility	1,584,503
CA	Santa Cruz, buses and bus facilities	1,534,988
CA	Sonoma County, buses and bus facilities	990,315
CA	Vista, bus center	297,094
CT	Bridgeport, intermodal center	3,099,834
CT	New London, parade project transit improvements	1,980,630
CT	Norwich bus terminal and pedestrian access	990,315
CT	Waterbury, bus garage	990,315
FL	Statewide bus and bus facilities (including Tallahassee)	503,000
GA	Chatham, buses and bus facilities	760,027
GA	Cobb County, buses	1,237,894
GA	Georgia Regional Transit Authority, buses and bus facilities	2,970,945
IA	Des Moines park and ride	693,221
IA	Mason City, bus facility	896,235
IA	Sioux City Trolley system	693,221
IA	Waterloo, buses and bus facilities	531,799
ID	Statewide, bus and bus facilities	550,400
IL	Statewide, bus and bus facilities	388,000
IN	Gary - Adam Benjamin intermodal center	792,252
IN	South Bend, buses	2,970,945

FEDERAL TRANSIT ADMINISTRATION

TABLE 9A

PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	UNOBLIGATED ALLOCATION	
KS	Kansas City, buses	247,579	
KS	Kansas Department of Transportation, rural transit buses	2,970,945	
KS	Wichita, buses and ITS related equipment	327,102	
KS	Wyandotte County, buses	247,579	
KY	Lexington, LexTran, buses and bus facilities	3,466,102	
LA	Alexandria buses and vans	38,615	
LA	Plaquemines Parish ferry	990,315	
LA	St. Tammany Parish park and ride	14,854	
MA	Attleboro, intermodal facilities	990,315	
MA	Montachusett, bus facilities, Leominster	247,579	
MA	Woburn, buses and bus facilities	247,579	
ME	Bangor intermodal transportation center	1,485,472	
MI	Statewide, buses and bus facilities	260,288	
MI	Traverse City, transfer station	990,315	
MO	Southeast Missouri Transportation Service bus and bus facilities	411,884	
MS	Coast Transit Authority multimodal facility and shuttle service	1,458,945	
MS	Brookhaven multimodal transportation center	990,315	
MS	Picayune multimodal center	643,705	
MT	Missoula Ravalli Transportation Management Association buses & bus facilities	525,056	a/
MT	Blackfoot Indian Reservation bus facility	495,157	
ND	Statewide bus and bus facilities	705,825	
NE	Missouri River pedestrian crossing - Omaha	3,961,259	
NJ	Elizabeth Ferry Project	495,157	
NJ	Newark Arena bus improvements	3,961,259	
NJ	Trenton, train/intermodal station	4,951,574	
NM	Angel Fire bus and bus Facilities	742,736	
NM	Clovis, buses and bus facility	1,609,262	
NM	Las Cruces, buses	495,157	
NM	Valencia County, transportation station improvements	1,237,894	
NV	Clark County bus passenger intermodal facility - Henderson	1,980,630	
NV	Lake Tahoe CNG buses and fleet conversion	167,397	
NV	Reno and Sparks, buses and bus facilities	990,315	
NV	Washoe County buses and bus facilities	991,547	
NY	Eastchester, Metro North facilities	247,579	
NY	Greenport and Sag Harbor, ferries and vans	59,419	
NY	Highbridge pedestrian walkway	99,032	
NY	Jamaica, intermodal facilities	247,579	
NY	Suffolk County, senior and handicapped vans	495,157	
NY	Sullivan County, buses, bus facilities, and related equipment	1,237,894	
NY	Tompkins County, intermodal facility	618,946	
NY	Westchester and Duchess counties, vans	198,063	
OH	Columbus Near East transit center	990,315	
OH	Ohio Statewide bus and bus facilities	990,314	
OK	Metropolitan Tulsa Transit Authority pedestrian and streetscape improvements	2,475,787	
OR	Columbia County ADA buses	108,935	
OR	Coos County buses	69,322	
OR	Hood River County bus and bus facility	213,676	
OR	Lakeview buses	49,516	
OR	Rogue Valley buses	950,702	
OR	South Corridor Transit Center and park and ride facilities in Clackamas County	1,485,472	

FEDERAL TRANSIT ADMINISTRATION

TABLE 9A

PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	UNOBLIGATED ALLOCATION
OR	Union County bus	43,574
OR	Wasco County buses	95,070
PA	Altoona bus testing facility	2,970,945
PA	Bucks County, intermodal facility improvements	597,894
PA	Cambria County Transit Authority, maintenance facilities	742,736
PA	Fayette County, maintenance facilities	495,157
PA	Lancaster, buses	990,315
PA	Monroe County, buses and bus facilities	990,315
PA	Phoenixville, transit related improvements	1,237,894
PA	Somerset County, ITS related equipment	99,032
PA	Wilkes-Barre intermodal transportation center	990,315
SC	Statewide, buses and bus facilities	1,884,575
TX	Brazos Transit District, buses	495,157
TX	Houston Metro, Main Street Transit Corridor improvements	990,315
VA	Charlottesville bus and bus facilities	978,045
VA	Danville bus replacement	56,727
VA	Fair Lakes League	489,023
VA	Fairfax County Transportation Association of Greater Springfield	489,023
VA	Falls Church Bus Rapid Transit Terminus	978,045
VA	Jamestown/Yorktown and Williamsburg CNG bus	1,467,067
VA	City of Richmond bus and bus facilities	1,956,090
VA	Springfield station improvements	489,023
VT	Bellows Falls Multimodal	1,485,472
VT	Brattleboro multimodal center	2,475,786
VT	Burlington multimodal transportation center	495,159
VT	Chittenden County transportation authority, buses	990,315
VT	Central Vermont Transit Authority buses and bus facilities	1,485,472
WA	King County Metro transit bus and bus facilities	1,980,630
WA	Renton/Port Quendall transit project	495,157
WA	Richland, bus maintenance facility	990,315
WA	Snohomish County, buses and bus facilities	990,315
WA	Thurston County, bus-related equipment	1,237,894
WY	Cheyenne transit and operation facility	911,089
	Subtotal FY 2001 Unobligated Allocations	***$160,051,885***

FY 2002 Unobligated Allocations

AK	City of Wasilla bus facility	594,017
AK	Fairbanks buses and bus facility	1,485,044
AK	Mat-su Community Transit buses and facilities	800,001
AK	Port of Anchorage intermodal facility	2,920,586
AK	Port McKenzie buses and bus facilities	1,485,044
AK	Seward intermodal facility	2,772,081
AL	Alabama A&M buses and bus facilities	495,015
AL	Alabama State Dock intermodal passenger and freight terminal	4,950,145
AL	Alabama-Tombigbee Regional Commission buses and vans	445,513
AL	Birmingham-Jefferson County Transit Authority buses	1,980,058
AL	Gadsden Transportation Services	247,507
AL	Huntsville Public Transit intermodel facility	990,029
AL	Montgomery Union Station/Moulton St. intermodal facility and parking	2,970,087

FEDERAL TRANSIT ADMINISTRATION

TABLE 9A

PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	UNOBLIGATED ALLOCATION
AL	University of North Alabama transit projects	1,980,058
AL	University of South Alabama	2,475,073
AR	Statewide buses and bus facilities for urban, rural, elderly and disabled agencies	4,950,145
AZ	City of Glendale buses	173,255
AZ	Phoenix Regional Public Transportation Authority buses and bus facilities	6,583,693
CA	Anaheim Resort transit project	495,015
CA	Antelope Valley transit authority bus facilities	495,015
CA	Belle Vista park and ride	247,507
CA	Boyle Heights bus facility	346,510
CA	City of Burbank shuttle buses	396,012
CA	City of Carpinteria electric-gasoline hybrid bus	495,015
CA	City of Fresno buses	742,522
CA	City of Modesto, bus facilities	198,006
CA	City of Monrovia natural gas vehicle fueling facility	267,308
CA	City of Sierra Madre bus replacement	148,504
CA	City of Visalia transit center	2,475,073
CA	Contra Costa Connection buses	346,510
CA	Costa Mesa CNG facility	247,507
CA	County of Amador bus replacement	117,813
CA	County of Calaveras bus fleet replacement	103,953
CA	County of El Dorado bus fleet expansion	470,264
CA	El Garces train/intermodal station	1,485,044
CA	Folsom railroad block project	594,017
CA	Foothill Transit, CNG buses and bus facilities	1,237,536
CA	Glendale Beeline CNG buses	297,009
CA	Imperial Valley CNG bus maintenance facility	247,507
CA	Livermore Amador Valley Transit Authority buses and facility	1,485,044
CA	Merced County Transit CNG buses	297,009
CA	Monterey-Salinas Transit facility	1,485,044
CA	Morongo Basin Transit maintenance and administration facility	990,029
CA	MUNI Central Control Facility	990,029
CA	Municipal Transit Operators Coalition	1,980,058
CA	North Ukiah Transit Center	297,009
CA	Orange County buses	297,009
CA	Palmdale Transportation Center	247,507
CA	Palo Alto intermodal transit center	247,507
CA	Pasadena Area Rapid Transit System	396,012
CA	Placer County, CNG bus project	340,029
CA	Sacramento Regional buses and bus facilities	990,029
CA	San Bernardino CNG/LNG buses	371,261
CA	San Dieguito Transportation Cooperative	297,009
CA	San Francisco Municipal buses and bus facilities	3,960,116
CA	San Joaquin Regional Transit District Bus facility	495,015
CA	Santa Ana bus base	1,237,536
CA	Santa Barbara hybrid bus rapid transit project	1,980,058
CA	Sierra Madre Villa & Chinatown intermodal transportation centers	2,970,087
CA	Solano Beach intermodal transit station	495,015
CA	Sonoma County landfill gas conversion facility	495,015
CA	South Pasadena circulator bus	297,009
CA	Sun Line Transit hydrogen refueling station	495,015

FEDERAL TRANSIT ADMINISTRATION

TABLE 9A

PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	UNOBLIGATED ALLOCATION
CA	Transportation Hub at the Village of Indian Hills	990,029
CA	Yolo County, CNG buses	990,029
CO	Statewide buses and bus facilities	2,475,880
CT	Bridgeport intermodal corridor project	5,197,652
CT	East Haddam transportation vehicles and transit facilities	415,812
CT	Greater New Haven Transit District CNG vehicle project (ConnDOT)	990,029
CT	New Haven bus facility	495,015
DC	Washington Metropolitan Area Transit Authority buses	2,970,087
DE	Statewide buses and bus facilities, Delaware	4,356,128
DE	Wrangle Hill buses and maintenance facility	2,970,087
FL	Broward County alternative vehicle mass transit buses and bus facilities	2,475,073
FL	Miami Beach development electrowave shuttle service	2,970,087
FL	Miami-Dade bus fleet	1,980,058
FL	Northeast Miami-Dade passenger center	371,261
FL	South Florida Regional Transit buses and bus facilities	3,710,654
FL	South Miami intermodal pedestrian access project	990,029
FL	TALTRAN intermodal center	594,017
FL	Tri-Rail Cypress Creek intermodal facilities	495,015
FL	Winter Haven Area Transit bus and bus facilities	742,522
GA	Chatham Area Transit buses and bus facilities	3,564,104
GA	Cobb County Community Transit bus facilities	990,029
GA	Georgia Department of Transportation replacement buses	990,029
GA	Georgia Regional Transit Authority express bus program	5,940,174
GA	Gwinnett County operations and maintenance facility	495,015
GA	Macon terminal intermodal station	885,044
HI	Honolulu buses and bus facilities	7,826,121
HI	Middle Street Transit Center	742,522
ID	Statewide buses, bus facilities, and equipment	1,091,864
IL	Statewide buses and bus facilities	1,900,076
IN	Cherry Street Project multi-modal facility	1,287,038
IN	Indiana bus consortium, buses and bus facilities	1,669,902
IN	Indianapolis downtown transit facility	3,143,342
IN	South Bend Public Transit bus fleet replacement	2,475,073
KS	Statewide buses and bus facilities, Kansas	1,130,087
KS	Wichita Transit Authority buses	898,946
KY	Leslie County parking structure	1,980,058
KY	Murray-Calloway Transit Authority bus facility	198,006
KY	Statewide buses and bus facilities	200,000
KY	Transit Authority of Northern Kentucky	1,485,044
KY	Transit Authority of River City buses and bus facilities	1,980,058
LA	Jefferson Parish bus and bus related facilities	1,185,644
LA	Lake Charles bus and bus related facilities	396,012
LA	Louisiana State University Health Sciences Center-Shreveport, intermodal parking facility	990,029
LA	Shreveport bus and bus related facilities	1,450,393
LA	St. Tammany Parish park and ride	445,513
MA	Attleboro intermodal facilities	990,029
MA	Gallagher Intermodal Transportation bus hub and CNG trolleys	990,029
MA	Holyoke Pulse Center	742,522
MA	Merrimack Valley Regional Transit Authority (Amesbury) buses and bus facilities	495,015
MA	Merrimack Valley Regional Transit Authority (Lawrence) buses and bus facilities	495,015

FEDERAL TRANSIT ADMINISTRATION

TABLE 9A

PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	UNOBLIGATED ALLOCATION
MA	MetroWest buses and bus facilities	495,015
MA	Montachusett intermodal facilities and parking in Fitchburg/N. Leominster	475,076
MA	Salem/Beverly Intermodal Center	495,015
MA	Springfield Union Station intermodal facility	3,960,116
ME	Auburn intermodal facility and parking garage	247,507
ME	Statewide buses	2,970,087
MD	Statewide buses and bus facilities	6,036,483
MI	Alger County Public Transit	198,006
MI	Antrium County Transportation buses	85,142
MI	Barry County Transit buses	73,262
MI	Bay Area Transit Authority	247,507
MI	Berrien County Department of Planning and Public Works buses	198,006
MI	Blue Water Area Transportation Commission bus facilities	1,485,044
MI	Capital Area Transportation Authority buses, bus facilities, and equipment	7,565
MI	Charlevoix County Public Transit	123,754
MI	City of Niles buses and bus facilities	41,581
MI	Crawford County Transportation Authority buses	173,255
MI	Delta County Transit Authority	59,402
MI	Eastern UP Transportation Authority	99,003
MI	Greater Lapeer Transportation Authority bus and bus facilities	346,510
MI	Harbor Transit bus and bus facilities	198,006
MI	Interurban Transit Authority buses	81,182
MI	Interurban Transit Partnership surface transportation center (Grand Rapids)	4,950,145
MI	Ionia Area Transportation Dial-a-Ride	281,168
MI	Isabelia County facilities and equipment	224,737
MI	Kalamazoo County Care-A-Van buses and equipment	128,704
MI	Kalkaska Public Transit buses	247,507
MI	Livingston Essential Transportation Service buses and equipment	244,537
MI	Ludington Transit Facility	495,015
MI	Marquette County Transit Authority buses and bus facility	990,029
MI	Midland County buses	297,009
MI	Milan Public Transit buses	99,003
MI	Muskegon Area Transit System facility	1,633,548
MI	Northern Oakland Transportation Authority	148,504
MI	Otsego County Public Transit	297,009
MI	Sault Ste. Marie dial-a-ride	87,123
MI	Statewide buses and bus facilities	1,980,058
MI	Van Buren County Public Transit buses	198,996
MN	Grand Rapids/Gilbert buses and bus facilities	207,906
MN	Greater Minnesota Transit Authority bus, paratransit and transit hub (MNDOT)	136,520
MN	Metro transit buses and bus facilities (Twin Cities)	1,441,469
MN	Moorhead buses, bus facilities, and equipment	99,003
MN	Mower County Public Transit Initiative facility	495,015
MN	Rush Line Corridor buses and bus facilities	495,015
MS	Brookhaven multi-modal facility	990,029
MS	Harrison county multi-modal facilities and shuttle service	2,666,794
MS	Hattiesburg intermodal facility	3,465,102
MS	Jackson multi-modal transportation center	1,980,058
MO	Cab Care paratransit facility	495,015
MO	Kansas City bus rapid transit	2,475,073

FEDERAL TRANSIT ADMINISTRATION

TABLE 9A

PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	UNOBLIGATED ALLOCATION	
MO	Missouri Pacific Depot	495,015	
MT	Billings Logan international airport bus terminal and facility	68,000	
MT	Statewide bus and bus facilities	990,029	
MT	Area VII agency on aging bus facility	544,516	
MT	Ravalli County Council on aging bus facility	594,017	
NV	Las Vegas Boulevard North Corridor BRT, clean diesel-electric buses	1,732,551	
NV	Regional Transport Commission of Southern Nevada bus rapid transit	4,455,131	
NV	Reno Bus Rapid Transit high-capacity articulated buses	1,485,044	
NV	Reno/Sparks buses and bus facilities	3,960,116	
NV	Reno Suburban transit coaches	495,015	
NH	Granite State Clean Cities Coalition CNG buses and facilities	990,029	
NH	Town of Ossipee multimodal visitor center	1,584,046	
NJ	Bergen intermodal stations, park and ride and shuttle service	2,326,568	
NJ	Middlesex County jitney transit buses	396,012	
NJ	Trenton Rail Station rehabilitation	2,475,073	
NM	Las Cruces buses	495,015	
NM	Las Cruces intermodal transit facility	1,980,058	
NM	Statewide buses and bus facilities	837,744	
NM	Village of Taos Ski Valley bus and bus facilities	495,015	
NM	West Side Transit facility and buses	3,429,709	
NY	Binghamton intermodal terminal	1,980,058	
NY	Greater Glens Falls Transit bus facility renovation	495,015	
NY	Long Island Rail Road Jamaica intermodal facilities	2,970,087	
NY	City of Kingston buses	240,000	b/
NY	Martin Street Station	321,759	
NY	City of Middletown buses and bus facilities	320,000	b/
NY	New York City Dept. of Transportation, CNG buses and facilities	2,475,073	
NY	Pelham trolley	257,408	
NY	Rochester buses and facilities	990,029	
NY	Station Plaza commuter parking lot	495,015	
NY	Sullivan County Coordinated Public Transportation Service bus facility	495,015	
NY	Tompkins County intermodal facility	57,778	b/
NY	Westchester County Bee-Line low emission buses	1,485,044	
NC	Statewide buses and bus facilities	2,444,888	
ND	Statewide buses and bus facilities, and rural transit vehicles	2,144,898	
OH	Alliance intermodal facility	990,029	
OH	Butler County transit facility	990,029	
OH	Dayton, Wright-Dunbar Transit Access Project	2,722,580	
OH	Statewide buses and bus facilities, Ohio	3,313,255	
OK	Oklahoma Department of Transportation transit program buses and bus facilities	2,970,087	
OR	Clackamas County south corridor transit improvements	3,712,609	
OR	Fort Clatsop Shuttling system	790,858	
OR	Milwaukee Transit Center	198,006	
OR	Rogue Valley Transit District, CNG buses	841,525	
OR	Wasco County buses (Mid-Columbia Council of Governments)	103,953	
PA	Altoona bus facility (TEA-21)	2,970,087	
PA	Allentown intermodal transportation center	495,015	
PA	Area Transit Authority of North Central PA buses and bus facilities	990,029	
PA	Bucks County intermodal facility improvement	742,522	
PA	Butler Township multi-modal transfer center	245,015	

FEDERAL TRANSIT ADMINISTRATION

TABLE 9A

PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	UNOBLIGATED ALLOCATION
PA	Callowhill bus garage replacement	3,267,096
PA	Cambria County operations and maintenance facility	742,522
PA	County of Lackawanna Transit bus facility	495,015
PA	Doylestown Area Regional Transit buses	99,003
PA	Fayette County Transit facility	990,029
PA	Hershey intermodal transportation center	1,237,536
PA	LeHigh and Northampton Transportation Authority bus facility	495,015
PA	Luzerne County Transit Authority buses	77,009
PA	Monroe County Transit Authority park and ride	594,017
PA	Montgomery County intermodal facility	240,001
PA	Red Rose transit transfer center	495,015
PA	Southeastern Pennsylvania Transportation Authority trackless trolleys	990,029
PA	Somerset County Transpiration System buses	247,507
PA	Wilkes-Barre Intermodal facility	990,029
PA	York County bus replacement	990,029
RI	Providence transportation information center	1,485,044
RI	Statewide buses and bus facilities, Rhode Island	1,599,999
SC	Statewide buses and bus facility	9,900,290
SD	Oglala Sioux Tribe buses and bus facilities	2,227,565
TN	Memphis International Airport intermodal facility	1,722,650
TN	Statewide buses and bus facilities	4,463,696
TX	Abilene bus replacement	495,015
TX	Austin Metrobus	742,522
TX	Brazos Transit ADA compliant buses	396,012
TX	Brazos Transit buses for Texas A & M University	742,522
TX	Brazos Transit buses, intermodal facility, and parking facility	742,522
TX	Brazos Transit park and ride facility	396,012
TX	Brownsville multimodal facility study	99,003
TX	Capital Metro park and ride	495,015
TX	City of Huntsville buses	495,015
TX	Connection Capital Project for Community Transit Facilities	247,507
TX	El Paso buses	495,015
TX	Fort Worth Transportation Authority CNG buses	1,237,536
TX	Fort Worth intermodal center park and ride facility	495,015
TX	Fort Worth 9th Street Transfer Station	1,584,046
TX	Houston Main Street Corridor master plan	495,015
TX	Liberty County buses	371,261
TX	Sun Metro buses and bus facilities	495,015
TX	Waco Transit maintenance and administration facility	1,633,548
TX	Woodlands District park and ride	495,015
UT	Utah Transit Authority and Park City Transit buses	66,827
VA	Colonial Williamsburg CNG buses	990,029
VA	Greater Richmond Transit Downtown Transit Center	990,029
VA	Hampton Roads regional buses	3,465,102
VA	Roanoke Area Dial-A-Ride	990,029
VT	Vermont Public Transit alternative fuel/hybrid buses and facility	1,980,058
VI	Virgin Islands Transit (VITRAN) buses	495,015
WA	City of Kent facility/Sound Transit, transit and transit-related facilities	891,026
WA	Everett Transit buses and vans	1,732,551
WA	Issaquah Highlands park and ride	1,980,058

FEDERAL TRANSIT ADMINISTRATION

TABLE 9A

PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS

STATE	PROJECT	UNOBLIGATED ALLOCATION
WA	King County Transit Oriented Development Projects	990,029
WA	Snohomish county transit buses and bus facilities	1,980,058
WA	Spokane Transit Authority, buses and bus facilities	990,029
WA	Sound Transit regional transit hubs	665,000
WV	Huntington Tri-State Authority bus facility	742,522
WV	Morgantown Intermodal parking facility	1,980,058
WV	Statewide buses and bus facilities	1,460,116
WI	Statewide buses, bus facilities, and equipment	720,000
WY	Statewide buses and bus facilities	1,820,073
WY	Southern Teton Area Rapid Transit bus facility	495,015
	Subtotal FY 2002 Unobligated Allocations	*$343,466,934*
	TOTAL UNOBLIGATED ALLOCATION	**$503,518,819**

Fiscal Years 1998,1999 and 2000 Extended Allocations

AL	Tuscaloosa Intermodal center, 1999	$1,935,375
AK	Port Mackenzie/Upper Cook Inlet intermodal facility, 2000	3,208,368
MA	Swampscott, buses, 2000	63,772
NY	Ithaca intermodal transportation center, 2000	1,103,732
PA	Intermodal Parking facility, Fayette, 2000	445,991
PA	Washington County intermodal facilities, buses and bus facilities, 2000	618,089
PA	Wilkes-Barre intermodal facility, 2000	1,226,369
PA	Wilkes-Barre intermodal facility, 1999	1,240,625
PA	Wilkes-Barre intermodal facility, 1998	1,465,794
VA	Fair Lakes League, 2000	196,219
	Total Extended Allocations	**$11,504,334** c/

a/ The provision at Section 323 of the FY 2003 DOT Appropriations Act permits funds from Public Law 106-346 for Missoula Ravalli Transportation Management Administration buses to be available for Missoula Ravalli Transportation buses and bus facilities.

b/ The FY 2003 Conference Report provides clarification for funds made available in fiscal year 2002 for the Tompkins consolidated area transit center shall be made available for the City of Middletown buses and bus facilities ($320,000) and City of Kingston buses ($240,000), and the remainder shall be made available for Tompkins County bus and bus facilities.

c/ Period of availability for remaining unobligated funds is extended one additional year and will lapse September 30, 2003. Projects extended in the FY 2003 Conference Report whose funds were obligated as of September 30, 2002 are not listed.

FEDERAL TRANSIT ADMINISTRATION

Table 10

FY 2003 NATIONAL PLANNING AND RESEARCH PROGRAM ALLOCATIONS

STATE	PROJECT	ALLOCATION
AL	Auburn University campus transit system, AL	$372,563
AL	Center for Composites Manufacturing, AL	894,150
CA	CALSTART/West bus rapid transit	993,500
CA	Santa Barbara Electric Transportation Institute, CA	422,238
DC	Joblinks/Community Transportation Association	496,750
DC	Project ACTION (TEA-21)	2,980,500
FL	University of South Florida for urban transit research	248,375
IL	Rockford-Belvidere transit feasibility study, IL	198,700
MA	PVTA electric bus project, MA	745,125
ME	National deployment of ITN America, ME	298,050
MI	Detroit airport rail project, MI	198,700
MI	Detroit area regional transportation authority studies, MI	347,725
MN	Hennepin County community transportation, MN	993,500
ND	North Dakota transit center	397,400
NV	Zinc-air zero emission bus, NV	745,125
PA	National bio-terrorism civilian medical response center, PA	745,125
TN	Electric Transit Vehicle Institute, TN	496,750
UT	Transit usage, home interview survey study, UT	298,050
WA	Rich Passage passenger ferry project, WA	794,800
WA	Washington state ferries wireless connection project, WA	794,800
WV	WVU exhaust emissions testing, WV	993,500
—	Clean mobility and transit enhancements	1,987,000
	TOTAL ALLOCATION	**$16,442,426**

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

TEA-21 AUTHORIZATION LEVELS (GUARANTEED FUNDING ONLY)

APPROPRIATION / PROGRAM	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	TOTAL
Urbanized Area Formula (Section 5307)	$2,298,852,727	$2,548,190,791	$2,772,890,281	$2,997,316,081	$3,220,601,506	$3,445,939,606	$17,283,790,992
Nonurbanized Area Formula (Section 5311)	134,077,934	177,923,658	193,612,968	209,283,168	224,873,743	240,607,643	1,180,379,114
Elderly and Persons with Disabilities (Section 5310)	62,219,389	67,035,601	72,946,801	78,850,801	84,724,801	90,652,801	456,430,194
Clean Fuels Formula Program (Section 5308)	0	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	250,000,000
Over the Road Bus Accessibility Program	0	2,000,000	3,700,000	4,700,000	6,950,000	6,950,000	24,300,000
Alaska Railroad (Section 5307)	4,849,950	4,849,950	4,849,950	4,849,950	4,849,950	4,849,950	29,099,700
Bus and Bus Related (Section 5309)	400,000,000	451,400,000	490,200,000	529,200,000	568,200,000	607,200,000	3,046,200,000
Fixed Guideway Modernization (Section 5309)	800,000,000	902,800,000	980,400,000	1,058,400,000	1,136,400,000	1,214,400,000	6,092,400,000
New Starts (Section 5309)	800,000,000	902,800,000	980,400,000	1,058,400,000	1,136,400,000	1,214,400,000	6,092,400,000
Job Access and Reverse Commute Program	0	50,000,000	75,000,000	100,000,000	125,000,000	150,000,000	500,000,000
Metropolitan Planning (Section 5303)	39,500,000	43,841,600	49,632,000	52,113,600	55,422,400	60,385,600	300,895,200
State Planning & Research (Section 5313(b))	8,250,000	9,158,400	10,368,000	10,886,400	11,577,600	12,614,400	62,854,800
National Planning & Research (Section 5314)	32,750,000	27,500,000	29,500,000	29,500,000	31,500,000	31,500,000	182,250,000
Rural Transit Assistance (Section 5311(b)(2))	4,500,000	5,250,000	5,250,000	5,250,000	5,250,000	5,250,000	30,750,000
Transit Cooperative Research (Section 5313(a))	4,000,000	8,250,000	8,250,000	8,250,000	8,250,000	8,250,000	45,250,000
National Transit Institute (Section 5315)	3,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	23,000,000
University Transportation Centers (Section 5317(b))	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	36,000,000
Administrative Expenses	45,738,000	54,000,000	60,000,000	64,000,000	67,000,000	73,000,000	363,738,000
FEDERAL TRANSIT ADMINISTRATION TOTAL:	**$4,643,738,000**	**$5,315,000,000**	**$5,797,000,000**	**$6,271,000,000**	**$6,747,000,000**	**$7,226,000,000**	**$35,999,738,000**

-- Fiscal Years 1999-2003 funding for the Clean Fuels Program established under TEA-21 equals $100,000,000. $50,000,000 is shown under the Cleans Fuels Program (Section 5308) and $50,000,000 is included under the Bus and Bus Related (Section 5309).

FEDERAL TRANSIT ADMINISTRATION

TABLE 11A

TEA-21 AUTHORIZATION LEVELS (GUARANTEED AND NONGUARANTEED FUNDING)

APPROPRIATION / PROGRAM	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	TOTAL
Urbanized Area Formula (Section 5307)	$2,298,852,727	$2,698,190,791	$2,922,890,281	$3,147,316,081	$3,370,601,506	$3,595,939,606	$18,033,790,992
Nonurbanized Area Formula (Section 5311)	134,077,934	177,923,658	193,612,968	209,283,168	224,873,743	240,607,643	1,180,379,114
Elderly and Persons with Disabilities (Section 5310)	62,219,389	67,035,601	72,946,801	78,850,801	84,724,801	90,652,801	456,430,194
Clean Fuels Formula Program (Section 5308)	0	150,000,000	150,000,000	150,000,000	150,000,000	150,000,000	750,000,000
Over the Road Bus Accessibility Program	0	2,000,000	3,700,000	4,700,000	6,950,000	6,950,000	24,300,000
Alaska Railroad (Section 5307)	4,849,950	4,849,950	4,849,950	4,849,950	4,849,950	4,849,950	29,099,700
Bus and Bus Related (Section 5309)	400,000,000	551,400,000	590,200,000	629,200,000	668,200,000	707,200,000	3,546,200,000
Fixed Guideway Modernization (Section 5309)	800,000,000	1,002,800,000	1,080,400,000	1,158,400,000	1,236,400,000	1,314,400,000	6,592,400,000
New Starts (Section 5309)	800,000,000	1,302,800,000	1,390,400,000	1,478,400,000	1,566,400,000	1,644,400,000	8,182,400,000
Job Access and Reverse Commute Program	0	150,000,000	150,000,000	150,000,000	150,000,000	150,000,000	750,000,000
Metropolitan Planning (Section 5303)	39,500,000	70,312,000	76,929,600	80,238,400	84,374,400	90,164,800	441,519,200
State Planning & Research (Section 5313(b))	8,250,000	14,688,000	16,070,400	16,761,600	17,625,600	18,835,200	92,230,800
National Planning & Research (Section 5314)	32,750,000	58,500,000	60,500,000	62,500,000	64,500,000	65,500,000	344,250,000
Rural Transit Assistance (Section 5311(b)(2))	4,500,000	5,250,000	5,250,000	5,250,000	5,250,000	5,250,000	30,750,000
Transit Cooperative Research (Section 5313(a))	4,000,000	8,250,000	8,250,000	8,250,000	8,250,000	8,250,000	45,250,000
National Transit Institute (Section 5315)	3,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	23,000,000
University Transportation Centers (Section 5317(b))	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	36,000,000
Administrative Expenses	45,738,000	67,000,000	74,000,000	80,000,000	84,000,000	91,000,000	441,738,000
TOTAL FUNDING ALL PROGRAMS:	**$4,643,738,000**	**$6,341,000,000**	**$6,810,000,000**	**$7,274,000,000**	**$7,737,000,000**	**$8,194,000,000**	**$40,999,738,000**

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

FY 1998-2003 APPORTIONMENT FORMULA FOR FORMULA PROGRAM

Percent of Formula Funds Available

Section 5310: 2.4% States - allocated to states based on state's population of elderly and persons with disabilities

Section 5311: 6.37% Nonurbanized Areas - allocated to states based on state's nonurbanized area population

Section 5307: 91.23% Urbanized Areas (UZA)

UZA Population and Weighting Factors

50,000-199,999 in population : (Apportioned to Governors)

9.32% of available Section 5307 funds

50% apportioned based on population

50% apportioned based on population x population density

200,000 and greater in population: (Apportioned to UZAs)

90.68% of available Section 5307 funds

33.29% (Fixed Guideway Tier*)

95.61% (Non-incentive Portion of Tier)

--- at least 0.75% to each UZA with commuter rail and pop. 750,000 or greater

60% - fixed guideway revenue vehicle miles

40% - fixed guideway route miles

4.39% ("Incentive" Portion of Tier)

-- at least 0.75% to each UZA with commuter rail and pop. 750,000 or greater

-- fixed guideway passenger miles x fixed guideway passenger miles/operating cost

66.71% ("Bus" Tier)

90.8% (Non-incentive Portion of Tier)

73.39% for UZAs with population 1,000,000 or greater

50% - bus revenue vehicle miles

25% - population

25% - population x population density

26.61% for UZAs pop. < 1,000,000

50% - bus revenue vehicle miles

25% - population

25% - population x density

9.2% ("Incentive" Portion of Tier)

-- bus passenger miles x bus passenger miles/operating cost

*Includes all fixed guideway modes, such as heavy rail, commuter rail, light rail, trolleybus, aerial tramway, inclined plane, cable car, automated guideway transit, ferryboats, exclusive busways, and HOV lanes.

FEDERAL TRANSIT ADMINISTRATION

TABLE 13

FY 1998 - 2003 SECTION 5309 FIXED GUIDEWAY MODERNIZATION PROGRAM APPORTIONMENT FORMULA

Tier 1 First $497,700,000 to the following areas:

Baltimore	$	8,372,000
Boston	$	38,948,000
Chicago/N.W. Indiana	$	78,169,000
Cleveland	$	9,509,500
New Orleans	$	1,730,588
New York	$	176,034,461
N. E. New Jersey	$	50,604,653
Philadelphia/So. New Jersey	$	58,924,764
Pittsburgh	$	13,662,463
San Francisco	$	33,989,571
SW Connecticut	$	27,755,000

Tier 2 Next $70,000,000 as follows: Tier 2(A): 50 percent is allocated to areas identified in Tier 1; Tier 2(B): 50 percent is allocated to other urbanized areas with fixed guideway tiers in operation at least seven years. Funds are allocated by the Urbanized Area Formula Program fixed guideway tier formula factors that were used to apportion funds for the fixed guideway modernization program in FY 1997.

Tier 3 Next $5,700,000 as follows: Pittsburgh 61.76%; Cleveland 10.73%; New Orleans 5.79%; and 21.72% is allocated to all other areas in Tier 2(B) by the same fixed guideway tier formula factors used in fiscal year 1997.

Tier 4 Next $186,600,000 as follows: All eligible areas using the same year fixed guideway tier formula factors used in fiscal year 1997.

Tier 5 Next $70,000,000 as follows: 65% to the 11 areas identified in Tier 1, and 35% to all other areas using the most current Urbanized Area Formula Program fixed guideway tier formula factors. Any segment that is less than 7 years old in the year of the apportionment will be deleted from the database.

Tier 6 Next $50,000,000 as follows: 60% to the 11 areas identified in Tier 1, and 40% to all other areas using the most current Urbanized Area Formula Program fixed guideway tier formula factors. Any segment less than 7 years old in the year of the apportionment will be deleted from the database.

Tier 7 Remaining amounts as follows: 50% to the 11 areas identified in Tier 1, and 50% to all other areas using the most current Urbanized Area Formula Program fixed guideway formula factors. Any segment that is less than 7 years old in the year of the apportionment will be deleted from the database.

FEDERAL TRANSIT ADMINISTRATION

TABLE 14

FISCAL YEAR 2003 FORMULA GRANT APPORTIONMENTS - UNIT VALUES OF DATA

		APPORTIONMENT UNIT VALUE
Section 5307 Urbanized Area Formula Program - Bus Tier		
Urbanized Areas Over 1,000,000:		
Population		$2.88709208
Population x Density		$0.00073255
Bus Revenue Vehicle Mile		$0.40173358
Urbanized Areas Under 1,000,000:		
Population		$2.64590624
Population x Density		$0.00115768
Bus Revenue Vehicle Mile		$0.54899841
Bus Incentive (PM denotes Passenger Mile):		
Bus PM x Bus PM = Operating Cost		$0.00586778
Section 5307 Urbanized Area Formula Program - Fixed Guideway Tier		
Fixed Guideway Revenue Vehicle Mile		$0.61349197
Fixed Guideway Route Mile		$33,708
Commuter Rail Floor	$7,385,612	
Fixed Guideway Incentive:		
Fixed Guideway PM x Fixed Guideway PM = Operating Cost		$0.00049138
Commuter Rail Incentive Floor	$339,116	
Section 5307 Urbanized Area Formula Program - Areas Under 200,000		
Population		$5.34109042
Population x Density		$0.00265114
Section 5311 Nonurbanized Area Formula Program		
Areas Under 50,000		
Population		$2.66582565

Section 5309 Capital Program - Fixed Guideway Modernization

	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6	Tier 7
Legislatively Specified Areas:						
Revenue Vehicle Mile	$0.03043443	------	$0.13683131	$0.03708283	$0.02445022	$0.12813598
Route Mile	$2,122.43	------	$7,832.52	$2,748.83	$1,812.42	$9,498.30
Other Urbanized Areas:						
Revenue Vehicle Mile	$0.16377360	$0.00579309	$0.13683131	$0.09889454	$0.08073024	$0.63462312
Route Mile	$4,772.78	$168.83	$7,832.52	$2,884.56	$2,354.74	$18,510.70

FEDERAL TRANSIT ADMINISTRATION

TABLE 15

2000 CENSUS URBANIZED AREAS WITH POPULATION 200,000 OR GREATER ELIGIBLE TO USE FY 2003 SECTION 5307 FUNDS FOR OPERATING ASSISTANCE

State	Urbanized Area Description	Population	FY 2002 Apportionment	FY 2003 Operating Limitation a/
AL	Huntsville, AL	213,253	$1,677,473	$1,677,473
CA	Antioch, CA	217,591	$1,914,688	$1,914,688
CA	Indio--Cathedral City--Palm Springs, CA	254,856	$1,849,608	$1,849,608
	(Indio-Coachella, CA -- $621,797)			
	(Palm Springs, CA -- $1,227,811)			
CA	Lancaster--Palmdale, CA	263,532	$2,206,544	$2,206,544
CA	Santa Rosa, CA	285,408	$2,636,339	$2,636,339
CA	Victorville--Hesperia--Apple Valley, CA	200,436	$1,311,837	$1,311,837
CA	Temecula--Murrieta, CA	229,810	----------	$1,247,633
CO	Fort Collins, CO	206,757	$1,156,197	$1,156,197
CT	Bridgeport--Stamford, CT--NY	888,890	$9,676,425	$9,676,425
	(Stamford, CT-NY -- $5,332,860)			
	(Norwalk, CT -- $4,343,565)			
CT	Hartford, CT	851,535	$2,824,453	$2,824,453
	(Bristol, CT -- $983,277)			
	(New Britain, CT -- $1,841,176)			
FL	Port St. Lucie, FL	270,774	$1,982,206	$1,982,206
	(Fort Pierce, FL -- $1,142,501)			
	(Stuart, FL -- $839,705)			
FL	Bonita Springs--Naples, FL	221,251	$954,953	$954,953
FL	Tallahassee, FL	204,260	$1,617,975	$1,617,975
GA	Savannah, GA	208,886	$1,824,225	$1,824,225
ID	Boise City, ID	272,625	$2,021,464	$2,021,464
IL	Round Lake Beach--McHenry--Grayslake, IL--WI	226,848	$1,088,609	$1,088,609
IL	Chicago, IL--IN	8,307,904	$6,599,240	$6,599,240
	(Aurora, IL -- $2,290,318)			
	(Crystal Lake, IL -- $746,464)			
	(Elgin, IL -- $1,652,124)			
	(Joliet, IL -- $1,910,334)			
IN	Evansville, IN--KY	211,989	$2,251,898	$2,251,898
MA	Barnstable Town, MA	243,667	$538,120	$538,120
MA	Boston, MA--NH--RI	4,032,484	$4,760,673	$4,760,673
	(Brockton, MA -- $1,906,558)			
	(Lowell, MA-NH -- $2,366,926)			
	(Taunton, MA -- $487,189)			
MD	Baltimore, MD	2,076,354	$858,335	$858,335
	(Annapolis, MD -- $858,335)			
MO	Springfield, MO	215,004	$1,748,930	$1,748,930
MS	Gulfport--Biloxi, MS	205,754	$1,687,127	$1,687,127
NC	Winston-Salem, NC	299,290	$1,811,413	$1,811,413
NC	Asheville, NC	221,570	$968,044	$968,044
NC	Greensboro, NC	267,884	$2,211,540	$2,211,540
NE	Lincoln, NE	226,582	$2,658,761	$2,658,761
NJ	Atlantic City, NJ	227,180	$1,842,968	$1,842,968
NY	Poughkeepsie--Newburgh, NY	351,982	$2,225,147	$2,225,147
	(Poughkeepsie, NY -- $1,507,504)			
	(Newburgh, NY -- $717,643)			

FEDERAL TRANSIT ADMINISTRATION

TABLE 15

2000 CENSUS URBANIZED AREAS WITH POPULATION 200,000 OR GREATER ELIGIBLE TO USE FY 2003 SECTION 5307 FUNDS FOR OPERATING ASSISTANCE

State	Urbanized Area Description	Population	FY 2002 Apportionment	FY 2003 Operating Limitation a/
OH	Youngstown, OH--PA	417,437	$465,043	$465,043
	(Sharon, PA-OH -- $465,043)			
OH	Cincinnati, OH--KY--IN	1,503,262	$1,384,842	$1,384,842
	(Hamilton, OH -- $1,384,842)			
OR	Eugene, OR	224,049	$2,559,936	$2,559,936
OR	Salem, OR	207,229	$2,070,221	$2,070,221
PA	Reading, PA	240,264	$2,636,837	$2,636,837
PA	Lancaster, PA	323,554	$2,258,871	$2,258,871
PR	Aguadilla--Isabela--San Sebastian, PR	299,086	$1,148,984	$1,148,984
PR	San Juan, PR	2,216,616	$5,925,223	$5,925,223
	(Caguas, PR -- $2,811,557)			
	(Cayey, PR -- $831,273)			
	(Humacao, PR -- $719,451)			
	(Vega Baja-Manati, PR -- $1,562,942)			
RI	Providence, RI--MA	1,174,548	$2,695,482	$2,695,482
	(Newport, RI -- $644,329)			
	(Fall River, MA-RI -- $2,051,153)			
TX	Lubbock, TX	202,225	$1,939,424	$1,939,424
TX	Denton--Lewisville, TX	299,823	$1,291,722	$1,291,722
	(Denton, TX -- $599,570)			
	(Lewisville, TX -- $692,152)			
VA	Richmond, VA	818,836	$1,016,957	$1,016,957
	(Petersburg, VA -- $1,016,957)			

a/ The amount shown represents the maximum amount allowable in accordance with Pub.L. 107-232. In cases where an urbanized area's FY 2003 apportionment is less than the maximum, FTA will set the operating assistance budget, in TEAM-Web, at an amount not to exceed the FY 2003 apportionment. However, funds are subject to the one percent set-aside required for Transit Enhancements and will be adjusted accordingly.

Note: For informational purposes, the affected 1990 census small urbanized areas (less than 200,000 population) that were merged into an existing urbanized area of at least 200,000 population are shown in parentheses immediately below the eligible 2000 census urbanized area.

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H.J. Res. 19/P.L. 108–9

Recognizing the 92d birthday of Ronald Reagan. (Mar. 6, 2003; 117 Stat. 556)

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