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Presidential Documents

Title 3—

The President

Proclamation 7657 of March 28, 2003

To Take Certain Actions Under the African Growth and Opportunity Act With Respect to the Republic of The Gambia and the Democratic Republic of Congo

By the President of the United States of America

A Proclamation

1. Section 506A(a)(1) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (title I of Public Law 106–200) (AGOA), authorizes the President to designate a country listed in section 107 of the AGOA (19 U.S.C. 3706) as a ''beneficiary sub-Saharan African country'' if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703), as well as the eligibility criteria set forth in section 502 of the 1974 Act (19 U.S.C. 2462).

2. Section 104 of the AGOA authorizes the President to designate a country listed in section 107 of the AGOA as an ''eligible sub-Saharan African country'' if the President determines that the country meets certain eligibility requirements.

3. Section 112(b)(3)(B) of the AGOA (19 U.S.C. 3721(b)(3)(B)) provides special rules for certain apparel articles imported from ''lesser developed beneficiary sub-Saharan African countries.''

4. Pursuant to section 104 of the AGOA and section 506A(a)(1) of the 1974 Act, I have determined that the Republic of The Gambia (The Gambia) meets the eligibility requirements set forth or referenced therein, and I have decided to designate The Gambia as an eligible sub-Saharan African country and as a beneficiary sub-Saharan African country.

5. Pursuant to section 104 of the AGOA, I have determined that the Democratic Republic of Congo (DROC) meets the eligibility criteria set forth therein, and I have decided to designate DROC as an eligible sub-Saharan African country.

6. I have further decided to authorize the United States Trade Representative (USTR) to exercise the authority provided to the President under section 506A(a)(1) of the 1974 Act with respect to DROC. The USTR shall announce any such exercise of authority in a notice published in the **Federal Register**.

7. The Gambia satisfies the criterion for treatment as a ''lesser developed beneficiary sub-Saharan African country'' under section 112(b)(3)(B) of the AGOA. DROC, if it is designated as a beneficiary sub-Saharan African country, would also satisfy the criterion for treatment as a ''lesser developed beneficiary sub-Saharan African country'' under section 112(b)(3)(B) of the AGOA.

8. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

9. With respect to any designation of DROC as a beneficiary sub-Saharan African country, I have decided to authorize the USTR to exercise the

authority provided to the President under section 604 of the 1974 Act to embody modifications and technical or conforming changes in the HTS.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including sections 506A and 604 of the 1974 Act and section 104 of the AGOA, do proclaim that:

(1) The Gambia is designated as an eligible sub-Saharan African country and as a beneficiary sub-Saharan African country.

(2) In order to reflect this designation in the HTS, general note 16(a) to the HTS is modified by inserting in alphabetical sequence in the list of beneficiary sub-Saharan African countries ''Republic of The Gambia.''

(3) DROC is designated as an eligible sub-Saharan African country.

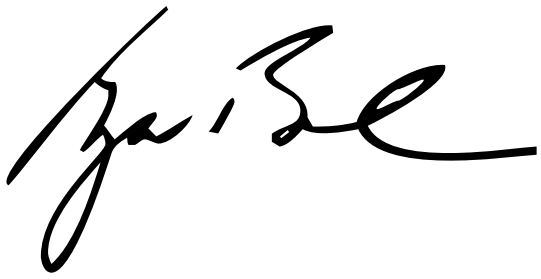
(4) The USTR is authorized to exercise the authority provided to the President under section 506A(a)(1) of the 1974 Act with respect to DROC. The USTR shall announce any such exercise of authority in a notice published in the **Federal Register**. To implement any designation of DROC as a beneficiary sub-Saharan African country, the USTR is authorized to exercise the authority provided to the President under section 604 of the 1974 Act to embody modifications and technical or conforming changes in the HTS.

(5) For purposes of section 112(b)(3)(B) of the AGOA, The Gambia is a lesser developed beneficiary sub-Saharan African country. If it is designated as a beneficiary sub-Saharan African country, DROC would also be a lesser developed beneficiary sub-Saharan African country for purposes of section 112(b)(3)(B) of the AGOA.

(6) Any provisions of previous proclamations and Executive Orders that are inconsistent with this proclamation are superseded to the extent of such inconsistency.

(7) The modification to the HTS made by this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-seventh.



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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 923

[Docket No. FV02–923–1 IFR]

Sweet Cherries Grown in Designated Counties in Washington; Establishment of Procedures To Allow the Grading or Packing of Sweet Cherries Outside the Production Area

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule allows the grading or packing of sweet cherries outside the production area established under the Washington sweet cherry marketing order (order). The order regulates the handling of sweet cherries grown in designated counties in Washington. Persons desiring to ship Washington sweet cherries for grading or packing outside the production area will apply and report to the Washington Cherry Marketing Committee (Committee) on forms provided by the Committee. The reporting requirement will provide the Committee with safeguard information on the grading or packing of sweet cherries outside the production area to assure that acceptable quality fruit is shipped. This rule will provide greater flexibility in the grading, packing, and marketing of Washington sweet cherries. In some cases, the facilities outside the production area are closer to where the fruit is produced, and the ability to grade and pack outside the production area would reduce costs. This rule was recommended unanimously by the Committee, the agency responsible for local administration of the order.

DATES: Effective April 3, 2003; comments received by June 2, 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 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: Teresa L. Hutchinson, Marketing Specialist, 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 rule is issued under Marketing Agreement No. 134 and Order No. 923, both as amended (7 CFR part 923), regulating the handling of sweet cherries grown in designated counties in 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. This rule is not intended to have retroactive effect. 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 the 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 the 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 the 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.

Minimum grade, size, maturity, container, pack and inspection requirements are currently established under the order. This rule establishes procedures and safeguard requirements that allow for the grading or packing of Washington sweet cherries outside the production area. Persons desiring to ship Washington sweet cherries for grading or packing outside the production area will apply and report to the Committee on forms provided by the Committee.

Consistent with the authorities and procedures outlined in the Act, the order was amended on November 21, 2001 (66 FR 58350). One of the amendments increased the size of the production area to include all counties east of the Cascade Range and provided authority in § 923.54 for the establishment of procedures to allow the shipment of Washington sweet cherries outside the production area for grading and packing. Section 923.54 also provides authority for the establishment of such safeguards as may be necessary to ensure the sweet cherries are handled in accordance with the order's provisions.

The Committee met on May 14, 2002, and unanimously recommended the establishment of procedures and safeguard requirements to allow the grading or packing of sweet cherries

outside the production area. Currently, all cherries are required to be graded and packed before leaving the production area. Committee members believe that this will give shippers an opportunity to choose those grading and packing facilities that will be most beneficial to their individual circumstances. The grading and packing costs that are charged to growers may be different among differenet handlers in the production area or packing facilities outside the production area. There may be differences in the type of packaging or other services offered by packing facilities within or outside the production area.

For example, a packing facility outside the area of production is experimenting with modified atmosphere packaging that increases the shelf life of sweet cherries. There are also Washington sweet cherry growers who are part owners of packing facilities that are located outside the area of production, and it may be advantageous for them to be able to deliver to those facilities for grading and packing. Finally, some of the facilities are closer to where the fruit is produced, and allowing these facilities to be used for grading, packing, or both could reduce producer and handler delivery costs.

The Committee believes that the minimum grade, size, maturity, container, and pack requirements established under the order are very important to the industry. The Committee believes such requirements create orderly marketing, are good for consumers, encourage repeat purchases, and ultimately improve returns to growers. Therefore, the Committee also recommended the establishment of safeguards to ensure that all sweet cherries graded and packed outside the production area are ultimately inspected and certified by the Federal or Federal-State Inspection Service as meeting the minimum grade, size, maturity, container, and pack requirements established under the order. Persons desiring to ship or receive sweet cherries for grading or packing outside the production area will apply to the Committee on a *Shippers/Receivers Application for Special Purpose Shipment Certificate.* Such applicants will submit an application each year prior to shipping or receiving sweet cherries for grading or packing outside the production area. Information collected on the application will include the date, name, address, phone number, signature of the applicant, and such other information as the Committee may require. The form includes a certification that all production are cherries graded or packed outside the production area will be inspected by the Federal or Federal-State Inspection Service and will meet the minimum grade, size, maturity, container, and pack requirements established under § 923.322 prior to shipment.

After the Committee approves an application, the applicant within the area of production and the applicant packing facility outside the area will be required to submit a weekly *Special Purpose Shipment Report* to the Committee when Washington sweet cherries are shipped out of the production area for grading or packing, along with inspection certificates, and other information required by the Committee for verification purposes. Information collected on the reports will include the names, addresses, telephone numbers, signatures of the applicants, names of the growers and handlers of such cherries, and the total quantities of each variety of cherries shipped or received. These reports will be submitted to the Committee at the close of business every Friday during those weeks when the shipper applicant has shipped or the receiver applicant has received sweet cherries for grading and packing outside the production area. The Committee estimates that each affected applicant will submit approximately 10 of these reports annually.

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.

Based on Committee data, there are approximately 1,500 producers (growers) of sweet cherries in the production are and approximately 62 handlers subject to regulation under the order. The Committee estimates that there are about 6 prospective applicants that may take advantage of this marketing opportunity. Small agricultural producers are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $750,000 and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Based on Committee data, the average production of sweet cherries in Washington State for the last three years is 64,676 tons. Based on Washington Agricultural Statistics Service data, the average producer price for sweet cherries in Washington State for the last three years is $1,943 per ton. With a Committee estimated 1,500 sweet cherry producers of record, the average annual producer revenue is calculated to be approximately $83,777. Using Committee data regarding each individual handler's's total shipments during the 2001 marketing year and a Committee estimated average F.O.B. price of $24.00 per 20-pound container in 2001, 79 percent of the Washington sweet cherry handlers ship under $5,000,000 worth of sweet cherries and 21 percent ship over $5,000,000 worth of sweet cherries. Therefore, the majority of Washington sweet cherry producers and handlers may be classified as small entities. Also, there are an estimated 6 packing facilities or receivers that would be affected by this action. Although their size is not known, it is estimated that most would be considered small entities.

Committee 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, Committee recommendations can be considered to represent the interests of small business entities in the industry.

This rule will allow persons to ship Washington sweet cherries outside the area of production for grading and packing. Applicants desiring to ship or receive sweet cherries for grading or packing outside the production area will be required to submit an application to the Committee. The applicants will certify that all production area cherries graded or packed outside the production area will be inspected by the Federal-State Inspection Service and will meet the minimum grade, size, maturity, container, and pack requirements established under § 923.322 prior to shipment. Persons who are approved by the Committee to ship or receive will report all production area sweet cherries shipped or received for grading or packing outside the production area at the close of business every Friday.

Regarding the impact of the proposed action on affected entities, this rule will

impose minimal additional costs. As previously mentioned, the Committee estimates that about six prospective applicants may desire to ship or receive sweet cherries for grading or packing outside the production area during the marketing year. Such applicants will be required to submit a *Shippers/Receivers Application for Special Purpose Shipment Certificate* and receive approval from the Committee prior to shipping or receiving any production area sweet cherries each year for grading or packing. After the Committee approves an application, both applicants will be required to submit a weekly *Special Purpose Statement Report* to the Committee when Washington sweet cherries are shipped or received for grading or packing along with inspection certificates or other information required by the Committee for verification purposes. The Committee estimates that each affected applicant will submit about 10 of these reports annually. The annual industry burden associated with this information collection is estimated to total approximately 5 hours.

An alternative to this action would be to not allow Washington sweet cherries to be shipped outside the production area for grading or packing. This alternative would limit the flexibility of growers and handlers to make decisions related to the grading, packing, and marketing of Washington sweet cherries. Another alternative would be to allow shipments of such sweet cherries for grading or packing outside the production area, but not require any reporting. The Committee did not support this alternative because of the lack of any safeguards to ensure compliance with the handling requirements implemented under the order. Allowing the shipment of Washington sweet cherries outside the production area for grading or packing is a relaxation of order requirements and any costs related to additional reporting will be greatly outweighed by the benefits of allowing such shipments.

This rule will impose an additional reporting and recordkeeping burden on persons who ship or receive sweet cherries for grading or packing outside the production area. This action requires two new Committee forms. The information collection requirements are discussed in the following section.

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. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the sweet cherry industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the May 14, 2002, meeting was a public meeting and all entities, both large and small, were able to express 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.

Paperwork Reduction Act

In accordance with the Paperwork Reduction act of 1995 (44 U.S.C. Chapter 35), this notice announces that AMS is seeking emergency approval for a new information collection request for Sweet Cherries Grown in Designated Counties in Washington, Marketing Order No. 923. The emergency request was necessary because insufficient time was available to follow normal clearance procedures. This collection will be merged with the forms currently approved for use under OMB No. 0581–0189 ''Generic OMB Fruit Crops.''

Title: Sweet Cherries Grown in Designated Counties in Washington, Marketing Order No. 923.

OMB Number: 0581–NEW.

Type of Request: New collection.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Act, to provide the respondents the type of service they request, and to administer the Washington sweet cherry marketing order program, which has been operating since 1957.

On May 14,2002, the Committee unanimously recommended the establishment of procedures and safeguard requirements to allow the grading or packing of sweet cherries outside the production area. This information will be reported on two new Committee forms. The safeguard requirements require an applicant to apply to the Committee on a *Shipper/Receivers Application for Special Purpose Shipment Certificate* form once a year, and receive approval from the Committee, prior to shipping or receiving sweet cherries for grading or packing outside the production area. After the Committee approves the application, the applicant will be required to submit weekly a *Special Purpose Shipment Report* to the Committee when Washington sweet cherries are shipped or received for grading or packing along with inspection certificates or other information required by the Committee for verification purposes. The new Committee forms will help ensure compliance with the regulations and assist the Committee and the USDA with oversight and planning.

The information collected is used only by authorized representatives of the USDA, including AMS, Fruit and Vegetable Programs' regional and headquarter's staff, and authorized Committee employees. Authorized Committee employees are the primary users of the information and AMS is the secondary user.

The request for approval of the new information collections under the order is as follows:

Shippers/Receivers Application for special Purpose Shipment Certificate.

Estimate of Burden: Public reporting burden for this collection is estimated to average 2 minutes per response.

Respondents: Persons who ship or receive Washington sweet cherries for grading or packing outside the production area.

Estimated Number of Respondents: 6.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual burden on Respondents: 0.18 hours.

Special Purpose Shipment Report. Estimate of Burden: Public reporting burden for this collection of information is estimated to average 5 minutes per response.

Respondents: Persons who ship or receive Washington sweet cherries for grading or packing outside the production area.

Estimated Number of Respondents: 6.

Estimated Number of Responses per Respondent: 10.

Estimated Total Annual Burden on Respondents: 4.98 hours

Comments: Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information

on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference OMB No. 0581–NEW and the Marketing Order for Sweet Cherries Grown in Designated Counties in Washington and be sent to the USDA in care of the Docket Clerk at the previously mentioned address. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. As mentioned before, because there was insufficient time for a normal clearance procedure and prompt implementation is needed, AMS has obtained emergency approval from OMB for the use of the new forms for the year. This collection will be merged with the forms currently approved for use under OMB No. 0581–0189 ''Generic OMB Fruit Crops.'' 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 allows the grading or packing of sweet cherries outside the production area established under the Washington sweet cherry marketing order. Persons desiring to ship or receive sweet cherries for grading or packing outside the production area will apply and report to the Washington Cherry Marketing Committee on forms provided by the Committee. The reporting requirement will provide the Committee with safeguard information to ensure compliance on the grading or packing of sweet cherries outside the production area.

Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Committee'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, is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to 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 rule until 30 days after publication in the **Federal Register** because: (1) The order amendments prompting these changes were implemented on November 21, 2001, after approval in a grower referendum;

(2) the Committee unanimously recommended these changes at a public meeting and all interested parties had an opportunity to provide input;

(3) Washington sweet cherry growers and handlers are aware of this rule and need no additional time to comply with the relaxed requirements;

(4) sweet cherries will begin being shipped in June; and

(5) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 923 is amended as follows:

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

■ 1. The authority citation for 7 CFR part 923 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 923.322 is amended by redesignating paragraphs (f) and (g) as (g) and (h), respectively, and adding a new paragraph (f) to read as follows:

§ 923.322 Washington Cherry Regulation.

* * * * *

(f) *Grading or packing cherries outside the production area.* (1) Persons desiring to ship or receive cherries for grading or packing outside the production area shall apply to the committee on a ''Shippers/Receivers Application for Special Purpose Shipment Certificate'' form, and receive approval from the Committee. The application shall contain the following:

(i) Name, address, telephone number, and signature of applicant;

(ii) Certification by the applicant that cherries graded and packed outside the production area shall be inspected by the Federal-State Inspection Service and shall meet the grade, size, maturity, container, and pack requirements of this section prior to shipment; and

(iii) Such other information as the committee may require.

(2) Each approved applicant shall furnish to the committee, at the close of business every Friday, a report containing the following information on a ''Special Purpose Shipment Report'' form:

(i) Name, address, telephone number, and signature of applicant;

(ii) Names of growers and handlers of such cherries;

(iii) The total quantity of each variety of cherries; and

(iv) Such other information as the committee may require.

(3) The committee may rescind or deny to any applicant its approval of the ''Shippers/Receivers Application for Special Purpose Shipment Certificate'' if proof satisfactory to the committee is obtained that any cherries shipped or received by such applicant for grading or packing were handled contrary to the provisions of this section.

* * * * *

Dated: March 26, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–7846 Filed 4–1–03; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Docket No. FV03–989–4 IFR]

Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2002–03 Crop Natural (Sun-Dried) Seedless and Zante Currant Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule establishes final volume regulation percentages for 2002–03 crop Natural (sun-dried) Seedless (NS) and Zante Currant (ZC) raisins covered under the Federal marketing order for California raisins (order). The order regulates the handling of raisins produced from grapes grown in California and is locally administered by the Raisin Administrative Committee (Committee). The volume regulation percentages are 53 percent free and 47 percent reserve for NS raisins, and 80 percent free and 20 percent reserve for ZC raisins. The percentages are intended to help stabilize raisin supplies and prices, and strengthen market conditions.

DATES: Effective April 3, 2003. The volume regulation percentages apply to acquisitions of NS and ZC raisins from the 2002–03 crop until the reserve raisins from that crop are disposed of under the marketing order. Comments received by June 2, 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 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: Maureen T. Pello, Senior Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; 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 rule is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, 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. Under the order provisions now in effect, final free and reserve percentages may be established for raisins acquired by handlers during the crop year. This rule establishes final free and reserve percentages for NS and ZC raisins for the 2002–03 crop year, which began August 1, 2002, and ends July 31, 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. Such 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 final volume regulation percentages for 2002–03 crop NS and ZC raisins covered under the order. The volume regulation percentages are 53 percent free and 47 percent reserve for NS raisins, and 80 percent free and 20 percent reserve for ZC raisins. Free tonnage raisins may be sold by handlers to any market. Reserve raisins must be held in a pool for the account of the Committee and are disposed of through various programs authorized under the order. For example, reserve raisins may be sold by the Committee to handlers for free use or to replace part of the free tonnage raisins they exported; used in diversion programs; carried over as a hedge against a short crop; or disposed of in other outlets not competitive with those for free tonnage raisins, such as government purchase, distilleries, or animal feed.

The volume regulation percentages are intended to help stabilize raisin supplies and prices, and strengthen market conditions. The Committee unanimously recommended ZC final percentages on January 29, 2003, and NS final percentages on February 13, 2003.

Computation of Trade Demands

Section 989.54 of the order prescribes procedures and time frames to be followed in establishing volume regulation. This includes methodology used to calculate percentages. Pursuant to § 989.54(a) of the order, the Committee met on August 14, 2002, to review shipment and inventory data, and other matters relating to the supplies of raisins of all varietal types. The Committee computed a trade demand for each varietal type for which a free tonnage percentage might be recommended. Trade demand is computed using a formula specified in the order and, for each varietal type, is equal to 90 percent of the prior year's shipments of free tonnage and reserve tonnage raisins sold for free use into all market outlets, adjusted by subtracting the carryin on August 1 of the current crop year, and adding the desirable carryout at the end of that crop year. As specified in § 989.154(a), the desirable carryout for NS raisins shall equal the total shipments of free tonnage during August and September for each of the past 5 crop years, converted to a natural condition basis, dropping the high and low figures, and dividing the remaining sum by three, or 60,000 natural condition tons, whichever is higher. For all other varietal types, including ZC raisins, the desirable carryout shall equal the total shipments of free tonnage during August, September and one-half of October for each of the past 5 crop years, converted to a natural condition basis, dropping the high and low figures, and dividing the remaining sum by three. In accordance with these provisions, the Committee computed and announced 2002–03 trade demands for NS and ZC raisins at 196,185 tons and 2,166 tons, respectively, as shown below.

COMPUTED TRADE DEMANDS

[Natural condition tons]

	NS raisins	ZC raisins
Prior year's shipments	298,133	3,441
Multiplied by 90 percent	0.90	0.90

COMPUTED TRADE DEMANDS—Continued

[Natural condition tons]

	NS raisins	ZC raisins
Equals adjusted base	268,320	3,097
Minus carryin inventory	132,135	1,910
Plus desirable carryout	60,000	978
Equals computed trade demand	196,185	2,166

Computation of Preliminary Volume Regulation Percentages

Section 989.54(b) of the order requires that the Committee announce, on or before October 5, preliminary crop estimates and determine whether volume regulation is warranted for the varietal types for which it computed a trade demand. That section allows the Committee to extend the October 5 date up to 5 business days if warranted by a late crop.

Due to a late 2002 crop, the Committee met on October 8, 2002, and announced a preliminary crop estimate for NS raisins of 407,996 tons, which is almost 18 percent higher than the 10-year average of 346,770 tons. NS raisins are the major varietal type of California raisin. Adding the carryin inventory of 132,135 tons, plus 18,000 tons of reserve raisins expected to be released to handlers this season for free use in an export program, plus the 407,996-ton crop estimate resulted in a total available supply of 558,131 tons, which was significantly higher (almost 285 percent) than the 196,185-ton trade demand. Thus, the Committee determined that volume regulation for NS raisins was warranted. The Committee announced preliminary free and reserve percentages for NS raisins, which released 65 percent of the computed trade demand since the field price (price paid by handlers to producers for their free tonnage raisins) had not been established. The preliminary percentages were 31 percent free and 69 percent reserve.

Also at its October 8, 2002, meeting, the Committee announced a preliminary crop estimate for ZC raisins at 4,544 tons, which is comparable to the 10-year average of 4,494 tons. Combining the carry-in inventory of 1,910 tons with the 4,544-ton crop estimate resulted in a total available supply of 6,454 tons. With the estimated supply significantly higher (almost three times) than the 2,166-ton trade demand, the Committee determined that volume regulation for ZC raisins was warranted. The Committee announced preliminary percentages for ZC raisins, which released 65 percent of the computed trade demand since field price had not been established. The preliminary percentages were 31 percent free and 69 percent reserve.

Field prices for both NS and ZC raisins were established on January 10, 2003, and preliminary percentages were revised on January 13, 2003, to 41 percent free and 59 percent reserve for NS and ZC raisins to release 85 percent of their trade demands.

In addition, preliminary percentages were announced for Other Seedless, Dipped Seedless, and Oleate and Related Seedless. It was ultimately determined that volume regulation was only warranted for NS and ZC raisins. As in past seasons, the Committee submitted its marketing policy to USDA for review.

Modification to Marketing Policy Regarding ZC Raisins

Pursuant to § 989.54(f) of the order, the Committee met on January 29, 2003, and revised its marketing policy regarding ZC raisins due to a major change in economic conditions. The Committee recommended, and USDA subsequently approved, an increase in the ZC trade demand from 2,166 to 3,302 tons. The Committee's rationale for this action was to take advantage of increased demand created by a short Greek crop. Greece's crop has been reduced due to adverse weather conditions, and the Committee hopes to be able to sell more California ZC raisins in world markets.

Computation of Final Volume Regulation Percentages

Pursuant to § 989.54(c), at its January 29, 2003, meeting, the Committee announced interim percentages for NS and ZC raisins to release slightly less than their full trade demands. Based on a revised NS crop estimate of 373,138 tons (down from the October estimate of 407,996 tons), interim percentages for NS raisins were announced at 52.75 percent free and 47.25 percent reserve. Based on a revised ZC crop estimate of 4,128 tons (down from the October estimate of 4,544 tons), interim percentages for ZC raisins were announced at 79.75 percent free and 20.25 percent reserve.

Pursuant to § 989.54(d), the Committee also recommended final percentages to release the full trade demands for NS and ZC raisins. Final percentages were recommended for ZC raisins at the Committee's January meeting at 80 percent free and 20 percent reserve. Final percentages for NS raisins were recommended by the Committee at a meeting on February 13, 2003, at 53 percent free and 47 percent reserve, based on a revised crop estimate of 373,680 tons (slightly up from the January estimate of 373,138 tons). The Committee's calculations to arrive at final percentages for NS and ZC raisins are shown in the table below:

FINAL VOLUME REGULATION PERCENTAGES

[Natural condition tons]

	NS Raisins	ZC Raisins
Trade demand	196,185	3,302
Divided by crop estimate	[1] 373,680	[2] 4,128
Equals free percentage	53	80
100 minus free percentage equals reserve percentage	47	20

[1] The crop estimate for NS raisins is underestimated, as acquisitions through the week ending February 22, 2003, were at 378,601 tons.

[2] The crop estimate for ZC raisins is underestimated, as acquisitions through the week ending February 22, 2003, were at 4,200 tons.

In addition, USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (Guidelines) specify that 110 percent of recent years' sales should be made available to primary markets each season for marketing orders utilizing reserve pool authority. This goal will be met for NS and ZS raisins by the establishment of final percentages, which release 100 percent of the trade demands and the offer of additional reserve raisins for sale to handlers under the ''10 plus 10 offers.'' As specified in § 989.54(g), the 10 plus 10 offers are two offers of reserve pool raisins, which are made available to handlers during each season. For each such offer, a quantity of reserve raisins equal to 10 percent of the prior year's shipments is made available for free use. Handlers may sell their 10 plus 10 raisins to any market.

For NS raisins, the first ''10 plus 10 offer'' was held in February 2003. A total of 29,813 tons was made available to raisin handlers; all of the raisins were purchased. The second 10 plus 10 offer of 29,813 tons will be made available to handlers in May 2003. Adding the total figure of 59,626 tons of 10 plus 10 raisins to the 200,658 tons of free tonnage raisins acquired by handlers from producers through the week ending February 22, 2003, plus 132,135 tons of 2001–02 carryin inventory, plus 18,000 tons of reserve raisins released during the season through an export program, equates to 410,419 tons of natural condition raisins, or 385,207 tons of packed raisins, that are available to handlers for free use or primary markets. This is about 138 percent of the quantity of NS raisins shipped during the 2001–02 crop year (298,133 natural condition tons or 279,819 packed tons).

For ZC raisins, both ''10 plus 10 offers'' were held simultaneously in February 2003. A total of 688 tons was made available to handlers, and all of the raisins were purchased. Adding the 688 tons of 10 plus 10 raisins to the 3,360 tons of free tonnage raisins acquired by handlers from producers through the week ending February 22, 2003, plus 1,910 tons of 2001–02 carryin inventory equates to 5,958 tons of natural condition raisins, or about 5,268 tons of packed raisins, available to handlers for free use or primary markets. This is about 173 percent of the quantity of ZC raisins shipped during the 2001–02 crop year (3,441 tons natural condition tons or 3,043 packed tons).

In addition to the 10 plus 10 offers, § 989.67(j) of the order provides authority for sales of reserve raisins to handlers under certain conditions such as a national emergency, crop failure, change in economic or marketing conditions, or if free tonnage shipments in the current crop year exceed shipments of a comparable period of the prior crop year. Such reserve raisins may be sold by handlers to any market. When implemented, the additional offers of reserve raisins make even more raisins available to primary markets, which is consistent with USDA's 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 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 approximately 20 handlers of California raisins who are subject to regulation under the order and approximately 4,500 raisin producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000. Thirteen of the 20 handlers subject to regulation have annual sales estimated to be at least $5,000,000, and the remaining 7 handlers have sales less than $5,000,000. No more than 7 handlers, and a majority of producers, of California raisins may be classified as small entities.

Since 1949, the California raisin industry has operated under a Federal marketing order. The order contains authority to, among other things, limit the portion of a given year's crop that can be marketed freely in any outlet by raisin handlers. This volume control mechanism is used to stabilize supplies and prices and strengthen market conditions.

Pursuant to § 989.54(d) of the order, this rule establishes final volume regulation percentages for 2002–03 crop NS and ZC raisins. The volume regulation percentages are 53 percent free and 47 percent reserve for NS raisins, and 80 percent free and 20 percent reserve for ZC raisins. Free tonnage raisins may be sold by handlers to any market. Reserve raisins must be held in a pool for the account of the Committee and are disposed of through certain programs authorized under the order.

Volume regulation is warranted this season for NS raisin acquisitions of 378,601 tons through the week ending February 22, 2003, combined with the carryin inventory of 132,135 tons, plus 18,000 tons of reserve raisins released for free use through an export program, results in a total available supply of 528,736 tons, which is about 270 percent higher than the 196,185-ton trade demand. Volume regulation is warranted for ZC raisins this season because acquisitions of 4,200 tons through the week ending February 22, 2003, combined with the carryin inventory of 1,910 tons results in a total available supply of 6,110 tons, which is about twice the 3,302-ton trade demand.

Many years of marketing experience led to the development of the current volume regulation procedures. These procedures have helped the industry address its marketing problems by keeping supplies in balance with domestic and export market needs, and strengthening market conditions. The current volume regulation procedures fully supply the domestic and export markets, provide for market expansion, and help reduce the burden of oversupplies in the domestic market.

Raisin grapes are a perennial crop, so production in any year is dependent upon plantings made in earlier years. The sun-drying method of producing raisins involves considerable risk because of variable weather patterns.

Even though the product and the industry are viewed as mature, the industry has experienced considerable change over the last several decades. Before the 1975–76 crop year, more than 50 percent of the raisins were packed and sold directly to consumers. Now, over 60 percent of raisins are sold in bulk. This means that raisins are now sold to consumers mostly as an ingredient in another product such as cereal and baked goods. In addition, for a few years in the early 1970's, over 50 percent of the raisin grapes were sold to the wine market for crushing. Since then, the percent of raisin-variety grapes sold to the wine industry has decreased.

In addition, the price wineries have offered for raisin grapes has dropped to $65 per ton.

California's grapes are classified into three groups—table grapes, wine grapes, and raisin-variety grapes. Raisin-variety grapes are the most versatile of the three types. They can be marketed as fresh grapes, crushed for juice in the production of wine or juice concentrate, or dried into raisins. Annual fluctuations in the fresh grape, wine, and concentrate markets, as well as weather-related factors, cause fluctuations in raisin supply. This type of situation introduces a certain amount of variability into the raisin market. Although the size of the crop for raisin-variety grapes may be known, the amount dried for raisins depends on the demand for crushing. This makes the marketing of raisins a more difficult task. These supply fluctuations can result in producer price instability and disorderly market conditions.

Volume regulation is helpful to the raisin industry because it lessens the impact of such fluctuations and contributes to orderly marketing. For example, producer prices for NS raisins remained fairly steady between the 1992–93 through the 1997–98 seasons, although production varied. As shown in the table below, during those years, production varied from a low of 272,063 tons in 1996–97 to a high of 387,007 tons in 1993–94, or about 114,944 tons. According to Committee data, the total producer return per ton during those years, which includes proceeds from both free tonnage plus reserve pool raisins, has varied from a low of $901 in 1992–93 to a high of $1,049 in 1996–97, or $148. Total producer prices for the 1998–99 and 1999–2000 seasons increased significantly due to back-to-back short crops during those years. Producer prices dropped dramatically for the last two seasons due to record-size production and large carry-in inventories.

NATURAL SEEDLESS PRODUCER PRICES

Crop Year	Deliveries (natural condition tons)	Producer Prices (per ton)
2001–02	377,328	[1] $554.40
2000–01	432,616	[2] 570.82
1999–2000	299,910	1,211.25
1998–99	240,469	[3] 1,290.00
1997–98	382,448	946.52
1996–97	272,063	1,049.20
1995–96	325,911	1,007.19
1994–95	378,427	928.27
1993–94	387,007	904.60
1992–93	371,516	901.41

[1] and [2] Return-to-date, reserve pools still open.
[3] No volume regulation.

There are essentially two broad markets for raisins—domestic and export. In recent years, both export and domestic shipments have been decreasing. Domestic shipments decreased from a high of 204,805 packed tons during the 1990–91 crop year to a low of 156,325 packed tons in 1999–2000. In addition, exports decreased from 114,576 packed tons in 1991–92 to a low of 91,600 packed tons in the 1999–2000 crop year.

In addition, the per capita consumption of raisins has declined from 2.07 pounds in 1988 to 1.46 pounds in 2001. This decrease is consistent with the decrease in the per capita consumption of dried fruits in general, which is due to the increasing availability of most types of fresh fruit throughout the year.

While the overall demand for raisins has been decreasing (as reflected in the decline in commercial shipments and per capita consumption), production has been increasing. Deliveries of NS dried raisins from producers to handlers reached an all-time high of 432,616 tons in the 2000–01 crop year. This large crop was preceded by two short crop years; deliveries were 240,469 tons in 1998–99 and 299,910 tons in 1999–2000. Deliveries for the 2000–01 crop year soared to a record level because of increased bearing acreage, yields, and growers drying more grapes for raisins. Deliveries for the 2001–02 crop year were at 377,328 tons, and deliveries through February 22, 2003, for the current year were at 378,601 tons. Three crop years of high production and a large 2001–02 carryin inventory has contributed to the industry's burdensome supply of raisins.

This type of surplus situation leads to serious marketing problems. Handlers compete against each other in an attempt to sell more raisins to reduce inventories and to market their crop. This situation puts downward pressure on growers' prices and incomes.

The order permits the industry to exercise supply control provisions, which allow for the establishment of free and reserve percentages, and establishment of a reserve pool. One of the primary purposes of establishing free and reserve percentages is to equilibrate supply and demand. If raisin markets are over-supplied with product, producer prices will decline.

Raisins are generally marketed at relatively lower price levels in the more elastic export market than in the more inelastic domestic market. This results in a larger volume of raisins being marketed and enhances producer returns. In addition, this system allows the U.S. raisin industry to be more competitive in export markets.

To assess the impact that volume control has on the prices producers receive for their product, an econometric model has been constructed. The model developed is for the purpose of estimating nominal prices under a number of scenarios using the volume control authority under the Federal marketing order. The price producers receive for the harvest and delivery of their crop is largely determined by the level of production and the volume of carryin inventories. The Federal marketing order permits the industry to exercise supply control provisions, which allow for the establishment of reserve and free percentages for primary markets, and a reserve pool. The establishment of reserve percentages impacts the production that is marketed in the primary markets.

The reserve percentage limits what handlers can market as free tonnage. Assuming the 53 percent reserve limits the total free tonnage to 200,658 natural

condition tons (.53 x 378,601 tons delivered through February 22, 2003) and carryin is 132,135 natural condition tons, and purchases from reserve total 77,626 natural condition tons (which includes anticipated reserve raisins released through the export program and other purchases), then the total free supply is estimated at 410,419 natural condition tons. The econometric model estimates prices to be $142 per ton higher than under an unregulated scenario. This price increase is beneficial to all producers regardless of size and enhances producers' total revenues in comparison to no volume control. Establishing a reserve allows the industry to help stabilize supplies in both domestic and export markets, while improving returns to producers.

Regarding ZC raisins, ZC raisin production is much smaller than NS raisin production. Volume regulation has been implemented for ZC raisins during the 1994–95, 1995–96, 1997–98, 1998–99, 1999–2000, and 2000–01 seasons. Various programs to utilize reserve pool ZC raisins were implemented during those years. As shown in the table below, although production varied during those years, volume regulation helped to reduce inventories, and helped to strengthen total producer prices (free tonnage plus reserve ZC raisins) from $412.56 per ton in 1994–95 to a high of $1,034.03 per ton in 1998–99. The Committee is implementing an export program for ZC raisins, in addition to NS raisins. Through this program, the Committee plans to continue to manage its ZC supply, build and maintain export markets, and ultimately improve producer returns. Volume regulation helps the industry not only to manage oversupplies of raisins, but also maintain market stability.

ZC INVENTORIES AND PRODUCER PRICES DURING YEARS OF VOLUME REGULATION —(NATURAL CONDITION TONS)

Crop year	Deliveries	Inventory		Producer prices (per ton)
		Desirable	Physical	
2001–02	4,213	1,227	1,395	[1]$1,000.00
2000–01	4,848	1,227	1,109	851.55
1999–2000	3,683	573	1,906	669.14
1998–99	3,880	694	1,188	1,034.03
1997–98	4,826	788	1,679	710.08
1996–97	4,491	987	549	[2]1,150.00
1995–96	3,294	782	2,890	711.32
1994–95	5,377	837	4,364	412.56

[1] and [2] No volume regulation.

Free and reserve percentages are established by varietal type, and usually in years when the supply exceeds the trade demand by a large enough margin that the Committee believes volume regulation is necessary to maintain market stability. Accordingly, in assessing whether to apply volume regulation or, as an alternative, not to apply such regulation, it has been determined that volume regulation is warranted this season for only two of the ten raisin varietal types defined under the order.

The free and reserve percentages established by this rule release the full trade demands and apply uniformly to all handlers in the industry, regardless of size. For NS raisins, with the exception of the 1998–99 crop year, small and large raisin producers and handlers have been operating under volume regulation percentages every year since 1983–84. There are no known additional costs incurred by small handlers that are not incurred by large handlers. While the level of benefits of this rulemaking are difficult to quantify, the stabilizing effects of the volume regulations impact small and large handlers positively by helping them maintain and expand markets even though raisin supplies fluctuate widely from season to season. Likewise, price stability positively impacts small and large producers by allowing them to better anticipate the revenues their raisins will generate.

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 requirements are the same as those applied in past seasons. Thus, this action imposes no additional reporting or recordkeeping burdens on either small or large handlers. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. The information collection and recordkeeping requirements have been previously approved by the Office of Management and Budget (OMB) under OMB Control No. 0581–0178. As with other similar marketing order programs, reports and forms are periodically studied to reduce or eliminate duplicate information collection burdens by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

Further, Committee and subcommittee meetings are widely publicized in advance and are held in a location central to the production area. The meetings are open to all industry members, including small business entities, and other interested persons who are encouraged to participate in the deliberations and voice their opinions on topics under discussion.

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.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments for a 60-day period on the establishment of final volume regulation percentages for 2002–03 crop NS and ZC raisins covered under the order. All comments received within the comment period will be considered prior to finalization of this rule.

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 rule until 30 days after publication in the **Federal Register** because: (1) The relevant provisions of this part require that the percentages designated herein for the 2002–03 crop year apply to all NS and ZC raisins acquired from the beginning of that crop year; (2) handlers are currently marketing their 2002–03 crop NS and ZC raisins and this action should be taken promptly to achieve the intended purpose of making the full trade demands available to handlers; (3) handlers are aware of this action, which was recommended at public meetings, and need no additional time to comply with these percentages; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 989 is amended to read as followed:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 989.256 is added to Subpart—Supplementary Regulations to read as follows:

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

§ 989.256 Final free and reserve percentages for the 2002–03 crop year.

The final percentages for standard Natural (sun-dried) Seedless and Zante Currant raisins acquired by handlers during the crop year beginning on August 1, 2002, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

Varietal type	Free percentage	Reserve percentage
Natural (sun-dried) Seedless	53	47
Zante Currant	80	20

Dated: March 27, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–7938 Filed 4–1–03; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 99–032–2]

Importation of Cooked Meat and Meat Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the importation of certain animals, meat, and other animal products to allow meat cooked in plastic in processing establishments located in regions where rinderpest or foot-and-mouth disease exists to be further processed after cooking and before importation. Additionally, we are allowing the pink juice test to be used in determining whether ground meat cooked in such establishments has been adequately cooked. These amendments will provide foreign meat processing establishments with additional processing options while continuing to protect against the introduction of rinderpest and foot-and-mouth disease into the United States.

EFFECTIVE DATE: May 2, 2003.

FOR FURTHER INFORMATION CONTACT: Dr. Masoud Malik, Senior Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231; (301) 734–3277.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of specified animals and animal products to prevent the introduction into the United States of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), bovine spongiform encephalopathy, swine vesicular disease, hog cholera, and African swine fever. These are dangerous and destructive communicable diseases of ruminants and swine.

Under § 94.4 of the regulations, the Animal and Plant Health Inspection Service (APHIS) prohibits the importation of cured and cooked meat from regions where rinderpest or FMD exists unless the cured or cooked meat fulfills the conditions prescribed in that section.

Meat Cut Into Cubes

Section 94.4(b)(8) requires that cooked ruminant or swine meat imported into the United States from regions where rinderpest or FMD exists be inspected at the port of arrival by an inspector of the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (Department) and be found to be thoroughly cooked. For meat that is cooked in plastic, thoroughness of cooking must be determined either by a temperature indicator device (TID) or by the pink juice test performed on a piece of meat known as an indicator piece. It is important for the FSIS inspector to be able to associate a TID or indicator piece with the plastic tube of cooked meat that it came from. Until now, that has meant that meat from various cooking tubes could not be combined after cooking for further processing at a foreign meat processing establishment before being exported to the United States.

On May 22, 2002, we published a proposed rule in the **Federal Register** (67 FR 35936–35939, Docket No. 99–032–1) in which we proposed to allow meat cooked in different plastic tubes in a single cycle of cooking to be combined after that cooking for further processing. Additionally, we proposed to allow the pink juice test to be used in determining whether ground meat cooked in foreign meat processing establishments has been adequately cooked.

We solicited comments concerning our proposal for 60 days ending July 22, 2002. We received 16 comments by that date. They were from livestock associations, food processing associations, a State department of agriculture, foreign and domestic meat processors, importers, manufacturers of packaged food products, and a meat science association. Three of the commenters opposed the proposed provisions, two supported the proposal as written, and the rest of the commenters recommended changes to the proposed rule. We discuss the issues raised by the commenters below.

Comments Received

In our proposed rule, we referred to meat that is cooked in the same cooking cycle as being part of the same ''shift.'' A number of commenters stated that the word ''shift'' connotes the time worked by personnel, rather than a cooking

cycle, and recommended that we replace the word ''shift'' with ''batch.'' In this final rule, we are changing our terminology to use ''batch,'' as recommended by the commenters. In our discussion of the proposed rule in this background information, when we refer to text in the proposed rule that used the term ''shift,'' we will use the term ''batch'' instead and follow it with the term ''shift'' in parentheses.

The regulations in part 94 require that meat cooked in plastic for exportation to the United States from regions where FMD or rinderpest exists be cooked in boiling water or a steam-fed oven. Several commenters stated that technology exists that makes it possible to carry out the required cooking by steam or boiling water in a continuous cooker, rather than in a single batch cooker. The commenters requested that the regulations specifically acknowledge that adequate cooking by steam or boiling water can be done in a continuous cooker and that, if such a continuous cooker is used, a batch be considered a designated period of time in the cooker. One commenter recommended that such a batch be limited to one metric ton of meat.

We agree that a steam-fed or boiling water continuous cooker can be used to cook meat to a temperature that will destroy the FMD and rinderpest agents, and consider a batch to be a unit of meat kept in the cooker for a minimum of 1.75 hours. We are adding language to § 94.4 to clarify that such a continuous cooker may be used. However, we do not consider it necessary to limit the amount of meat that may be cooked in a batch, provided all of the meat is cooked for the minimum required time.

Several commenters requested that APHIS eliminate the requirement in the regulations for any specific cooking method and either allow manufacturers to use alternative heat processing technologies that achieve the necessary time and temperature results, or provide that alternative cooking methods may be approved on a case-by-case basis.

We are making no changes based on this comment. The methods of cooking allowed by the regulations were approved after we determined them to be effective in destroying the FMD and rinderpest agents. Part of the process of determining the efficacy of those cooking methods was to allow members of the public to submit information regarding the effectiveness of the cooking methods. We will consider any requests to allow alternative cooking methods that are submitted to us along with supporting documentation regarding their effectiveness. If it appears the methods can be used to destroy the FMD and rinderpest agents, we will propose to add them to the cooking methods allowed under the regulations and will invite the general public to comment on the proposal. Based on all information we receive, we will determine whether to add such cooking methods to those allowed under the regulations.

Among the requirements we proposed regarding the further processing of meat after cooking was that one tube of cooked meat from each batch (shift) per cooker be randomly selected and that an indicator piece be cut from the cold spot of the tube to serve as the indicator piece for the entire batch (shift).

A number of commenters stated that all of the meat cooked in a particular batch per cooker cannot always be shipped together. The commenters recommended that the regulations allow indicator pieces or TID's to be taken from more than one cooking tube per batch of a cooker, in case the batch is split into more than one shipment. The commenters recommended that the regulations require that unused indicator pieces or TID'S taken from the batch be destroyed once the batch is loaded into a container.

With regard to the use of TID's, we did not specifically refer to them in our proposed provisions because current standard industry practice is not to use TID's. However, as indicated in § 94.4(b)(5), a TID is an acceptable method of confirming that meat cooked in plastic has been cooked to the required temperature. Therefore, in this final rule, § 94.4(b)(6) provides that meat that is further processed after cooking may be accompanied to the United States by either an indicator piece or a TID. With regard to the number of indicator pieces or TID's that may be taken from a batch for shipment to the United States, we are providing in this final rule that indicator pieces or TID's from up to two cooking tubes per batch of a cooker may be selected to accompany shipments of cooked meat to the United States. Following the loading of a batch of cooked meat into a container, any unused indicator pieces or TID's must be destroyed.

Section 94.4(b)(6) of the proposed rule stated that the provisions of that paragraph pertained to meat that is cooked and then cooled before further processing. Several commenters stated that we should not require that the meat be cooled before further processing.

Our reference to cooling before further processing was based on standard industry practice. However, such cooling is not necessary for the destruction of the FMD and rinderpest disease agents. Therefore, in this final rule, § 94.4(b)(6) will not refer to cooling the meat after cooking.

One commenter noted that proposed § 94.4(b)(6)(i) used the wording ''tube or plastic container.'' The commenter recommended that, since the tubes that are used are made of plastic, it would be sufficient simply to refer to ''plastic container.''

Proposed § 94.4(b)(5) stated that meat to be cooked in tubes must be loaded into a flexible or semiflexible cooking tube constructed of plastic or other material approved by the U.S. Food and Drug Administration. The intent was to require that a tube be used, but not necessarily that the tube be made of plastic. Therefore, in this final rule, § 94.4(b)(6)(i) refers to the tube required under § 94.4(b)(5), and not to a plastic container. For the same reason, we have also changed the heading of paragraph (b)(5) from ''Meat cooked in plastic'' to ''Meat cooked in tubes.''

One commenter noted that proposed § 94.4(b)(6)(i) stated that the certificate accompanying meat that has been further processed must provide the date that the tube from which the indicator piece was taken was selected. The commenter recommended that the term ''selected'' be changed to ''cooked,'' to eliminate the option of the indicator piece being collected at any time after cooking but before processing.

We do not consider the precise date that the tube was selected (*i.e.*, whether it was selected the day the meat was cooked or at some later date before the meat is further processed) as important as knowing that the indicator piece or piece containing a TID is, in fact, representative of the processed meat. Therefore, although we are not requiring that the indicator piece or piece containing a TID be selected the date the meat is cooked, we are adding a requirement in this final rule that the certificate include the date the meat was cooked, as well as the date of the selection of the tube. Additionally, we are requiring in § 94.4(b)(6) that the indicator piece or piece containing a TID be selected by random sampling after the meat has been cooked and before the meat undergoes any additional processing (*e.g.*, through cutting, slicing, or dicing), and that, once that processing is completed, the meat may not be processed further before being exported to the United States. We are requiring in § 94.4(b)(8) that the certificate that must accompany the meat to the United States indicate what type of processed product (*e.g.*, diced cubes of a particular size) the indicator piece or piece containing a TID represents.

Several commenters who opposed the proposed rule stated it would increase product handling and exposure to the environment and greatly increase the risk of contamination by pathogens. The commenters expressed further concern that the Department lacks the resources to guarantee that foreign plants are completely and consistently in compliance with Hazard Analysis and Critical Control Points (HACCP) systems and pathogen testing requirements, and stated that some foreign governments have not provided accurate information and documentation regarding sampling procedures.

Even under the regulations prior to this final rule, processing of meat intended for exportation to the United States from regions where FMD or rinderpest exists needed to be carried out in an establishment approved by APHIS and FSIS as one in which the facilities for processing raw meat are separate from the facilities used for processing cooked meat. The additional processing allowed by this final rule must be carried out in accordance with those existing safeguards against contamination. The HACCP system referred to by the commenter is one that FSIS has adopted with regard to human health concerns and does not directly pertain to the regulations in part 94. In addition to a departmental inspection of the establishment prior to approval, periodic inspections are carried out by the Department to ensure compliance with the regulations. If, at any time, the Department determines an establishment is acting contrary to APHIS regulations, APHIS will take corrective action. APHIS relies on foreign governments' inspection and supervision of sampling, recordkeeping, and documentation in the same way that those governments rely on U.S. inspection and supervision of sampling, recordkeeping, and documentation.

Several commenters expressed concern that any products brought into the United States because of the new regulations would be in direct competition with U.S. products.

As we stated in our proposed rule, we do not expect that the adoption of this rule will greatly increase the volume of meat imports, largely because most products that would be imported in accordance with this final rule are already being imported. The effect of this rule will be to alter only the sizes of these products. Further, the Department must operate in accordance with international trade agreements, which provide that restrictions may not be imposed on importations unless there is a science-based justification for imposing such restrictions.

Several commenters questioned why, with homeland security in mind, APHIS proposed a rule that the commenters stated would provide more opportunity for contamination or sabotage during meat processing.

All of the mitigation measures in the animal health regulations governing both domestic and international commerce take a science-based approach to reducing the risk of the introduction or spread of animal diseases. The assessment of unmitigated risk is based on scientific evidence, historical data, and projections of expected movements of animals and animal products. Based on that assessment of risk, measures to mitigate risk are applied where necessary. Safeguards against potential acts of terrorism are being dealt with through procedures other than those set forth in 9 CFR part 94.

Two commenters stated that, although proposed § 94.4(b)(6) referenced only cubes, slices, and anatomical cuts of meat as being eligible for further processing, the provisions should also include ground meat that meets the prescribed conditions.

We are making no changes based on these comments. The proposed rule was initiated based on a request and information specifically addressing the process of cutting larger pieces of meat into cubes prior to their being hard frozen for shipment to the United States. As such, the process is not relevant to cooked ground meat.

One commenter stated that the proposed rule failed to include an analysis of the risk associated with the importation of cooked meat products, the change in risk the proposal would effect, the statistical validity of taking one sample per cooking batch, and the impact thawing and refreezing of samples would have on the pink juice test methodology.

The existing provisions for cooking meat in tubes will not be substantively changed by this final rule. All meat intended for importation under this rule will need to be cooked according to the existing time and temperature requirements. Under the existing provisions, veterinary officials in the exporting country conduct a pink juice test and gauge the temperature of the meat. Meat is then frozen and shipped to the United States. Once it is thawed in this country, U.S. inspectors conduct their own pink juice test. This process will essentially remain the same, except that U.S. inspectors will conduct the pink juice test on an indicator piece, or inspect a piece containing a TID, that was randomly chosen in the exporting country by government representatives of the exporting country. This rule will simply allow for further processing of meat after the cooking. APHIS has historically considered taking one sample per cooking cycle for pink juice testing a valid method of determining the effectiveness of the cooker for that cycle.

Several commenters stated that the economic impact of introducing FMD into the United States would be enormous, and that, even if contaminated imported products were removed from store shelves, the accompanying publicity would severely affect sales of domestic meat and meat products.

We are aware of the potential negative economic effects of the introduction of any serious foreign animal disease into the United States, particularly FMD, and have established the cooking requirements in § 94.4 to mitigate the risk of such diseases being introduced in imported cooked meat. As noted above, all meat intended for importation under this rule will need to be cooked according to the existing time and temperature requirements.

One commenter expressed concern that the pink juice test might not be a reliable method of ensuring proper cooking.

We are making no changes based on this comment. The pink juice test is an existing regulatory provision that we did not propose to change in any way in this rulemaking. Further, the commenter did not provide any specific data to support concerns regarding the efficacy of the pink juice test.

One commenter recommended that officials of foreign governments responsible for randomly selecting tubes of meat for indicator pieces be Department-certified and bonded. We are making no change based on this comment. We currently rely on officials of foreign governments for numerous types of certification without requiring that such individuals be Department-certified and bonded, just as our trading partners do not require that U.S. officials be certified and bonded by their governments.

Ground Meat

Under the regulations prior to this final rule, the only allowable method of determining whether ground meat cooked in tubes had been cooked to the required temperature was by means of a TID, *i.e.*, the use of an indicator piece was not an option for ground meat. Because TID's have not been in common use, this has had the effect of restricting the importation of ground meat cooked in tubes. In our proposed rule, however, we proposed to provide that an

indicator piece could be used in lieu of a TID for ground meat if the indicator piece is of sufficient size for a pink juice test to be performed (*i.e.*, 3.8 centimeters or larger in each dimension after cooking). We are making that provision final in this rule. This change may make it more feasible to import ground meat into the United States. Under these circumstances, we consider it necessary to clarify in the regulations that ground meat imported into the United States from regions where FMD exists after being cooked in plastic may include no cardiac muscle. Research has shown that when cardiac tissue that is virus-positive is cooked according to the provisions of § 94.4, the FMD virus can survive the cooking.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In this document, we are amending the regulations regarding meat cooked in processing establishments located in regions where rinderpest or FMD exists to allow for further processing of meat after cooking and before importation.

Although these amendments will apply to both ruminant and swine meat, the primary effect of the changes will be on beef. As described previously in this document, the regulations in § 94.4(b)(5) prior to this final rule provided for the importation of ruminant and swine meat cooked under conditions that are largely similar to those provided under this rule. However, only beef and veal have been imported into the United States under § 94.4(b)(5), primarily from Argentina, Brazil, and Uruguay. This rule will allow for quality improvements in these cubed beef and veal products and, therefore, expand their marketability. However, the potential effect on imports of beef and veal and the overall U.S. supply of beef and veal is expected to be small for several reasons.

The cooked ground meat, cubes of meat, slices of meat, and anatomical cuts of meat that have been imported under § 94.4(b)(5) were used primarily in the production of products such as stews and meat pies. This rule will allow for an improvement in the quality of the meat cubes by making them available in more sizes and in a more consistent size and shape. This will allow the products to have expanded marketability. However, cooked cubed beef and veal constitute a small portion of the U.S. beef and veal industry. Imports of prepared beef, including beef cooked in tubes, but not cured, pickled, salted, dried, or made into sausages, account for about 7 percent of all U.S. imports of beef and veal, but less than 1 percent of total U.S. supply.

In addition, imports into the United States of fresh beef and veal from Argentina and Uruguay are no longer occurring, due to FMD outbreaks in those countries. Also, although Argentina, Brazil, and Uruguay are large producers of beef and veal, their total exports are small relative to U.S. supply. The production of beef and veal in these three countries in 2001 was about 80 percent of that of the United States, but their exports of these products to all countries, including the United States, equated to considerably less than 1 percent of the U.S. supply of beef and veal. Thus, the effect on price would be negligible even if these countries were willing and able to redirect all of their beef and veal exports to the production of cooked cubed beef and veal for export to the United States.

Because (1) Similar products are already being imported, (2) the rule will alter only the sizes of these products, and (3) other types of beef and veal imports from Argentina, Brazil, and Uruguay have stopped, we do not expect that the adoption of this rule will greatly increase the volume of beef and veal imports. These amendments may result in a change in the character of the imports, but should not greatly increase the volume of those imports.

Imports of these products will potentially offer competition for domestic producers of ground meat, cubes of meat, slices of meat, and anatomical cuts of meat. Producers of these products are meatpacking plants, both those that slaughter animals directly and those that process purchased meats. In addition, these imports will also compete with domestic ruminant farms that sell to meatpacking facilities.

The Small Business Administration's (SBA) definition of a small entity in the production of cattle is one whose total sales are under $750,000 annually. According to the most recently published U.S. Department of Agriculture ''Census of Agriculture,'' in 1997, there were 656,181 cattle farms in the United States, of which 99 percent would be considered small entities. However, as was discussed above, we expect that the economic impact on these producers will be minimal.

The SBA's guidelines state that a small producer of beef and veal meat that is in the form of cooked ground meat, cubes, slices, or anatomical cuts is one employing fewer than 500 workers. According to the most recently published U.S. Department of Commerce ''Economic Census,'' in 1997, 98 percent or 1,297 of the meatpacking establishments processing purchased meats in the United States were small. These small establishments accounted for approximately 78 percent of the total value of shipments of the industry, or approximately $25 billion. Also in 1997, 95 percent of 1,393 animal slaughtering establishments were considered small. These small establishments accounted for approximately 76 percent of the total value of shipments of the industry, or $41.6 billion.

Based on the above information, we do not expect that this rule will have a significant effect on the volume of imports of ruminant and swine meat, including ground meat, cubes of meat, slices of meat, and cuts of meat. Given that the volume of imports will be unlikely to increase substantially, we do not expect that the economic effects of this rule on domestic producers of these products, whether small or large, will be significant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 94.4 is amended as follows:
■ a. By revising paragraph (b)(5) to read as set forth below.
■ b. By redesignating paragraphs (b)(6) through (b)(8) as (b)(7) through (b)(9) and adding a new paragraph (b)(6) to read as set forth below.
■ c. By revising newly redesignated paragraph (b)(8) to read as set forth below.

§ 94.4 Cured or cooked meat from regions where rinderpest or foot-and-mouth disease exists.

* * * * *

(b) * * *

(5) *Meat cooked in tubes.* Ground meat (which must not include cardiac muscle), cubes of meat, slices of meat, or anatomical cuts of meat (cuts taken from the skeletal muscle tissue) weighing no more than 5 kg (11.05 lbs) must be loaded into a flexible or semiflexible cooking tube constructed of plastic or other material approved by the U.S. Food and Drug Administration. The meat must then be cooked in either boiling water or in a steam-fed oven, in either a batch cooker or a continuous cooker, to reach a minimum internal temperature of 79.4 °C (175 °F) at the cold spot after cooking for at least 1.75 hours. Thoroughness of cooking must be determined by a TID registering the target temperature at the cold spot, or by the pink juice test as follows:

(i) *Cubes of meat and ground meat.* For cubes of meat, at least 50 percent of meat pieces per tube must be 3.8 cm (1.5 in) or larger in each dimension after cooking or, if more than 50 percent of the cubes of meat pieces per tube are smaller than 3.8 cm (1.5 in) in any dimension after cooking, or if the meat is ground meat, an indicator piece consisting of a single piece of meat of sufficient size for a pink juice test to be performed (3.8 cm (1.5 in) or larger in each dimension after cooking) must have been placed at the cold spot of the tube.

(ii) *Slices of meat.* At least 50 percent of the slices of meat must be 3.8 cm (1.5 in) or larger in each dimension after cooking or, if more than 50 percent of meat pieces are smaller than 3.8 cm (1.5 in) in any dimension after cooking, an indicator piece of sufficient size for a pink juice test to be performed (3.8 cm (1.5 in) or larger in each dimension after cooking) must be placed at the cold spot of the tube.

(iii) *Anatomical cuts of meat.* An indicator piece removed from an anatomical cut of meat after cooking must be removed from the center of the cut, farthest from all exterior points and be 3.8 cm (1.5 in) or larger in each dimension for performance of the pink juice test.

(6) *Further processing of meat cooked in tubes.* Cubes of meat, slices of meat, or anatomical cuts of meat (cuts taken from the skeletal muscle tissue) cooked in tubes in accordance with paragraph (b)(5) of this section may be processed further after cooking if the following provisions are met:

(i) For meat that is cooked and is intended for further processing, up to two tubes from each batch per cooker must be randomly selected by the official of the National Government of the region of origin who is authorized to issue the meat inspection certificate required by § 327.4 of this title. If a TID is not used, a cylindrical or square piece of at least 3.8 cm (1.5 in) in each dimension must be cut from the cold spot of each tube. The cylindrical or square piece will be the indicator piece for the pink juice test. The indicator piece or piece containing the TID must be sealed in plastic or other material approved by the U.S. Food and Drug Administration, and be accompanied by a certificate issued by the official who selected the tube. The certificate must provide the date the tube was cooked and the cooker and batch number, and the date the tube was selected for sampling. Each batch per cooker must have at least one but no more than two indicator pieces or pieces containing TID's. All indicator pieces and pieces containing TID's must be individually sealed, properly labeled, and enclosed together in one sealed box that accompanies the shipment. Any indicator pieces or pieces containing TID's that are not used to accompany a shipment to the United States must be destroyed following loading of the batch into a container; and

(ii) After removing the indicator piece or piece containing a TID, all remaining meat from the same batch may be cut into smaller cubes and sealed in plastic or other material approved by the U.S. Food and Drug Administration. After being processed into smaller cubes once, the meat may not be further processed before shipment to the United States. The cubes of meat and the indicator piece or piece containing a TID must be accompanied to the United States by a certificate as provided in paragraph (b)(8) of this section.

* * * * *

(8) *Certificate.* (i) The cooked meat must be accompanied by a certificate issued by an official of the National Government of the region of origin who is authorized to issue the foreign meat inspection certificate required under § 327.4 of this title, stating: ''This cooked meat produced for export to the United States meets the requirements of title 9, Code of Federal Regulations, § 94.4(b).'' Upon arrival of the cooked meat in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(ii) For cooked meat that is further processed in accordance with paragraph (b)(6) of this section, the certificate must include the following statement, in addition to the certification required under paragraph (b)(8)(i) of this section: ''No more than two tubes were randomly selected per batch per cooker for cutting an indicator piece or obtaining a piece containing a TID. The indicator piece or piece containing a TID represents a shipment of (describe form of processed product—*e.g.*, diced cubes of a particular size). A piece containing a TID or a piece 3.8 cm (1.5 in) or larger in each dimension was cut from the cold spot of the tube, and was sealed and marked with the following cooking date, cooker, and batch: _____ and the following date of selection of the tube_____. The total number of indicator pieces or pieces containing TID's enclosed in a sealed box is_____.''

* * * * *

Done in Washington, DC, this 26th day of March 2003.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–7847 Filed 4–1–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NE–01–AD; Amendment 39–13098; AD 2003–07–02]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company) 501–D Series Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), that is applicable to Rolls-Royce Corporation (formerly Allison Engine Company) 501–D series turboprop engines. This amendment requires removal from service of certain turbine rotor components at reduced life limits. This amendment is prompted by the result of recalculated material properties by the manufacturer. The actions specified by this AD are intended to prevent uncontained turbine rotor failure resulting in in-flight engine shutdown and possible damage to the airplane.

DATES: Effective May 7, 2003.

ADDRESSES: The service information referenced in this AD may be obtained from Rolls-Royce Corporation, PO Box 420, Indianapolis, IN 46206–0420; telephone (317) 230–6400; fax (317) 230–4243. This information may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Michael Downs, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone (847) 294–7870; fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to Rolls-Royce Corporation (formerly Allison Engine Company) 501–D series turboprop engines was published in the **Federal Register** on October 18, 2002 (67 FR 64328). That action proposed to require removal from service of certain turbine rotor components at reduced life limits due to recalculated material properties by the manufactuer. As a result, the manufacturer has reduced the life limits of certain second-stage, third-stage, and fourth-stage turbine wheel assemblies, and certain 1st-2nd stage, 2nd-3rd stage, and 3rd-4th stage turbine spacer assemblies.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

AD Not Required

One commenter states that it is a waste of tax dollars to issue the AD when the life limits of Rolls-Royce Customer Service Letter (CSL) 1001, Revision 19, dated July 22, 2002, and the life limit reduction specified by the NRPM are the same. The commenter continues to say that the only possible difference the AD could address would be the ''one time exception'' permitted by the CSL to operate beyond the revised limits until March 31, 2003, and then only if the AD is adopted as a final rule before March 31, 2003. The commenter believes that the AD does not offer any new information except that the FAA may address the ''one time exception'' permitted by CSL 1001.

The FAA does not agree. Whenever the FAA lowers the life of critical service parts, an AD is required because the change in service life has become more restricted. The reason CSL 1001 and the NPRM are the same is because Rolls-Royce has already revised the CSL as a result of the NPRM. The AD is not addressing the ''one time exception'' in CSL 1001, Revision 19, dated July 22, 2002.

Expand the Applicability To Add Airbus Industrie 377S GT–F (Super Guppy)

One commenter requests that the Applicability statement be written to include the Airbus Industrie 377SGT–F (Super Guppy) model.

The FAA agrees. The Applicability statement is revised to reflect this change.

Add Assigned Rework Part Numbers to Table 2

One commenter requests that two additional part numbers (PNs) 23064854 and 23064858, be added to the Supplementary Information section ''FAA's Determination of an Unsafe Condition and Proposed Actions'' and that the same numbers be added to Table 2 501–D22 Series Life Limits. The two additional PNs are the assigned reworked PNs for 6844632 and 23033463. The reworked PNs have the same life limit as their prior part number; therefore, they should be added to the AD to prevent any confusion regarding their reduction in life limit to 4,700 cycles-in-service (CIS).

The FAA agrees. The assigned reworked PNs are added to Table 2; however the FAA's Determination of an Unsafe Condition and Proposed Actions section in the NPRM preamble does not appear in the final rule.

Original Life Limit for Part Number 6844794 Rev R and Greater

The same commenter requests an additional change to the Supplementary Information Section ''FAA's Determination of an Unsafe Condition and Proposed Actions'' and to Table 2. The commenter states that the life limit reduction for the PN 6844794, 3rd and 4th stage turbine spacer is only necessary for those parts which were manufactured prior to part number drawing 6844794 revision letter ''R''. Tighter dimensional control of the spacer critical life location which was implemented with PN 6844794 revision letter ''R'' allows PNs identified as Rev ''R'' and greater to remain at their previous life limits. Therefore, the commenter requests that delineation by PN 6844794 ''with serial number (SN) less than and including KK22951 * * *'' be replaced by ''PN 6844794 prior to revision letter R''.

The FAA agrees. Table 2 reflects the change in the AD; however, the FAA's Determination of an Unsafe Condition and Proposed Actions section in the NPRM preamble does not appear in the final rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Economic Analysis

There are approximately 930 Rolls-Royce 501–D series turboprop engines of the affected design in the worldwide fleet. The FAA estimates that 684 engines installed on airplanes of U.S. registry will be affected by this AD. This AD does not impose any additional labor costs if performed at the time of scheduled engine overhaul. Required parts will cost approximately $45,000 per engine. Based on these figures, the total cost of the AD to U.S. operators is estimated to be $30,780,000.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it

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. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (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) 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 final evaluation has been prepared for this action and it 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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2003–07–02 Rolls-Royce Corporation: Amendment 39–13098. Docket No. 2001–NE–01–AD.

Applicability: This airworthiness directive (AD) is applicable to Rolls-Royce Corporation (formerly Allison Engine Company) 501–D series turboprop engines. These engines are installed on, but not limited to Lockheed 188 series and 382 series turboprop airplanes, Airbus Industrie 377SG5–F (Super Guppy) airplanes, and Convair Models 340 and 440 airplanes which have Rolls-Royce corporation 501–D series turboprop engines installed under a Supplemental Type Certificate. These models are commonly referred to as Convair 580/580A or 5800 models.

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

Compliance: Compliance with this AD is required as indicated, unless already done.

To prevent uncontained turbine rotor failure, resulting in in-flight engine shutdown and possible damage to the airplane, do the following:

501–D13 Series Engines

(a) For 501–D13 series engines, remove turbine wheels and spacers from service as specified in the following Table 1:

TABLE 1.—501–D13 SERIES LIFE LIMITS

Part name	Part No.	Life limit for wheels that have complied with commercial overhaul information letter (COIL) 401, dated May 1978	Life limit for wheels that have not complied with COIL 401, dated May 1978
(1) Second-stage turbine wheel assembly.	6847142 and 6876892	Remove from service before or upon accumulating 16,000 cycles-in-service (CIS).	Remove from service before or upon accumulating 12,000 CIS.
(2) Third-stage turbine wheel assembly.	6845883 and 6849743	Remove from service before or upon accumulating 13,000 CIS.	Remove from service before or upon accumulating 10,000 CIS.
(3) Fourth-stage turbine wheel assembly.	6876468	Remove from service before or upon accumulating 24,000 CIS.	Remove from service before or upon accumulating 18,000 CIS.

(b) Information on 501–D13 series engine turbine life limits can be found in Rolls-Royce Commercial Service Letter (CSL) No. CSL–120, Revision No. 52, dated July 22, 2002.

501–D22 Series Engines

(c) For 501–D22 series engines, remove turbine wheels and spacers from service as specified in the following Table 2:

TABLE 2.—501–D22 SERIES LIFE LIMITS

Part name	Part No.	Remove from service:
(1) Third-stage turbine wheel assembly	6855083	Before or upon accumulating 10,000 cycles-in-service (CIS).
(2) 1st-2nd-stage spacer assembly	6844632, 23033463, 23064854, and 23064858.	Before or upon accumulating 4,700 CIS.
(3) 1st-2nd-stage spacer assembly	23056966	Before or upon accumulating 8,000 CIS.
(4) 2nd-3rd-stage spacer assembly	23033456	Before or upon accumulating 4,000 CIS.
(5) 3rd-4th-stage spacer assembly	6844794 prior to revision letter ''R''	Before or upon accumulating 5,100 CIS.

(d) Information on 501–D22 series engine turbine life limits can be found in Rolls-Royce Commercial Service Letter (CSL) No. CSL–1001, Revision No. 19, dated July 22, 2002.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of

compliance with this airworthiness directive, if any, may be obtained from the ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with §§ 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 done.

Effective Date

(g) This amendment becomes effective on May 7, 2003.

Issued in Burlington, Massachusetts, on March 25, 2003.

Francis A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 03–7743 Filed 4–1–03; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 228, 229, 244 and 249

[Release Nos. 33–8216; 34–47583; IC–25983; FR–69; File Nos. S7–43–02 and S7–44–02]

RIN 3235–AI69 and 3235–AI71

Filing Guidance Related to: Conditions for Use of Non-GAAP Financial Measures; and Insider Trades During Pension Fund Blackout Periods

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; interim guidance regarding Form 8–K Item 11 and Item 12 filing requirements.

SUMMARY: The Securities and Exchange Commission is issuing interim guidance regarding the filing of information pursuant to new Items 11 and 12 of Form 8–K. Item 11 requires a registrant to provide public notice of a pension fund blackout period. Final rules related to this disclosure item were published in the **Federal Register** on January 28, 2003 (68 FR 4337). Item 12 requires a registrant to furnish specified disclosure when the registrant, or any person acting on its behalf, makes any public announcement or release disclosing material non-public information regarding the registrant's results of operations or financial condition for a competed quarterly or annual fiscal period. Final rules related to this disclosure item were published in the **Federal Register** on January 30, 2003 (68 FR 4819).

EFFECTIVE DATE: March 28, 2003.

FOR FURTHER INFORMATION CONTACT: Andrew Thorpe, Special Counsel, with respect to the Form 8–K Item 11 information, or Joseph Babits, Special Counsel, with respect to the Form 8–K Item 12 information, at (202) 942–2910, Division of Corporation Finance, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0402.

SUPPLEMENTARY INFORMATION: On January 22, 2003, the Commission issued two separate adopting releases. One of the releases contained final rules to clarify the application and prevent evasion of section 306(a) of the Sarbanes-Oxley Act of 2002.[1] Section 306(a) prohibits any director or executive officer of an issuer of any equity security from, directly or indirectly, purchasing, selling or otherwise acquiring or transferring any equity security of the issuer during a pension plan blackout period that temporarily prevents plan participants or beneficiaries from engaging in equity securities through their plan accounts, if the director or executive officer acquired the equity security in connection with his or her service or employment as a director or executive officer. Among other things, the Commission created new Item 11 of Form 8–K, which requires a registrant to provide public notice of a pension fund blackout period. The Item 11 disclosure requirement is effective on March 31, 2003. The Commission deferred effectiveness until March 31 to allow time for Commission staff to program the addition of Item 11 to the Electronic Data Gathering, Analysis and Retrieval (''EDGAR'') system. In recognition of the fact that section 306(a) of the Sarbanes-Oxley Act of 2002, including the notice requirement, became effective on January 26, 2003, the release stated that between January 26 and March 31, 2003, a registrant could provide the required notice to the Commission by disclosing the information described in Item 11 under Item 5 (''Other Information'') of Form 10–Q or 10–QSB, in the first quarterly period filed by the registrant after commencement of the blackout period.

The other release contained final rules and amendments to address public companies' disclosure or release of certain financial information that is calculated and presented on the basis of methodologies other than in accordance with generally accepted accounting principles.[2] Among other things, the Commission created new Item 12 of Form 8–K, that requires a registrant to furnish specified disclosure when the registrant, or any person acting on its behalf, makes any public announcement or release disclosing material non-public information regarding the registrant's results of operations or financial condition for a competed quarterly or annual fiscal period. The Item 12 disclosure requirement applies to earnings releases and similar announcements made after March 28, 2003.

Because the necessary programming to add Items 11 and 12 of Form 8–K to the EDGAR system is not yet complete, we are providing the following interim guidance regarding the filing requirement for these Items.

- Registrants should continue to disclose the information required by Item 11 under Item 5 (''Other Information'') of Form 10–Q or 10–QSB in the first quarterly report filed by the registrant after commencement of the blackout period.
- Registrants should furnish the information required by Item 12 under Item 9 (''Regulation FD Disclosure'') of Form 8–K.
- The text of Item 5 of the Form 10–Q that provides information required under Item 11 should indicate that information is being provided under Item 11.
- The caption in the Form 8–K that provides information required under Item 12 should indicate that information is being provided under Item 12, or under Items 9 and 12, as the case may be.

This procedural guidance does not affect the legal obligations or consequences of providing the information under these items. For example, the information in a Form 8–K report furnished pursuant to Item 9 is not deemed to be ''filed'' for the purposes of Section 18 of the Securities Exchange Act of 1934 or otherwise subject to the liabilities of that section, except if the registrant specifically states that the information is to be considered ''filed'' under the Exchange Act or incorporates it by reference into a filing under the Securities Act of 1933 or the Exchange Act. As provided in the final rules, a registrant must furnish the information that is required by Item 12 under Item 9 of Form 8–K within five business days after the occurrence of an event specified in Item 12. Information provided under Item 12 also may be required to be provided under the requirements of Regulation FD; in this case, any earlier deadline for Item 9 under Regulation FD would apply.

This interim guidance will remain in effect until we announce that our EDGAR system permits registrants to file or furnish information using the

[1] Release No. 34–47225 (January 22, 2003) [68 FR 4337].

[2] Release No. 33–8176 (January 22, 2003) [68 FR 4819].

Item 11 and 12 designations. We will issue a statement and post it on the Commission's Web site to announce this date as soon as it becomes known.

By the Commission.

Dated: March 27, 2003.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–7841 Filed 4–1–03; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 9034]

RIN 1545–AW65

Education Tax Credit; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations that were published in the **Federal Register** on Thursday, December 26, 2002 (67 FR 78687), relating to the education tax credit.

DATES: This correction is effective December 26, 2002.

FOR FURTHER INFORMATION CONTACT: Marilyn E. Brookens (202) 622–4920 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 25A of the Internal Revenue Code.

Need for Correction

As published, the final regulations contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 9034), that were the subject of FR Doc. 02–32453, is corrected as follows:

§ 1.25A–3 [Corrected]

■ 1. On Page 78694, Column 2, § 1.25A–3(d)(2), *Example 4.,* line 1, the language ''Prior to 1998, Student was not'' is corrected to read ''Prior to 1998, Student C was not''.

§ 1.25A–5 [Corrected]

■ 2. On page 78696, Column 2, § 1.25A–5(c)(4), *Example 1.,* line 2, the language ''A, who lives on X's campus, $3,000 for'' is corrected to read ''A, who lives on University X's campus, $3,000 for''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Associate Chief Counsel, (Procedure & Administration).

[FR Doc. 03–7732 Filed 4–1–03; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 40, 48, and 49

[TD 9051]

RIN 1545–AX97

Diesel Fuel; Blended Taxable Fuel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the tax on diesel fuel and the tax on blended taxable fuel. This document also makes clerical and clarifying changes to other excise tax regulations. These regulations affect persons that remove, enter, or sell diesel fuel or remove or sell blended taxable fuel.

DATES: *Effective Date:* These regulations are effective April 2, 2003.

Applicability Date: For date of applicability, *see* § 48.4081–3(g)(2)(ii).

FOR FURTHER INFORMATION CONTACT: Frank Boland, (202) 622–3130 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Manufacturers and Retailers Excise Tax Regulations (26 CFR part 48) relating to the definition of diesel fuel, the definition of refinery, and the application of the tax on blended taxable fuel.

On May 16, 2002, a notice of proposed rulemaking (REG–106457–00) was published in the **Federal Register** (67 FR 34882). Written comments were received but no public hearing was requested or held. After consideration of all the comments, the proposed regulations are adopted as revised by this Treasury decision.

Explanation of Provisions

Definition of Diesel Fuel

Existing regulations generally define diesel fuel as any liquid that, without further processing or blending, is suitable for use as a fuel in a diesel-powered highway vehicle or diesel-powered train. The proposed regulations would add to existing regulations by providing that a liquid is suitable for use as diesel fuel if the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle or diesel-powered train.

One commentator suggested that the final regulations should provide that a liquid does not possess practical and commercial fitness solely by reason of its possible or rare use as a fuel in a vehicle or train. The final regulations adopt this suggestion. The final regulations also provide that a liquid may possess practical and commercial fitness even though the liquid is not predominantly used as a fuel in a vehicle or train.

The commentator also suggested that the final regulations should describe *practical and commercial fitness* in a manner similar to the description of the term in § 145.4051–1(a)(4) of the temporary regulations relating to the tax on the retail sale of certain heavy vehicles. The final regulations do not adopt this suggestion because Treasury and the IRS believe that such detail is not required to determine the classification of most liquids.

Definition of Refinery

Under existing regulations, refinery generally means a facility used to produce taxable fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which taxable fuel may be removed by pipeline, by vessel, or at a rack. The proposed regulations would remove from the definition the references to the source of materials used to produce taxable fuel.

Taxable fuel includes finished gasoline and certain gasoline blendstocks. One commentator indicated that because gas processing plants and chemical plants produce small amounts of gasoline blendstocks, the plants would be considered refineries under the proposed definition. Thus, the commentator suggested, refinery should exclude gas processing plants and chemical plants that mainly produce products other than taxable fuel.

In fact, however, the gas processing plants and chemical plants described by the commentator are refineries under existing regulations. A facility does not lose its status as a refinery simply because it produces only small amounts of gasoline blendstocks. Thus, the final regulations do not adopt the commentator's suggestion.

Liability for Tax on Sale or Removal of Blended Taxable Fuel

Under section 4081(b), tax is imposed on taxable fuel removed or sold by the blender. Blended taxable fuel is taxable fuel that is created by mixing a liquid that has not been taxed with previously taxed taxable fuel. Under existing regulations, the blender is liable for tax on the sale or removal of blended taxable fuel. Generally, the blender is the person that owns the mixture immediately after it is created. Under the proposed regulations, a person would be jointly and severally liable for the tax on blended taxable fuel if the person sells a previously untaxed liquid as a taxed taxable fuel and that liquid becomes a part of a mixture that is blended taxable fuel.

Several commentators suggested that the regulations provide relief for certain unsuspecting blenders. For example, a wholesale distributor of petroleum products might offer to sell undyed diesel fuel (a taxed taxable fuel) to a retailer but actually deliver an untaxed liquid. Even though the retailer bought the liquid in good faith, the retailer would be liable for tax as a blender nevertheless because mixing the untaxed liquid with the preexisting inventory of undyed diesel fuel produces blended taxable fuel. Although the proposed regulations would impose joint and several liability on the dishonest wholesaler, the commentators are concerned that the unsuspecting retailer would still be liable for tax at the discretion of the IRS. To resolve this problem, the commentators generally suggested that the blender should be able to avoid liability for tax if the blender acted reasonably and in good faith when it relied on assurances of the seller as to the status of the liquid it bought.

Treasury and the IRS are concerned that the suggested rule may result in losses to the Highway Trust Fund. If retailers and wholesalers take inconsistent positions regarding the representations made by the wholesaler, the IRS might be unable to establish that either party is liable for the tax. Alternatively, even if the IRS is able to establish the wholesaler's liability, it may be unable to collect the tax from the wholesaler. In either case, the Highway Trust Fund would be inappropriately penalized for the retailer's choice of an untrustworthy supplier. Accordingly, the final regulations do not adopt the suggested rule. Although the final regulations allow the IRS to collect the tax from a person other than the blender in certain circumstances, blenders will remain liable (as under existing regulations) for the tax on the blended fuel.

Other Provisions

The final regulations also make clerical and clarifying changes to other excise tax regulations. For example, in the excise tax procedural regulations, the final regulations remove a redundant sentence. In the regulations relating to the taxes on communication services and air transportation, the final regulations remove obsolete provisions that refer to the district director.

Special Analyses

It has 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. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because these regulations do not impose on small entities a collection of information requirement, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Frank Boland, Office of Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Parts 40 and 48

Excise taxes, Reporting and recordkeeping requirements.

26 CFR Part 49

Excise taxes, Reporting and recordkeeping requirements, Telephone, Transportation.

Adoption of Amendments to the Regulations

■ Accordingly, under the authority of 26 U.S.C. 7805, chapter 1 of 26 CFR is amended as follows:

PART 40—EXCISE TAX PROCEDURAL REGULATIONS

■ 1. The authority citation for part 40 continues to read in part as follows:

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

■ 2. In § 40.6302(c)-3, paragraph (d) is amended as follows:
■ a. The heading is revised.
■ b. The first sentence is removed.
The revision reads as follows:

§ 40.6302(c)–3 Special rules for use of Government depositaries under chapter 33.

* * * * *

(d) *Computation of net amount of tax that is considered as collected during a semimonthly period.* * * *

* * * * *

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

■ 3. The authority citation for part 48 continues to read in part as follows:

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

§ 48.4041–21 [Amended]

■ 4. Section 48.4041–21, paragraph (b)(1)(i), is amended by adding the language ''by the buyer for a taxable use'' after ''covered by the statement is for use''.

■ 5. Section 48.4081–1 is amended as follows:
■ a. Paragraph (b) is amended by:
■ 1. Removing the language ''§ 48.4041–8(b)'' in the definition of Diesel-powered highway vehicle and adding ''§ 48.4061(a)–1(d)'' in its place.
■ 2. Removing the language ''from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons'' in the first sentence of the definition of Refinery. b. Paragraph (c)(2)(i) is amended by adding three sentences to the end.
The addition reads as follows:

§ 48.4081–1 Taxable fuel; definitions.

* * * * *

(c) * * *

(2) * * * (i) * * * A liquid is suitable for this use if the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle or diesel-powered train. A liquid may possess this practical and commercial fitness even though the specified use is not the liquid's predominant use. However, a liquid does not possess this practical and commercial fitness solely by reason of its possible or rare use as a fuel in the propulsion engine of a diesel-powered highway vehicle or diesel-powered train.

* * * * *

■ 6. Section 48.4081–3 is amended by revising paragraphs (g)(2) and (g)(3) to read as follows:

§ 48.4081–3 Taxable fuel; taxable events other than removal at the terminal rack.

* * * * *

(g) * * *

(2) *Liability for tax*—(i) *Liability of the blender.* The blender is liable for the tax imposed under paragraph (g)(1) of this section.

(ii) *Liability of seller of untaxed liquid.* On and after April 2, 2003, a person that sells any liquid that is used to produce blended taxable fuel is jointly and severally liable for the tax imposed under paragraph (g)(1) of this section on the removal or sale of that blended taxable fuel if the liquid—

(A) Is described in § 48.4081–1(c)(1)(i)(B) (relating to liquids on which tax has not been imposed under section 4081); and

(B) Is sold by that person as gasoline, diesel fuel, or kerosene that has been taxed under section 4081.

(3) *Examples.* The following examples illustrate the provisions of this paragraph (g) and the definitions of *blended taxable fuel* and *diesel fuel* in § 48.4081–1(c):

Example 1. (i) *Facts.* W is a wholesale distributor of petroleum products and R is a retailer of petroleum products. W sells to R 1,000 gallons of an untaxed liquid (a liquid described in § 48.4081–1(c)(1)(i)(B)) and delivers the liquid into a storage tank (tank) at R's retail facility. However, W's invoice to R states that the liquid is undyed diesel fuel. At the time of the delivery, the tank contains 4,000 gallons of undyed diesel fuel, a taxable fuel that has been taxed under section 4081. The resulting 5,000 gallon mixture is suitable for use as a fuel in a diesel-powered highway vehicle because it has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. The mixture does not satisfy the dyeing requirements of § 48.4082–1. R sells the mixture from the tank to a construction company for off-highway business use.

(ii) *Analysis*—(A) *Production of blended taxable fuel.* R is a blender within the meaning of § 48.4081–1 because R has produced blended taxable fuel, as defined in § 48.4081–1, by mixing 1,000 gallons of a liquid that has not been taxed under section 4081 with 4,000 gallons of diesel fuel that has been taxed under section 4081. The mixing occurs outside of the bulk transfer/terminal system and the resulting product is diesel fuel because it is suitable for use as a fuel in a diesel-powered highway vehicle.

(B) *Imposition of tax.* Under paragraph (g)(1) of this section, tax is imposed on R's sale of the 5,000 gallons of blended taxable fuel to the construction company. Even though the blended taxable fuel is sold for off-highway business use, which is a nontaxable use as defined in section 4082(b), the sale is not exempt from tax because the blended taxable fuel does not satisfy the dyeing requirements of § 48.4082–1. Tax is computed on 1,000 gallons, which is the difference between the number of gallons of blended taxable fuel R sells (5,000) and the number of gallons of previously taxed taxable fuel used to produce the blended taxable fuel (4,000).

(C) *Liability for tax.* R, as the blender, is liable for this tax under paragraph (g)(2)(i) of this section. W is jointly and severally liable for this tax under paragraph (g)(2)(ii) of this section because the blended taxable fuel is produced using an untaxed liquid that W sold as undyed diesel fuel (that is, as diesel fuel that was taxed under section 4081).

Example 2. (i) *Facts.* W, a wholesale distributor of petroleum products, buys 7,000 gallons of diesel fuel at a terminal rack. The diesel fuel is delivered into a tank trailer. Tax is imposed on the diesel fuel under § 48.4081–2 when the diesel fuel is removed at the rack. W then goes to another location where X, the operator of a chemical plant, sells W 1,000 gallons of an untaxed liquid (a liquid described in § 48.4081–1(c)(1)(i)(B)). However, X's invoice to W states that the liquid is undyed diesel fuel. This liquid is delivered into the tank trailer already containing the 7,000 gallons of diesel fuel. The resulting 8,000 gallon mixture is suitable for use as a fuel in a diesel-powered highway vehicle because it has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. The mixture does not satisfy the dyeing requirements of § 48.4082–1. W sells the mixture to R, a retailer of petroleum products, and delivers the mixture into a storage tank at R's retail facility. R sells the mixture to its customers.

(ii) *Analysis*—(A) *Production of blended taxable fuel.* W is a blender within the meaning of § 48.4081–1 because W has produced blended taxable fuel, as defined in § 48.4081–1, by mixing 1,000 gallons of a liquid that has not been taxed under section 4081 with 7,000 gallons of diesel fuel that has been taxed under section 4081. The mixing occurs outside of the bulk transfer/terminal system and the resulting product is diesel fuel because it is suitable for use as a fuel in a diesel-powered highway vehicle. Thus, R has bought blended taxable fuel.

(B) *Imposition of tax.* Under paragraph (g)(1) of this section, tax is imposed on W's sale of the 8,000 gallons of blended taxable fuel to R. Tax is computed on 1,000 gallons, which is the difference between the number of gallons of blended taxable fuel W sells (8,000) and the number of gallons of previously taxed taxable fuel used to produce the blended taxable fuel (7,000). No tax is imposed on R's subsequent sale of the blended taxable fuel because tax is imposed only with respect to a removal or sale by the blender.

(C) *Liability for tax.* W, as the blender, is liable for this tax under paragraph (g)(2)(i) of this section. X is jointly and severally liable for this tax under paragraph (g)(2)(ii) of this section because the blended taxable fuel is produced using an untaxed liquid that X sold as undyed diesel fuel (that is, as diesel fuel that was taxed under section 4081). R has no liability for tax because R is not a blender and did not sell any untaxed liquid as a taxed taxable fuel. R only sold taxed taxable fuel, the blended taxable fuel bought from W.

* * * * *

§ 48.6427–8 [Amended]

■ 7. Section 48.6427–8, paragraph (d), introductory text, is amended by adding ''or kerosene'' after ''diesel fuel''.

PART 49—FACILITIES AND SERVICES EXCISE TAXES

■ 8. The authority citation for part 49 continues to read in part as follows:

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

§ 49.4291–1 [Amended]

■ 9. Section 49.4291–1 is amended as follows:

■ a. The language ''district director'' is removed in the three places it appears and ''Commissioner'' is added in its place.

■ b. In the fourth sentence, the language ''same district conference'' is removed and ''same conference'' is added in its place.

David A. Mader,

Assistant Deputy Commissioner of Internal Revenue.

Approved: March 7, 2003.

Pamela F. Olson,

Assistant Secretary of the Treasury.

[FR Doc. 03–7812 Filed 4–1–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 602

[TD 9046]

RIN 1545–AX81; 1545–BB49; 1545–BB50; 1545–BB48; 1545–BB53; 1545–BB51; 1545–BB52; 1545–AW26; 1545–AX79

Tax Shelter Regulations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations (TD 9046) which were published in the **Federal Register** on Tuesday, March 4, 2003 (68 FR 10161), relating to tax shelter regulations.

DATES: This correction is effective March 4, 2003.

FOR FURTHER INFORMATION CONTACT: Tara P. Volungis or Charlotte Chyr at (202) 622–3070 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are subject to these corrections are under sections 6011(a), 6111(d) and 6112 of the Internal Revenue Code.

Need for correction

As published, final regulations (TD 9046) contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

■ Accordingly, the publication of final regulations (TD 9046), which was the subject of FR Doc. 03–4958, is corrected as follows:

§ 602.101 [Corrected]

■ 1. On page 10178, column 2, in the first table under § 602.101(b), the entry for 301.6112–1T in the table is corrected by removing the OMB number ''1545–1686'' and adding new OMB numbers to read as follows:

* * * * *

(b) * * *

CFR part or section where identifed and described	Current OMB control No.
* * * * *	
301.6112–1T	1545–0865 1545–1686
* * * * *	

■ 2. On page 10178, column 2, in the second table under § 602.101(b), the entry for 301.6112–1 in the table is corrected by removing the OMB number ''1545–1686'' and adding new OMB numbers to read as follows:

* * * * *

(b) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
301.6112–1	1545–0865 1545–1686
* * * * *	

Cynthia E. Grigsby,

Chief, Regulations Unit, Associate Chief Counsel, (Procedure & Administration).

[FR Doc. 03–7733 Filed 4–01–03; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07–02–077]

RIN 1625–AA09

Drawbridge Operation Regulations; Coronado Beach Bridge (SR 44), Intracoastal Waterway, New Smyrna Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the Coronado Beach bridge (SR44), Intracoastal Waterway, mile 845, New Smyrna Beach, Florida. This rule requires the bridge to open on signal, except that from 7 a.m. until 7 p.m., each day of the week, the bridge need only open on the hour, twenty minutes past the hour and forty minutes past the hour. This action is intended to improve movement of vehicular traffic while not unreasonably interfering with the movement of vessel traffic.

DATES: This rule is effective May 2, 2003.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD7–02–077] and are available for inspection or copying at Commander (obr) Seventh Coast Guard District, 909 SE 1st Ave, Miami, Florida 33131 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Project Manager, Seventh Coast Guard District, Bridge Branch, (305) 415–6743.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On August 7, 2002, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Coronado Beach Bridge (SR 44), Intracoastal Waterway, New Smyrna Beach, Florida in the **Federal Register** (67 FR 51157). We received twenty-four letters commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

On behalf of the City of New Smyrna Beach, the New Smyrna Beach Police Chief requested a change in regulations governing the operation of the Coronado Beach bridge (SR44) to ease vehicle traffic congestion on the causeway approaching the bridge and surrounding beachside intersections and roadways. The Coronado Beach bascule bridge is part of a two-lane, narrow, undivided arterial roadway. This roadway is severely congested due to insufficient vehicular capacity and year round tourism. The existing regulation for this bridge is published in 33 CFR 117.5 and requires the bridge to open on signal. The bridge has a vertical clearance of 24 feet at mean high water and a horizontal clearance of 90 feet. This rule will facilitate vehicle traffic by placing the bridge on a predictable 20-minute opening schedule from 7 a.m. until 7 p.m., each day of the week.

Discussion of Comments and Changes

We received twenty-four letters concerning the proposed rule. Twenty-two of the letters supported the proposal. One letter from a commercial fisherman requested that a fifteen-minute schedule be adopted for weekdays and that the bridge open on signal for weekends, with exceptions for U.S. documented vessels with Coast Guard fishery and commercial towing endorsements, and emergency and Coast Guard vessels when the bridge should open on signal. One letter from the American Canadian Caribbean Line, Inc., requested that scheduled passenger vessels be exempt from the twenty-minute schedule.

We have carefully considered the comments and decided not to change the proposed rule. We do not believe that a five-minute difference in scheduled bridge openings will significantly impact vessel traffic and the proposed rule meets the reasonable needs of navigation in the waterways surrounding the bridge. The Coast Guard does not believe there is a sufficient basis for excluding vessels with Coast Guard fishery and commercial towing endorsements from the twenty-minute schedule. Additionally, the weekend vessel traffic does not increase significantly while the vehicular traffic actually increases; therefore, the twenty-minute schedule is warranted for weekends too. Regularly scheduled passenger vessels should have no difficulties timing their departure to make one of the twenty-minute bridge openings.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and

Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary because this rule allows for three openings per hour from 7 a.m. until 7 p.m., each day, and openings on signal at all other times.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule may affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit under the Coronado Beach bridge from the hours of 7 a.m. until 7 p.m. daily, as well as people who drive vehicles over the bridge from 7 a.m. until 7 p.m. daily, and local business owners. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because this rule only slightly modifies the existing bridge operation schedule, the maximum waiting time for vessels to pass will be twenty-minutes from 7 a.m. until 7 p.m., daily, and the average cycle time for a bridge opening is approximately 6 minutes.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888-REG-FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector, of $100,000,000 or more in any one year. Although this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4307f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e) of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170; 33 CFR 1.05–1(g); Section 117.255 also issued under authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. In § 117.261, add paragraph (h) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(h) *Coronado Beach bridge (SR 44), mile 845 at New Smyrna Beach.* The

Coronado Beach bridge (SR 44), mile 845, shall open on signal, except that from 7 a.m. until 7 p.m., each day of the week, the draw need only open on the hour, twenty minutes past the hour and forty minutes past the hour.

* * * * *

Dated: March 21, 2003.

James S. Carmichael,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 03–7996 Filed 4–1–03; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2003–0046; FRL–7299–8]

S-Metolachlor; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for combined residues of *S*-metolachlor Acetamid, 2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)-, (*S*) and its metabolites, determined as the derivatives, 2-(2-ethyl-6-methylphenyl)amino-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound *S*-metolachlor in or on the raw agricultural commodities grass forage, grass hay, spinach, sugar beet, sugar beet molasses, sugar beet tops, sunflower seed, sunflower meal, and tomato. The Interregional Research Project No. 4 (IR-4) and Syngenta Crop Protection requested theses tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective April 2, 2003. Objections and requests for hearings, identified by docket ID number OPP–2003–0046, must be received on or before June 2, 2003.

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

FOR FURTHER INFORMATION CONTACT: Joanne Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460–0001; telephone number: (703) 305–6224; e-mail address: miller.joanne@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 manufacture. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (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–2003–0046. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the 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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An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Background and Statutory Findings

In the **Federal Register** of January 29, 2003, (68 FR 4470–4475) (FRL–7281–3), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, as amended by FQPA (Public Law 104–170), announcing the filing of pesticide petitions (PP 6E4638, 8E5011, 6F6751, and 7F4897) by the Interregional Research Project No. 4 (IR-4), and Syngenta Crop Protection, New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903 and 410 Swing Road, Greensboro, NC 27419. That notice included a summary of the petition prepared by IR-4 and Syngenta, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.368(a) be amended by establishing a tolerance for combined residues of the herbicide *S*-metolachlor Acetamid, 2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)-, (*S*) and its metabolites, determined as the derivatives, 2-(2-ethyl-6-methylphenyl)amino-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on the raw agricultural commodities grass forage at 12.0 parts per million (ppm), grass hay at 0.02 ppm, spinach at 0.5 ppm, sugar beet at 0.5 ppm, sugar beet dried pulp at 1.0 ppm, sugar beet molasses at 3.0 ppm, sugar beet tops at 15.0 ppm, sunflower at 0.5 ppm, sunflower meal at 1.0 ppm, and tomato at 0.1 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of the FFDCA defines ''safe'' to mean that ''there is a

reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of the FFDCA and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2) of the FFDCA, for a tolerance for combined residues of Acetamid, 2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-methoxy-1-methylethyl)-, (*S*) and its metabolites, determined as the derivatives, 2-(2-ethyl-6-methylphenyl)amino-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on the raw agricultural commodities; grass forage at 10.0 ppm; grass hay at 0.02 ppm; spinach at 0.5 ppm; sugar beet roots at 0.5 ppm; sugar beet molasses at 3.0 ppm; sugar beet tops at 15.0 ppm; sunflower seeds at 0.5 ppm; sunflower meal at 1.0 ppm; and tomato at 0.1 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

Metolachlor is a chloroacetanilide herbicide that was first registered for use in 1976. Racemic metolachlor consists of 50% each of the R-enantiomer (CGA 77101) and the *S*-enantiomer (CGA 77102, or alpha metolachlor). The *S*-enantiomer is the herbicidally active isomer. *S*-metolachlor is a racemic mixture comprised of 88% *S*-enantiomer and 12% *R*-enantiomer. Toxicity data has been submitted on both metolachlor and *S*-metolachlor. The Agency has determined that *S*-metolachlor has either comparable or decreased toxicity as compared to racemic metolachlor.

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by metolachlor are discussed in Table 1a below as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies reviewed.

TABLE 1A.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY FOR METOLACHLOR (PC CODE 108801)

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity rodents	NOAEL = 210 milligram/kilogram/day (mg/kg/day) for males LOAEL for males was not established NOAEL = 23.4 mg/kg/day for females LOAEL =259 mg/kg/day for females based on decreased body weight/body weight gain
870.3150	90-Day oral toxicity in nonrodents	NOAEL =8.77 mg/kg/day LOAEL = 29.42 mg/kg/day based on decreased body weight gain
870.3200	21-28 day dermal	Systemic NOAEL = 1,000 mg/kg/day Systemic LOAEL was not established dermal irritation NOAEL was not established dermal irritation LOAEL = 10 mg/kg/day based on very slight erythema, dry skin and fissuring (one animal)
870.3700	Prenatal developmental in rodents	Maternal NOAEL = 300 mg/kg/day Maternal LOAEL = 1,000 mg/kg/day based on an increased incidence of death, clinical signs of toxicity (clonic and/or toxic convulsions, excessive salivation, urine-stained abdominal fur and/or excessive lacrimation) and decreased body weight gain. Developmental NOAEL = 300 mg/kg/day Developmental LOAEL =1000 mg/kg/day based on slightly decreased number of implantations per dam, decreased number of live fetuses/dam, increased number of resorptions/dam and significant decrease in mean fetal body weight
870.3700	Prenatal developmental in nonrodents	Maternal Toxicity NOAEL = 120 mg/kg/day Maternal Toxicity LOAEL = 360 mg/kg/day based on an increased incidence of clinical observations (persistent anorexia) and decreased body weight gain Developmental Toxicity NOAEL = 360 mg/kg/day Developmental Toxicity LOAEL was not established

TABLE 1A.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY FOR METOLACHLOR (PC CODE 108801)—Continued

Guideline No.	Study Type	Results
870.3800	Reproduction and fertility effects	Parental Toxicity NOAEL = 75.8 mg/kg/day (F_0 males/females: 75.8/85.7 mg/kg/day; F_1 males/females: 76.6/84.5 mg/kg/day). Parental LOAEL was not established Reproductive toxicity NOAEL = 75.8 mg/kg/day (F_0 males/females: 75.8/85.7 mg/kg/day; F_1 males/females: 76.6/84.5 mg/kg/day). Reproductive toxicity LOAEL was not established Offspring NOAEL = 23.5 mg/kg/day (F_0 males/females: 23.5/ 26.0 mg/kg/day; F_1 males/females: 23.7/25.7 mg/kg/day) Offspring LOAEL = 75.8 mg/kg/day based on F_0 males/females: 75.8/85.7 mg/kg/day; F_1 males/females: 76.6/84.5 mg/kg/day) based on decreased body weight.
870.4100	Chronic toxicity dogs	NOAEL = 9.7 mg/kg/day for females LOAEL = 33mg/kg/day for females based on decreased body weight NOAEL =32.7 mg/kg/day for males. LOAEL for males was not established
870.4300	Chronic Toxicity/Carcinogenicity in Rodents	NOAEL = 15 mg/kg/day for females LOAEL = 150 mg/kg/day for females based on slightly decreased body weight gain and food consumption. The NOAEL =150 mg/kg/day for males. The LOAEL was not established for males. Administration of doses up to 3,000 ppm (150 mg/kg/day) was associated with statistically significant increases in liver adenomas and combined adenoma/carcinoma in female rats. In male rats, there was a statistically significant trend but not pair-wise significance for liver tumors.
870.4300	Carcinogenicity mice	NOAEL = 150 mg/kg/day LOAEL = 450 mg/kg/day based on possible treatment-related deaths in females and decreased body weight/body weight gain in males and females no evidence of carcinogenicity
870.5100	Gene mutation -bacterial reverse mutation	negative up to cytotoxic doses (1,000 μg/plate)
870.5300	Gene mutation - mouse lymphoma	no effect on the incidence of mutations in the presence or absence of metabolic activation
870.5395	Cytogenetics Micronucleus assey in Chinese hampsters	no effect of treatment on incidence of micronuclei induction
870.5450	Cytogenetics dominant lethal assey in mice	no effect on embryonic death, pre- and post-implantation or fertility rates in mated females
870.5550	Other Effects DNA Damage/Repair in rat hepatocytes	negative
870.5550	Other Effects DNA Damage/Repair in human fibroblasts	negative
870.5550	Other Effects Unscheduled DNA synthesis in rat hepatocytes	negative for induction of UDS; however, significant increases in percentage of cells in S-phase were observed in females dosed at 500 mg/kg (but not at 1,000 or 1,500 mg/kg) and sacrificed at 15 hours
870.7485	Metabolism and pharmacokinetics Unacceptable	The major metabolic pathway proposed from analysis of urinary as well as fecal metabolites is one of cleavage of the ether bond and subsequent oxidation to the carboxylic acid, as well as hydrolytic removal of the chlorine atom. Conjugation of CGA 24705 or metabolites with gluronic acid or sulfate does not appear to occur. Aqueous extractable urinary radioactivity contained 58% of the total urinary radioactivity and was composed of 5 different radioactive fractions, which were not identified. Current guideline recommendations as to dose levels and use of both sexes in metabolism studies were not followed. Thus, whether the metabolic pattern is altered with dose or repeated exposure cannot be evaluated from these data.

TABLE 1A.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY FOR METOLACHLOR (PC CODE 108801)—Continued

Guideline No.	Study Type	Results
870.7485	Metabolism and pharmacokinetics Unacceptable	Conclusions: Single low (1.5 mg/kg), single high (300 mg/kg) and repeated low (1.5 mg/kg/day for 15 days) oral doses of metolachlor were readily absorbed and eliminated by male and female rats. Urinary and fecal elimination of radioactivity associated with orally administered ^{14}C metolachlor was essentially complete within 48 to 72 hours after dosing. Low- and high-dose females eliminated ^{14}C more rapidly ($p<0.003$, half-lives of elimination, 16.6 and 15.6 hours, respectively) than low- and high-dose males and repeated-dose animals of both sexes (half-lives, 18.2 and 20.0 hours). Elimination by all animals followed first-order kinetics. Approximately one-half to two-thirds (48 to 64 percent) of the ^{14}C administered was recovered from the urine within 7 days; similar amounts were present in the feces. Low-dose males eliminated slightly more of the radioactive dose in the feces (55 percent) than the urine (48 percent). The opposite trend was seen in the low-dose females and repeated-dose rats of both sexes; these animals excreted approximately 58 to 64 percent of the ^{14}C dose in the urine and 42.5 to 46.5 percent in the feces within 7 days after dosing. High-dose animals excreted similar amounts (58 to 60 percent) of the radioactive dose in the urine and feces. Total recoveries of ^{14}C (urine, feces, and tissues) tended to be high and were between 105 and 122.5 percent.
870.7485	Metabolism and pharmacokinetics	In a rat metabolism study (MRID #431642–01),^{14}C-Metolachlor was administered orally in PEG–200 HWI 6117–208 or corn oil ABR–94001 to groups (5 sex/dose) of male and female Sprague-Dawley rats at a low oral dose (1.5 mg/kg), repeated low oral dose (1.5 mg/kg x 14 days), and a single high dose (300 mg/kg). Control animals (1/sex) received blank formulation. Comparison of oral and intravenous data showed that of the administered dose, between 69.6% and 93.2% was absorbed. Distribution data showed that the only significant sites of residual radioactivity at 7 days post-dose were residual carcass (0.9 – 2.2% of the administered dose) and red blood cells (0.95 – 1.53 μg equivalents/gram in blood cells for all low dose male and female rats). Dosing regimen did not result in any apparent accumulation of residual radioactivity. Excretion data showed that urine and feces were both significant routes for elimination of metolachlor derived radioactivity. In the low dose groups, the urine appeared more of a predominant route for excretion in female rats than in males, whereas fecal excretion was slightly higher in males. However, at the high oral dose, there were no apparent sex-related differences in the pattern of urinary excretion. Examination of urinary excretion data as presented in graphical format indicated that at the 300 mg/kg dose, excretion was delayed vs the low oral dose, suggesting saturation of elimination.

The nature of the toxic effects caused by *S*-metolachlor are discussed in Table 1b below as well as the NOAEL and the LOAEL from the toxicity studies reviewed.

TABLE 1B.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY FOR S-METOLACHLOR (PC CODE 108800)

Guideline No.	Study Type	Results
870.3100	90–Day oral toxicity rodents	NOAEL = 15 milligram/kilogram/day (mg/kg/day) LOAEL = 150 mg/kg/day based on lower body weights/body weight gains, reduced food consumption and food efficiency and increased kidney weights in males
870.3100	90–Day oral toxicity rodents	NOAEL = 208 mg/kg/day in males and 236 mg/kg/day in females LOAEL was not defined.
870.3150	90–Day oral toxicity in nonrodents	NOAEL = 62 mg/kg/day in males and 74 mg/kg/day in females LOAEL = was not established
870.3700	Prenatal developmental in rodents	Maternal NOAEL = 50 mg/kg/day LOAEL = 500 mg/kg/day based on increased clinical signs of toxicity, decreased body weights/body weight gains, food consumption and food efficiency. Developmental NOAEL = 1,000 mg/kg/day LOAEL was not established
870.3700	Prenatal developmental in nonrodents	Maternal NOAEL = 20 mg/kg/day LOAEL =100 mg/kg/day based on clinical signs of toxicity Developmental NOAEL = 500 mg/kg/day LOAEL was not established

TABLE 1B.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY FOR S-METOLACHLOR (PC CODE 108800)—Continued

Guideline No.	Study Type	Results
870.5100	Gene Mutation Test	There was no indication that *S*-metolachlor technical induced a mutagenic effect in any tester strain either in the presence or the absence of S9 activation.
870.5395	Cytogenetics Micronucleus test	There was no evidence that *S*-metolachlor technical induced a clastogenic or aneugenic effect in either sex at any dose or sacrifice time.
870.5550	Other Effects Unscheduled DNA synthesis	*S*-metolachlor technical was negative for genotoxicity but positive for cellular proliferation when tested up to overtly toxic and cytotoxic doses in this *in vivo/in vitro* rat hepatocyte RDS/UDS assay.
870.7485	Metabolism and pharmacokinetics	*S*-metolachlor has a high affinity for and a long half-life in blood (especially RBC) which might contribute to the retarded depletion of tissue residues.
870.7485	Metabolism and pharmacokinetics Unacceptabler	The 72 hour mean recovery of radioactivity in urine, feces, and carcass following administration of 0.5 mg/kg of Phenyl-U-^{14}C CGA-24705 was 43.1%, 47.0%, and 7.4% in males and 54.0%, 39.4%, and 4.1% in females, respectively. In contrast, both sexes excreted more of the label in the feces (M:F 59.7%:53.4%) than in the urine (M:F 29.4%:39.8%) during the same period following administration of the same dose of Phenyl-U-^{14}C CGA–77102 (the *S*-enantiomer) (MRID 44491401).

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (aRfD or cRfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor (SF) is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA SF.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approachassumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1 x 10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. EPA's Health Effects Division's Cancer Assessment Review Committee has classified metolachlor as a Group C carcinogen with risk quantitated using a non-linear approach. The NOAEL of 15 mg/kg/day from the rat combined chronic toxicity/carcinogenicity study is based on neoplastic nodules/hepatocellular carcinomas seen at the highest dose tested of 150 mg/kg/day. The Agency notes that the tumor NOAEL of 15 mg/kg/day is comparable to the NOAEL of 9.7 mg/kg/day selected for establishing the chronic reference dose for metolachlor. It is assumed that the chronic dietary PAD is protective for cancer dietary risk. Therefore, a separate cancer aggregate risk assessment was not conducted, and cancer DWLOC values were not calculated. A summary of the toxicological endpoints for *S*-Metolachlor used for human risk assessment is shown in Table 2 of this unit:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR METOLACHLOR/*S*-METOLACHLOR FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary (all population subgroups)	NOAEL = 300 mg/kg/day UF = 100x	FQPA SF = 1X aPAD = 3.0 mg/kg/day	Prenatal developmental toxicity study in rats with metolachlor- death, clinical signs of toxicity (clonic and/or tonic convulsions, excessive salivation, urine-stained abdominal fur and/or excessive salivation) and decreased body weight gain
Chronic Dietary(All population subgroups)	NOAEL= 9.7 mg/kg/day UF = 100x	FQPA SF = 1x cPAD = 0.1 mg/kg/day	Chronic study in dogs with metolachlor- endpoint is decreased body weight in females
Incidental Oral, Short-term (one to 30 days)	NOAEL = 50	Target MOE = 100	Prenatal developmental toxicity study in rats with metolachlor- increased incidence of clinical signs, decreased body weight/body weight gain, food consumption, and food efficiency
Incidental Oral, Intermediate-term (one month to 180 days)	NOAEL = 8.8	Target MOE = 100	Subchronic (6 month) toxicity study in dogs with metolachlor-decreased body weight gain
Dermal, Short- and Intermediate-Term	No systemic toxicity was seen at the limit dose (1,000 mg/kg/day) following dermal applications	None	Hazard was not identified for quantification of risk.there is no concern for developmental toxicity in rats or rabbits.
Dermal, Long-Term[a] (greater than 180 days)	Oral NOAEL = 9.7	Target MOE = 100	chronic toxicity study in dogs with metolachlor-decreased body weight gain in females
Inhalation, Short-Term[b]	Oral NOAEL = 50	Target MOE = 100	Prenatal development toxicity study in rats with *S*-metolachlor-increased incidence of clinical signs, decreased body weight/body weight gain, food consumption, and food efficiency
Inhalation, Intermediate-Term[b]	Oral NOAEL = 8.8	Target MOE = 100	subchronic (6 month) toxicity study in dogs with metolachlor- decreased body weight gain
Inhalation, Long-Term[b]	Oral NOAEL = 9.7	Target MOE = 100	chronic toxicity study in dogs with metolachlor- decreased body weight gain in females
Cancer	Classification: Group C, possible human carcinogen with risk quantitated using a non-linear approach.		

* The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.
[a] Since an oral NOAEL was selected, a dermal absorption factor of 58% should be used in route-to-route extrapolation.
[b] Since an oral NOAEL was selected, an inhalation factor of 100% should be used in route-to-route extrapolation.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances for metolachlor currently cover residues of *S*-metolachlor on the same commodities for the same use pattern when the maximum labeled use rate of *S*-metolachlor is approximately 35 percent less than the historical use rate of metolachlor.

Tolerances have been established (40 CFR 180.368(a)) for the combined residues of metolachlor and *S*-metolachlor in or on a variety of raw agricultural commodities. Tolerances for residues of both metolachlor and s-metolachlor in or on raw agricultural commodities include the combined residues of (free and bound) metolachlor and its metabolites, determined as the derivatives, CGA–37913 and CGA–47951, each expressed as parent compound. Permanent tolerances for metolachlor/*S*-metolachlor residues have been established on various plant commodities ranging from 0.1 ppm in/on numerous commodities to 30.0 ppm in/on peanut forage and hay (40 CFR 180.368(a)). Time-limited tolerances associated with section 18 emergency exemptions have been established for metolachlor residues in/on grass forage and hay, spinach, and tomato commodities (40 CFR 180.368(b)). Tolerances associated with regional registrations have also been established for metolachlor residues in/on dry bulb onions, cabbage, and various peppers (chili, Cubanelle, and tabasco) (40 CFR 180.368(c)). Risk assessments were conducted by EPA to assess dietary exposures from *S*-metolachlor in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: A conservative Tier I acute dietary exposure assessment was conducted for all labeled metolachlor and *S*-metolachlor food uses. Inputs for this assessment included tolerance-level residue values and an assumption that 100% of all labeled crops were treated with metolachlor/*S*-metolachlor. For all supported registered commodities, the acute dietary exposure estimates are

below the Agency's level of concern (<100% aPAD) at the 95th exposure percentile for the general U.S. population and all population subgroups. The acute dietary risk estimate for the highest exposed population subgroup, children 1–6 years of age, is <1% of the aPAD. Acute dietary risk estimates are not of concern. Results of the acute dietary risk assessment are presented in Table 3 below.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide CSFII and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: A conservative Tier I chronic dietary exposure assessment was conducted for all supported metolachlor and *S*-metolachlor food uses. For all supported registered commodities, the chronic dietary exposure estimates are below the Agency's level of concern (<100% cPAD) for the general U.S. population and all population subgroups. The chronic dietary risk estimate for the highest exposed population subgroup, children 1–6 years of age, is 4% of the cPAD. Chronic dietary risk estimates are not of concern. Results of the chronic dietary risk assessment are presented in Table 3 below.

TABLE 3.—SUMMARY OF DIETARY EXPOSURE ESTIMATES FOR METOLACHLOR AND S-METOLACHLOR

Population Subgroup	Acute Dietary		Chronic Dietary		Cancer Risk
	Dietary Exposure (mg/kg/day)	% aPAD	Dietary Exposure (mg/kg/day)	% cPAD	
General U.S. Population	0.004111	<1	0.001643	2	NA
All Infants (<1 year old)	0.006855	<1	0.002280	2	N/A
Children 1–2 years old	0.008224	<1	0.004025	4	NA
Children 3–5 years old	0.006965	<1	0.003510	4	NA
Children 6–12 years old	0.005003	<1	0.002412	2	NA
Youth 13–19 years old	0.003309	<1	0.001515	2	NA
Adults 20–49 years old	0.002815	<1	0.001263	1	NA
Females 13–49 years old	0.002965	<1	0.001349	1	NA
Adults 50+ years old	0.002839	<1	0.001226	1	NA

NA = not applicable

The Agency notes that the conservative Tier I dietary assessments for metolachlor and *S*-metolachlor could be refined for more realistic dietary exposure estimates by using available percent crop treated estimates, field trial and monitoring data, and processing factors; however, the estimated dietary risk to metolachlor and *S*-metolachlor is not of concern for all populations in both the acute and chronic assessments. Further refinements are not warranted at this time.

2. *Dietary exposure from drinking water.* A drinking water assessment for metolachlor and *S*-metolachlor involved the analysis of surface and ground water monitoring data, prospective ground water study data, and Tier I (FIRST and screening concentration in ground water (SCI-GROW)) and Tier II (pesticide root zone modeling/exposure analysis modeling system (PRZM/EXAMS)) modeling results. This assessment includes concentrations of parent metolachlor/*S*-metolachlor and the degradates metolachlor ethanesulfonic acid (ESA) and metolachlor oxanilic acid (OA). Although it was determined by the Metabolism Assessment Review Committee that the ESA and OA metabolites appear to be less toxic than parent metolachlor/*S*-metolachlor, they are included in this risk assessment since they were found in greater abundance than the parent in water monitoring studies.

The Agency notes that a key assumption of the drinking water assessment is that reported monitoring data represent both racemic metolachlor and *S*-metolachlor. The analytical methods for surface and ground water monitoring data used in this assessment were unable to distinguish between metolachlor and *S*-metolachlor at the time monitoring was conducted. However, the Agency believes that the fate properties of racemic metolachlor and *S*-metolachlor are similar. Therefore, the EECs used in this risk assessment are representative of both racemic metolachlor and *S*-metolachlor.

The environmental fate data base is complete for metolachlor. Parent metolachlor/*S*-metolachlor appear to be moderately persistent to persistent, and range from mobile to highly mobile in different soils. Metolachlor/*S*-metolachlor have reportedly been detected as deep as the 36 to 48 inch soil layer (maximum sampled soil depth) in some studies. Degradation appears to be dependent on microbially mediated and abiotic processes. The frequency of detection of metolachlor/*S*-metolachlor from evaluated monitoring data suggest that contamination in drinking water sources may be widespread.

Environmental fate data comparing metolachlor and *S*-metolachlor indicate that both are expected to have similar degradation pathways and rates in soil and water environments, and both are expected to be mobile to highly mobile in soil and water environments.

i. *EECs for parent metolachlor/S-metolachlor.* No single surface or ground water monitoring study that was representative of the entire metolachlor/*S*-metolachlor use area was available for the drinking water assessment. As a result, the drinking water assessment for parent metolachlor/*S*-metolachlor is based primarily on monitoring data

from the following sources: the U.S. Geological Survey (USGS) National Water Quality Assessment (NAWQA) database, the US EPA STORET data base, the Acetochlor Registration Partnership (ARP) data base, and two USGS Reservoir Monitoring studies.

The acute estimated environmental concentration (EEC) of 77.6 parts per billion (ppb) was selected from the NAWQA database, and the chronic EEC of 4.3 ppb was selected from the maximum annual time weighted mean from the NAWQA data. These values are representative of the estimated concentration of parent metolachlor/*S*-metolachlor in monitored ambient surface water, and are supported by the metolachlor concentrations from the National Contaminant Occurrence Database representing analysis of treated drinking water, as well as from model predictions using PRZM/EXAMS.

Acute and chronic concentrations of parent metolachlor/*S*-metolachlor in ground water were modeled using SCI-GROW. SCI-GROW estimates the high-end ground water concentrations of pesticides likely to occur when the pesticide is used at the maximum allowable rate in areas with ground water vulnerable to contamination. Estimates were based on two applications to corn/turf for a total of 4 lbs ai/acre (the maximum application rate). In comparison to the SCI-GROW estimate of 5.5 ppb in shallow ground water, the Iowa NAWQA data have a maximum concentration of 15.4 ppb. However, it should be noted that the second highest concentration of parent metolachlor/*S*-metolachlor in the Iowa NAWQA data is 1.7 ppb. Since the detections in the National NAWQA data (32.8 ppb) and in the Iowa NAWQA data (15.4 ppb) were single values outside the range of the rest of the data, EPA determined that use of SCI-GROW was more appropriate for the risk assessment.

Additionally, recent data collected by the Suffolk County, New York Department of Health Services, Bureau of Groundwater Resources indicate that both metolachlor and *S*-metolachlor, and its degradates, have been detected in ground water. In data collected between 1997 and 2001, metolachlor/*S*-metolachlor was detected in 60 well samples with a maximum concentration of 83 ppb. No information was available on frequency of detection and only summary statistics were provided on these data; therefore, these data were not used quantitatively in the risk assessment. However, these data suggest that the SCI-GROW estimates for metolachlor/*S*-metolachlor are not overestimating the potential impact of metolachlor/*S*-metolachlor use on ground water. The SCI-GROW estimate of 5.5 ppb in ground water is appropriate for risk assessment purposes.

ii. *EECs for metolachlor ESA and OA degradates.* Only two small data sets were available on the ESA and OA degradates from the Iowa and Illinois NAWQA data. In the absence of more robust monitoring data for the degradates, upper-bound Tier I estimates for ESA and OA based on FIRST and SCI-GROW modeling were used to calculate EECs for the degradates. The modeling used conservative assumptions of selected fate parameters (aerobic soil metabolism rate constant and soil partitioning coefficient) as well as the maximum application rate of 4 lbs ai/acre on turf/corn.

Acute and chronic estimates of metolachlor ESA in surface water (based on FIRST modeling) are 31.9 ppb and 22.8 ppb, respectively. Acute and chronic estimates of metolachlor OA in surface water are 91.4 ppb and 65.1 ppb, respectively. The Agency notes that the application rate used for metolachlor ESA and OA in the model runs was estimated by converting maximum label rates for each use by the maximum percentage of degradate found in fate studies. In addition, each application rate was corrected for molecular weight differences of each degradate. However, a statistically significant relationship between parent metolachlor and degradates could not be established; therefore, the amount of degradate is an uncertainty in this assessment. This uncertainty was addressed in the screening level assessments using FIRST and SCI-GROW with conservative assumptions for model inputs. The model predictions for ESA and OA compare with the limited monitoring data available. The screening level predictions were higher than the available data suggesting that the predictions were likely upper bound and conservative. EPA determined that these upper bound predictions will not underestimate the potential exposures for infants and children from the use of metolachlor.

Acute and chronic estimates of metolachlor ESA in ground water (based on SCI-GROW modeling, turf/corn scenario) are not expected to exceed 65.8 ppb. This value is considered representative of both peak and long-term average concentrations because of the inherent transport nature of ground water (generally slow movement from the source of contamination both laterally and horizontally). Acute and chronic estimates of metolachlor OA in ground water (also based on the turf /corn scenario) are not expected to exceed 31.7 ppb. The Agency notes that these values exceed those detected in the Iowa NAWQA study (63.7 ppb for metolachlor ESA and 4.4 ppb for metolachlor OA), and also exceed those values detected in two PGW studies (metolachlor ESA was detected at a maximum concentration of 24 ppb while metolachlor OA was detected at a maximum concentration of 15.6 ppb). In addition, recent data collected by the Suffolk County, New York Department of Health Services, Bureau of Groundwater Resources indicate that both metolachlor and *S*-metolachlor, and its degradates, have been detected in ground water. In data collected between 1997 and 2001, metolachlor ESA was detected in 296 well samples with a maximum concentration of 39.7 ppb, while metolachlor OA was detected in 228 wells with a maximum concentration of 49.6 ppb. No information was available on frequency of detection and only summary statistics were provided on these data; therefore, these data were not used quantitatively in the risk assessment.

iii. *Drinking water levels of comparison (DWLOCs).* In the absence of chemical-specific monitoring data, the Agency uses drinking water levels of comparison to calculate aggregate risk. A drinking water level of comparison, or a DWLOC, is a theoretical upper limit on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, drinking water, and through residential uses. In other words, the DWLOC value represents the maximum theoretical exposure a person may have to pesticide residues through drinking water, after their exposure to the pesticide's residues through food and residential exposure have been taken into consideration. The Office of Pesticide Programs uses DWLOCs internally in the risk assessment process as a surrogate measure of potential exposure associated with pesticide exposure through drinking water. DWLOC values are not regulatory standards for drinking water; however, they do have an indirect regulatory impact through aggregate exposure and risk assessments.

DWLOCs are calculated for each type of risk assessment as appropriate (acute, short-term, intermediate-term, chronic, and cancer) and compared to the appropriate estimated concentration of a pesticide in surface and ground water. If the DWLOC is greater than the estimated surface and ground water concentration, (i.e., if the DWLOC > EEC), the Agency concludes with

reasonable certainty there is no drinking water risk of concern.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). *S*-Metolachlor is currently registered for use on the following residential non-dietary sites: lawn, turf (including sod farms), golf courses, sports fields, and ornamental gardens. Although not labeled as a restricted-use pesticide, the label indicates that it is not intended for use by homeowners but only for use by professional lawn care applicators. On this basis, a residential handler is not expected to be exposed to residues of *S*-metolachlor. Therefore, a residential handler assessment was not conducted.

There is potential for postapplication exposure to adults and children resulting from the use of *S*-metolachlor on residential lawns. Although the use sites for *S*-metolachlor vary from golf courses to ornamental gardens, the residential lawn scenario represents what the Agency considers the likely upper-end of possible exposure. Postapplication exposures from various activities following lawn treatment are considered to be the most common and significant in residential settings.

Postapplication exposure is considered to be short-term (1 to 30 days of exposure) only, based on a label specification of a 6–week interval before the re-application of *S*-metolachlor.

A short-term dermal endpoint was not selected, since no systemic toxicity was seen at the limit dose of 1,000 mg/kg/day; therefore, a dermal risk assessment was not conducted and dermal exposures are assumed to be minimal. Postapplication inhalation exposure is also expected to be minimal since *S*-metolachlor is only applied in an outdoor setting, the vapor pressure is low (2.8×10^{-5} mm Hg at 25 °C), and the label specifies that residents should not re-enter treated areas until after sprays have dried.

The following postapplication incidental oral scenarios following application to lawns and turf have been identified: (1) Short-term oral exposure to toddlers and children following hand-to-mouth exposure; (2) short-term oral exposure to toddlers and children following object-to-mouth exposure; and (3) short-term oral exposure to toddlers and children following soil ingestion. The term ''incidental'' is used to distinguish the inadvertent oral exposure of small children from exposure that may be expected from treated foods or residues in drinking water.

Since the FQPA safety factor for the protection of children and infants was reduced to 1X, a target MOE value of 100 has been identified for residential assessments. MOE values greater than 100 are not considered to be of concern to the Agency. MOE estimates are based on the dose level of 50 mg/kg/day established for short-term oral risk assessment.

The exposure and risk estimates for the three residential exposure scenarios are assessed for the day of application (day ''0'') since children will likely contact the lawn immediately following application.

The following estimates/assumptions were used in the risk assessment: (1) A single application at the maximum label rate of 2.47 lb ai/acre for *S*-metolachlor, (2) exposure duration for children is assumed to be 2 hours per day, (3) the exposed child's weight is 15 kg (33 pounds), and (4) turf transferable residue (TTR) value of 5%, and object-to-mouth residue value of 20% of the application rate assumed.

The exposure estimates for the three postapplication scenarios (object-to-mouth, hand-to-mouth, and incidental soil ingestion) were combined to represent the possible (if not likely) high-end oral exposure resulting from lawn (or similar use). Combined post-application oral risk estimates for *S*-metolachlor are not of concern. The following Table 4 summarizes the results of the residential postapplication assessment:

TABLE 4.—SUMMARY OF RESIDENTIAL POSTAPPLICATION MOE VALUES

Exposure Scenario[a]	*S*-Metolachlor[b]	Oral Dose (mg/kg/day)	Oral Short-term MOE[c]
Object-to-mouth	*S*-metolachlor	0.0092	5,400
Hand-to-mouth	*S*-metolachlor	0.037	1,400
Soil ingestion	*S*-metolachlor	0.00012	400,000
Combined exposure	*S*-metolachlor	0.046	1,100

[a] Exposure scenario represents oral exposure of children, with an assumed body weight of 15 kg.
[b] *S*-metolachlor application rate is 2.47 lb ai/acre.
[c] Short-term oral MOE = NOAEL/Dose, where short-term oral NOAEL = 50 mg/kg/day.

S-metolachlor may be used on sports and recreational fields, as well as golf courses. However, the Agency believes that children's exposure to residues of *S*-metolachlor remaining on residential lawns after treatment represents the likely upper-end of exposure. Furthermore, since dermal and inhalation risks are not of concern, and oral exposures from sports and recreational fields, as well as golf courses, are expected to be minimal, risks for these other non-occupational settings are expected to be insignificant.

The Agency has conducted a direct exposure assessment for the use of *S*-metolachlor on lawns, and determined that there is no risk of concern from this use. No additional risk from *S*-metolachlor is expected from spray drift.

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

The chloroacetanilide pesticides represent a class of food use pesticides that have been given high priority by the Agency for the reassessment of tolerances in accordance with the mandates of FQPA. The group of chloroacetanilide pesticides covered by this review consists of acetochlor, alachlor, butachlor, metolachlor and propachlor. Various members of this group of chloroacetanilide pesticides have been shown to result in several different types of tumor responses in laboratory animals (e.g., nasal, thyroid, liver, and stomach tumors). Therefore, as part of the reassessment, EPA

scientists considered several different potential common mechanism of toxicity groupings for these chemicals.

In reviewing this issue, EPA scientists were guided by several relevant Agency science policies, including Guidance for Identifying Pesticide Chemicals and Other Substances that Have a Common Mechanism of Toxicity. Additionally, on March 19, 1997, the Agency presented to the FIFRA Scientific Advisory Panel (SAP) a draft case study illustrating the application of the Common Mechanism Guidance to the grouping of chloroacetanilide pesticides based on a common mechanism of toxicity. The SAP agreed with the Agency's conclusion that there is sufficient evidence to support the grouping of certain chloroacetanilides that cause nasal turbinate tumors by a common mechanism of toxicity.

Upon consideration of the SAP comments, EPA's own reviews and the data underlying these reviews, as well as additional information received by the Agency from registrants or presented in the open literature since the 1997 draft document, EPA has revised its science document discussing the potential grouping of chloroacetanilide pesticides, or a subgroup of them, based on a common mechanism of toxicity.

In the revised document entitled ''The Grouping of a Series of Chloroacetanilide Pesticides Based on a Common Mechanism of Toxicity,'' EPA has concluded that only some of the pesticides that comprise the class of chloroacetanilides should be designated as a ''Common Mechanism Group'' based on the development of nasal turbinate tumors by metabolism to a highly, tissue reactive moiety, i.e., quinoneimine. Thus, only acetochlor, alachlor, and butachlor should be grouped based on a common mechanism of toxicity for nasal turbinate tumors. Although metolachlor does distribute to the nasal turbinates, and might produce a quinoneimine, it is not apparent from currently available data that it shares the same target site in the nasal tissue as acetochlor, alachlor and butachlor. Although propachlor does produce a precursor of a quinoneimine, the available data do not support its tumorigenicity to the nasal turbinates.

In conclusion, it is the Agency's position, that only some chloroacetanilides, namely acetochlor, alachlor, and butachlor should be considered as a ''Common Mechanism Group'' due to their ability to cause nasal turbinate tumors. For purposes of a cumulative risk assessment as a part of the tolerance reassessment process for acetochlor, alachlor, and butachlor, these three pesticides will be considered as a Common Mechanism Group. Following the initiation of a cumulative risk assessment, further analyses of new or existing data may occur which could impact the Agency's evaluation of specific members of this group or the group as a whole.

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* Prenatal developmental studies in the rat and rabbit revealed no evidence of a qualitative or quantitative susceptibility in fetal animals.

3. *Conclusion.* There is a complete toxicity data base for *S*-metolchlor and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X SF to protect infants and children should be removed. The FQPA Safety Factor Committee met on November 5, 2001 to evaluate the hazard and exposure data for metolachlor and *S*-metolachlor, and recommended that the FQPA Safety Factor for the protection of infants and children be reduced to 1x for the following reasons: (1) The toxicology database is complete for the FQPA assessment; (2) there is no indication of quantitative or qualitative increased susceptibility of rats or rabbits to *in utero* and/or postnatal exposure to metolachlor in the available toxicity data; (3) a developmental neurotoxicity study is not required for metolachlor; and (4) the dietary (food and drinking water) and non-dietary exposure (residential) assessments will not underestimate the potential exposures for infants and children from the use of metolachlor.

E. Aggregate Risks and Determination of Safety

1. *Acute risk.* An acute aggregate risk assessment addresses potential exposure from combined residues of metolachlor/*S*-metolachlor on food and in drinking water (both surface and ground water). Potential residential exposures are not incorporated into an acute aggregate risk assessment. As shown in Table 5 below, the EECs are below the Agency's back-calculated DWLOC values for the parent compound, the ESA degradate, and the OA degradate. The combined value of the parent plus the degradates is also below the acute DWLOC value. The Agency concludes that acute aggregate risk estimates are not of concern for any population subgroup.

TABLE 5.—ACUTE DWLOC CALCULATIONS FOR METOLACHLOR/S-METOLACHLOR

Population Subgroup	aPAD (mg/kg)	% aPAD (Food)	Surface Water EEC (ppb)*	Ground Water EEC (ppb)*	Acute DWLOC (ppb)
U.S. Population	3.0	1	200.9	103	1.0×10^5
Females 13–50	3.0	1	200.9	103	9.0×10^4
Children 1–6	3.0	1	200.9	103	3.0×10^4
Males 13–19	3.0	1	200.9	103	9.0×10^4

*Represents the combined value of parent plus the ESA and OA degradates.

2. *Chronic risk.* A chronic aggregate risk assessment considers chronic exposure from food, drinking water, and non-occupational (residential) pathways of exposure. For metolachlor and *S*-metolachlor, there are no chronic

(greater than 180 days of exposure) non-occupational exposure scenarios. Therefore, the chronic aggregate risk assessment will consider exposure from food and drinking water only. The EECs for ground water residues of the parent compound (5.5), the ESA degradate (65.8), and the OA degradate (31.7) are below the Agency's chronic DWLOC values for all population subgroups. The combined value of the parent plus degradates (103) is also below the chronic DWLOC value. The EECs for surface water residues of the parent compound (4.3), the ESA degradate (22.8), and the OA degradate (65.1) are below the Agency's chronic DWLOC values for all population subgroups. The combined value of the parent plus degradates (92.2) is also below the chronic DWLOC value. The Agency concludes that chronic aggregate risks are not of concern.

TABLE 6.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO METOLACHLOR/S-METOLACHLOR

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)*	Ground Water EEC (ppb)*	Chronic DWLOC (ppb)
U.S. Population	0.1	2	92.2	103	3442.50
Females 13–50	0.1	1	92.2	103	2962.11
Children 1–6	0.1	4	92.2	103	959.75
Males 13–19	0.1	2	92.2	103	2954.55

*Represents the combined value of parent plus the ESA and OA degradates.

3. *Short-term risk.* A short-term aggregate risk assessment considers potential exposure from food, drinking water, and short-term, non-occupational (residential) pathways of exposure. For *S*-metolachlor, potential short-term, non-occupational risk scenarios include oral exposure of children to treated lawns. In this aggregate short-term risk assessment, exposure from food, drinking water, and residential lawns (*S*-metolachlor use only) has been considered. Since only children have the potential for non-occupational, short-term risk, they are the only population subgroup included below. Short-term DWLOC values have been calculated for *S*-metolachlor only, since Syngenta no longer holds any racemic metolachlor residential end-use products. EECs for the parent compound, the ESA degradate, and the OA degradate are below the short-term *S*-metolachlor DWLOC value for the population children (1 to 6 years old). The combined value of the parent plus the degradates is also below the short-term *S*-metolachlor DWLOC value. The Agency concludes that short-term aggregate risks from *S*-metolachlor are not of concern. The target MOE is 100, based on the 100x uncertainty factor, and the 1x FQPA safety factor. This MOE is not exceeded by the MOE for food which is 1.6×10^4 (short-term oral NOAEL (50 mg/kg/day)/chronic dietary exposure of children (0.003171 mg/kg/day); MOE for oral which is 1,100 (short-term oral NOAEL (50 mg/kg/day)/combined hand-to-mouth, object-to-mouth, and soil ingestion oral exposure (0.046 mg/kg/day *S*-metolachlor)); aggregate MOE for food and residential which is 1,000 (1 ÷ (1 ÷ MOE food) + (1 ÷ MOE oral)); or allowable water exposure which is 0.45 mg/kg/day (1 ÷ (1 ÷ Target Aggregate MOE) - (1 ÷ Aggregate MOE (food and residential)). The DWLOC is 4,000 ppb. The EEC for ground water is 103.3 ppb (parent 5.5, ESA metabolite 65.8 ppb and OA metabolite 32 ppb). The EEC for surface water is 92.2 ppb (parent 4.3, ESA metabolite 22.8 ppb and OA metabolite 65.1 ppb).

For informational purposes, it is noted that the EEC values for the parent compound, ESA degradate, and the OA degradate are below the metolachlor short-term DWLOC value for children. The combined value of the parent plus the degradates is also below the metolachlor short-term DWLOC value.

TABLE 7.—AGGREGATE RISK ASSESSMENT FOR SHORT-TERM EXPOSURE TO METOLACHLOR/S-METOLACHLOR

Population Subgroup	Aggregate MOE (Food + Residential)	Aggregate Level of Concern (LOC)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Short-Term DWLOC (ppb)
Children 1 to 6	1,000	100	92.2	103.3	4,000

4. *Intermediate-term risk.* An intermediate-term aggregate risk assessment considers potential exposure from food, drinking water, and non-occupational (residential) pathways of exposure. However, for metolachlor/*S*-metolachlor, no intermediate-term non-occupational exposure scenarios (greater than 30 days exposure) are expected to occur. Therefore, intermediate-term DWLOC values were not calculated and an intermediate-term aggregate risk assessment is not required.

5. *Aggregate cancer risk for U.S. population.* An aggregate cancer risk assessment considers potential carcinogenic exposure from food, drinking water, and non-occupational (residential) pathways of exposure. However, as noted under Unit III.B., Toxicological Endpoints, the NOAEL that was established based on tumors in the rat (15 mg/kg/day, seen at the highest dose tested of 150 mg/kg/day) is comparable to the NOAEL of 9.7 mg/kg/day selected for establishing the chronic reference dose for metolachlor. It is assumed that the chronic dietary endpoint is protective for cancer dietary exposure. Therefore, a separate cancer aggregate risk assessment was not conducted, and cancer DWLOC values were not calculated.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children

from aggregate exposure to metolachlor/*S*-metolachlor residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

The Pesticide Analytical Manual (PAM) Vol. II, lists a gas chromatography/nitrogen phosphorous detection (GC/NPD) method (Method I) for determining residues in/on plants and a gas chromatography/mass spectrometry detection (MSD) method (Method II) for determining residues in livestock commodities. These methods determine residues of metolachlor and its metabolites as either CGA–37913 or CGA–49751 following acid hydrolysis. Residue data from the most recent field trials and processing studies were obtained using an adequate GC/NPD method (AG–612), which is a modification of Method I. Adequate data are available on the recovery of metolachlor through Multi-residue Method Testing Protocols. The FDA PESTDATA database indicates that metolachlor is completely recovered through Method 302, PAM Vol. I (3rd ed., revised 10/97).

B. International Residue Limits

No maximum residue limits (MRLs) for either metolachlor or *S*-metolachlor have been established or proposed by Codex, Canada, or Mexico for any agricultural commodity; therefore, no compatibility questions exist with respect to U. S. tolerances.

C. Conditions

The need for a 28–day inhalation study has been identified for both metolachlor and *S*-metolachlor. Submission of this study would allow the Agency to improve characterization regarding the concern for toxicity via the inhalation route of exposure following application of metolachlor/*S*-metolachlor on multiple days in a commercial setting.

V. Conclusion

Therefore, the tolerance is established for combined residues or residues of *S*-metolachlor Acetamid, 2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)-, (*S*) and its metabolites, determined as the derivatives, 2-(2-ethyl-6-methylphenyl)amino-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound *S*-metolachlor in or on the raw agricultural commodities each expressed as the parent compound in or on the raw agricultural commodities grass forage at 10.0 ppm, grass hay at 0.02 ppm, spinach at 0.5 ppm, sugar beet at 0.5 ppm, sugar beet molasses at 3.0 ppm, sugar beet tops at 15.0 ppm, sunflower at 0.5 ppm, sunflower meal at 1.0 ppm, and tomato at 0.1 ppm.

VI. Objections and Hearing Requests

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

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2003–0046 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 2, 2003.

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

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

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

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

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

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.1. Mail your copies, identified by docket ID number OPP–2003–0046, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.1. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption.

Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

VII. Regulatory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of the FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 25, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Section 180.368 is amended in paragraph (a) by designating the text following the paragraph heading ''General,'' as paragraph (a)(1) and by adding new paragraph (a)(2) to read as follows:

§ 180.368 Metholachlor; tolerances for residues.

(a) *General.* (1) * * *

(2) Tolerances are established for combined residues of the herbicide *S*-metolachlor acetamid, 2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)-, (*S*) and its metabolites, determined as the derivatives, 2-(2-ethyl-6-methylphenyl)amino-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound *S*-metolachlor in or on the following raw agricultural commodities:

Commodity	Parts per million
Beet, sugar, molasses	2.0
Beet, sugar, roots	0.5
Beet, sugar, tops	15.0
Grass, forage	10.0
Grass, hay	0.2
Spinach	0.5
Sunflower, seed	0.5
Sunflower, meal	1.0
Tomato	0.1

* * * * *

[FR Doc. 03–7800 Filed 4–1–03; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2002–0328; FRL–7286–9]

Bacillus pumilus GB 34; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the *Bacillus pumilus* GB 34 when used as a seed treatment in or on soybeans and soybeans after harvest. Gustafson LLC submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus pumilus* GB 34.

DATES: This regulation is effective April 2, 2003. Objections and requests for hearings, identified by docket ID number OPP–2002–0328, must be received on or before June 2, 2003.

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

FOR FURTHER INFORMATION CONTACT: Anne Ball, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8717; e-mail address: *ball.anne@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. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2002–0328. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 180 is available at *http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html*, a beta site currently under development.

To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at *http://www.epa.gov/opptsfrs/home/guidelin.htm*.

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

II. Background and Statutory Findings

In the **Federal Register** of December 31, 2001 (66 FR 67522) (FRL–6813–8), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a(e), as amended by FQPA (Public Law 104–170), announcing the filing of a pesticide tolerance petition (PP 1F6344) by Gustafson LLC, 1400 Preston Road, Suite 400, Plano, TX 75093. This notice included a summary of the petition prepared by the petitioner Gustafson LLC. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of *B. Pumilus* GB 34.

III. Risk Assessment

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

IV. Toxicological Profile

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

The *Bacillus pumilus* species was first described by Meyer and Gottheil in 1901. This naturally occurring species is one of the most numerous *Bacillus sp.* found on plant surfaces. The strain *Bacillus pumilus* GB 34 is a naturally occurring soil colonizer. The mode of action of the strain, an anti fungal agent, is to colonize the developing root system of the plant it is to protect, in this case the developing root system of the soybean plant. The organism *Bacillus pumilus* GB 34 then suppresses by competition, by the formation of a physical barrier, the continued formation of spores of the fungal diseases such as *Rhizoctonia and Fusarium*. Subsequently GB 34 colonizes the remaining fungal disease spores themselves, thereby destroying them. On the basis of Acute injection toxicity/Pathogenicity tests on rats, *Bacillus pumilus* GB 34 does not appear to be toxic, infective, and/or pathogenic in those mammals.

Toxicity studies submitted in support of this tolerance petition are summarized below. More detailed analyses of these studies may be found in the specific Agency reviews of the studies. Waivers requested and granted are, as well, noted.

Toxicity studies relating to the GB 34 Concentrate (End Use Product) and GB 34 Technical (Technical Grade Active Ingredient) are as follows:

1. *Acute oral toxicity*—i. *GB 34 Concentrate*. (Submitted to determine the adequacy of data to support an EUP, GB 34 Concentrate, and here, bridged to support a section 3 registration of the microbial product) (OPPTS 870.1100; OPP 152.30; Master record identification number (MRID) 452940–01). Five male and five female young adult Sprague-Dawley rats each received a single 5,000 milligrams/kilogram (mg/kg) gavage dose of GB 34 Concentrate, previously diluted to a 40% weight/weight (w/w) solution with distilled water at a dosing volume of 1 milliliter (mL)/100 grams (g). The rats were observed for morbidity, moribundity, and behavioral changes 1 and 3 hours after dosing and at least daily thereafter for 14 days. They were weighed on days 0, 7, and 14. At the end of the study, the rats were euthanized by CO_2 inhalation and necropsied. No morbidity, moribundity, or effects on body weight were found following treatment of rats with 5,000 mg/kg test material. Therefore, the Sprague Dawley rat oral lethal dose $(LD)_{50}$ of GB 34 Concentrate for male, female, and male and female combined is >5,000 mg/kg, placing the test material in Toxicity Category IV.

ii. *Acute oral toxicity—GB 34 Technical*. (OPPTS 870.1100; OPP 152.30; MRID 454335–01 corrected as MRID 457225–01). Five male and five female Sprague-Dawley rats each received a single 5,000 mg/kg gavage dose of the GB 34 Technical, previously diluted to a 40% w/w solution with distilled water, at a dosing volume of 1 mL/100 g. The rats were observed for morbidity, moribundity, and behavioral changes 1 and 3 hours after dosing and at least daily thereafter for 14 days. They were weighed on days 0, 7, and 14. At the end of the study, the rats were euthanized by CO_2 inhalation and necropsied. No morbidity, moribundity, or effects on body weight were found following treatment of rats with 5,000 mg/kg test material. Therefore, the Sprague Dawley rat oral LD_{50} of GB 34 Technical for male, female, and male and female combined is >5000 mg/kg, placing the test material in Toxicity Category IV.

2. *Acute dermal toxicity—GB 34 Concentrate and GB 34 Technical*. ((OPPTS 870.1200 and OPPTS 885. 3100 (Acute dermal toxicity/ Pathogenicity); OPP 152.31; waiver request, no MRID)). A waiver was requested and granted for a seed treatment use. The rationale for the waiver is that the rate of application of the product is 0.1 ounce (oz.) per 100 pounds (lbs.) of seed. The seed treatment is to take place in a commercial seed treatment facility in which there is no exposure to the general population. After germination of the treated seed, the habit of the bacterium is to inhabit the root system of the plant. There is expected to be minimal, if any, dermal exposure for the general population in a seed treatment use of the microbial pesticide.

3. *Acute inhalation toxicity—GB 34 Concentrate and GB 34 Technical*. ((OPPTS 870.1300 and OPPTS 885. 3150 (Acute pulmonary toxicity/ Pathogenicity); OPP 152.32; waiver request, no MRID)). A waiver was requested and granted for a seed treatment use. The use of GB 34 is to be limited to that of a seed treatment which is to take place in a commercial seed treatment facility in which there is no potential inhalation exposure to the general population. The rate of application of the pesticide is 0.1 oz. per 100 lbs. of seed. The habit of the bacterium is to gravitate to the root system of the developing plant. For a seed treatment use of GB 34 there will most likely be a negligible, if any inhalation exposure.

4. *Acute oral toxicity/Pathgenicity—GB 34 Technical and GB 34 Concentrate*. (OPPTS 885.3050). A waiver was requested and granted for a seed treatment use. The rationales such as are the minimal increase of human oral exposure expected due to the low rate of application (0.1 oz. per 100 lbs. of seed), the minimal exposure to the general population since the seed treatment will take place in a commercial seed treating facility with mechanical treating equipment, and the results of the toxicity tests submitted to date (see item 1.ii.) which do not indicate that this strain is toxic or infective. Moreover the results would suggest that the GB 34 strain does not express the 6,500 molecular weight toxin discussed in two papers. See item 7 below. In addition, the habit of the bacterium to gravitate to the root system of the developing plant makes it unlikely that any would be present in the above ground parts of the mature plant, thus minimizingthe potential for oral exposure for humans.

5. *Primary eye irritation*—i. *GB 34 Concentrate*. ((Submitted to determine the adequacy of data to support an EUP, GB 34 Concentrate, and here, bridged to support a section 3 registration of the microbial product) (OPPTS 870.2400; OPP 152.35; MRID 452940–02)). Three male and three female young adult New Zealand white rabbits were used in the experiment. Prior to test material instillation, both eyes were treated with 2% fluorescein and examined under ultraviolet (UV) light for ocular abnormalities. The test material, 0.1 mL (equivalent to 0.05–0.07 g), was instilled into the everted lower lid of the right eye and the upper and lower lids held closed for 1 second. The contralateral eye served as control. The eyes were examined and scored acording to the

Draize method 1, 24, 48 and 72 hours after test material instillation. The 24 hour examination also included a fluorescein staining examination for corneal effects. All rabbits survived the study. All rabbits developed slight conjunctival irritation that cleared within 48 hours of treatment. No corneal opacity or iritis were noted. GB 34 Concentrate was minimally irritating to the eye and is placed in Toxicity Category IV.

ii. *Primary eye irritation—GB 34 Technical.* (OPPTS 870.2400; OPP 152.35; MRID 454335–02, corrected as 457225–02). Three male and three female young adult New Zealand white rabbits were, prior to test, treated in both eyes with 2% fluorescein and then examined under UV light for ocular abnormalities. The test material, in the amount of 0.1 mL, was instilled into the everted lower lid of the right eye and the upper and lower lids were held closed for 1 second. The contralateral eye served as control. The eyes were examined and scored according to the Draize method 1, 24, 48 and 72 hours after test material instillation. The 24 hour examination also included a fluorescein staining examination for corneal effects. All rabbits developed moderate conjunctival irritation that cleared up within 72 hours of treatment. No corneal opacity or iritis or non-ocular effects were noted. The GB technical test substance was mildly irritating to the eye and is placed in Toxicity Category III.

6. *Primary dermal irritation*—i. *GB 34 Concentrate.* (Submitted to determine the adequacy of data to support an EUP for GB 34 Concentrate, and here, bridged to support a section 3 registration of the microbial product) (OPPTS 870.2500; OPP 152.34; MRID 452940–03). Three male and three female young adult New Zealand white rabbits were received for the study. The fur on the dorso-lumbar area of each rabbit was clipped. The rabbits were given a single 0.5 g dose of test material applied under a under a 1 inch x 1 inch 4-ply gauze pad on a 6 cm^2 clipped site. The gauze pad is then secured and Elizabethan collars were placed on the animals. Four hours later these were removed and the sites wiped with a moistened towel. The application sites were observed for dermal irritation 1, 24, 48, and 72 hours after patch removal. In addition the rabbits were observed at least daily for clinical signs of toxicity during the 72–hour study period. All rabbits survived the study. No dermal irritation was observed on any rabbit at any site. Based on the study GB 34 Concentrate is non-irritating to the New Zealand white rabbit and is placed in Toxicity Category IV.

ii. *Primary dermal irritation—GB 34 Technical.* (OPPTS 870.2500; OPP 152.34; MRID 454335–03 corrected as MRID 457225–03). Three male and three female New Zealand albino rabbits were prepared by clipping the dorsal area and the trunk. Only healthy animals without preexisting skin irritation had been selected for the test. The test substance in the amount of 0.5 g was placed on a 1 inch x 1 inch, 4-ply gauze pad which was applied and secured on each rabbit. After 4 hours exposure to the test substance, the pads were removed and the test sites gently wiped with water and towel to remove any residual test substance. Individual dose sites were scored according to the Draize scoring system at approximately 1, 24, 48 and 72 hours after patch removal. The animals were observed for signs of gross toxicity and behavioral changes at least once daily during the test period. All animals appeared active and healthy. There were no signs of gross toxicity, adverse pharmacologic effects or abnormal behavior. No dermal irritation was noted at any test site during the study. Under the conditions of the study, the GB 34 Technical is classified as non-irritating to the skin and placed in Toxicity Category IV.

7. *Acute injection toxicity/Pathogenicity—GB 34 Technical.* (Submitted to determine the adequacy of data to support an EUP for GB 34, and here, bridged to support a section 3 registration of the microbial product) (OPPTS 885.3200; OPP 152.33; MRID 453416–01). A total of 39 male and 39 female rats were used in the tests. The results showed:

i. *Mortality.* No deaths were observed in any of the dosed or control groups prior to scheduled sacrifice.

ii. *Body and organ weights.* Overall, both male and female rats gained weight for the duration of the study, demonstrating the continued health of the animals.

iii. *Clinical Observation.* Overall, both male and female rats showed no abnormal clinical signs.

iv. *Gross necropsy.* No significant signs of abnormalities were seen except for a laceration on the left shoulder of a test substance treated male rat. An enlarged spleen was seen in one test substance treated male rat on day

The conclusion in the Data Evaluation report was that *Bacillus pumilus* GB 34 does not appear to be toxic, infective, and/or pathogenic in rats, when dosed at 1 x 10^7 cfu/animal. This test supports the requirements for both the TGAI (the technical) and the end use product (the concentrate).

A hypersensitivity study, or dermal sensitization study (OPP 152.36) is not required for registration of this product since the routes of use will not result ''in repeated human contact by inhalation or dermal routes'' as specified in footnote iii of the table in 40 CFR 158.740(c). Use of the product is limited to that of a seed treatment which takes place in a commercial facility using mechanical seed treatment equipment.

An Immune response study is not required for registration of this product because the Acute I.V., I. C., or I. P. Injection toxicity/Pathogenicity study, (OPPTS guideline 885.3200/OPP 153.33) submitted to determine the adequacy of data to support an EUP for GB 34, and here bridged support a section 3 registration of the microbial product, serves to address the endpoint of immune response. This injection study examines the normal functioning of the immune system when faced with the potentially most challenging exposure to this microbial pesticide active ingredient: Direct injection into the bloodstream. If the test animal is able to withstand and survive the introduction of such a large number of microbes, bypassing the normal protective barriers of the skin, the pulmonary macrophages and the gastrointestinal lymphoid tissues, then the immune system is functioning normally. The normal functioning of the immune system implies that it can recognize the introduced microbes as foreign and can clear them from the blood and other exposed organs. After the active ingredient, *Bacillus pumilus* GB 34 was intravenously injected into the test animals (rats), no deaths, adverse clinical signs or significant findings upon necropsy were seen 35 days after the injection. (See item 7).

The requirement for Tier II and Tier III data was not triggered because of the results of Tier I data which had been submitted or waived.

V. Aggregate Exposures

Section 408(b)(2)(D)(vi) of the FFDCA directs EPA to consider available information concerning aggregate exposures to consumers (and major identifiable subgroups of consumers) from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

Bacillus pumilus GB 34 is a naturally occurring soil microorganism which

inhabits the root system of plants and acts as an antifungal agent. Review of the available toxicology data submitted in support of registration indicate that it is non-toxic and non-pathogenic to animals and humans. In its proposed use as a soybean seed treatment, it is not foreseen to contribute any or more than a negligible amount of dietary exposure.

1. *Food*. The product is used only as a seed treatment and the organism inhabits the roots of the plants, in this case the soybean plant roots. The use of products which contain *B. pumilus* GB 34 is not anticipated to result in more than negligible, if any, any dietary exposure from food for humans. To date there have been no reports of any hypersensitivity incidents or reports of any known adverse reactions in humans resulting from exposure to *B. pumilus* GB 34.

2. *Drinking water exposure*. There is expected to be only insignificant or minimal human exposure to the organism in drinking water from its use in the treatment of seeds, its only use proposed. The treatment of seeds is expected to take place in a commercial seed treatment facility. The farmer then plants the seeds in the soil. Since the organism is non-toxic and non-pathogenic to humans, even if small amounts would seep into the ground water, there is expected to be no adverse effect on humans.

B. Other Non-Occupational Exposure

The possibility for non-dietary exposure to residues of this *B. pumilus* pesticide for the general population, including infants and children, is unlikely because the only proposed use site is in an agricultural setting, as a treatment on soybean seeds. Since the seed treatment is to take place in a commercial seed treating facility where mechanical treating equipment is used, it is not expected that dermal or inhalation exposure to residues will occur in the general population, including infants and children. *Bacillus pumilus* GB 34 is a ubiqutous bacterium commonly found in soil, water, air and decomposing plant tissue and which acts as an antifungal agent. The bacteria typically occur at 106 to 107 colony forming units (CFU's) per gram of soil. It is not known to be pathogenic or toxic to any animal or plant species. The added soil density from the proposed seed treatment use rates represents a very small proportion of the naturally occurring bacilli in the soil and therefore is not expected to add substantially to the effects of the naturally occurring *Bacillus*.

VI. Cumulative Effects

Section 408(b)(2)(D)(v) of the FFDCA requires the Agency to considered the cumulative effect of exposure to *B. pumilus* GB 34 and to other substances that have a common mechanism of toxicity. These considerations include the possible cumulative effects of such residues on infants and children. *B. pumilus* does not appear to be toxic or pathogenic to humans. Thus, there is no indication that the bacteria we consider here share any common mechanisms of toxicity (metabolic mechanisms) with other substances.

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

There is reasonable certainty that no harm will result from aggregate exposures to residues of *B. pumilus* GB 34, in its use as a seed treatment, to the U. S. population, including infants and children. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. As discussed previously, there is probably no potential for harm, from this bacterium in its use as a seed treatment via dietary exposure since the organism is non-toxic and non-pathogenic to animals and humans. The Agency has arrived at this conclusion based on the very low levels of mammalian toxicity (no toxicity at the maximum doses tested, Toxicity Categories III and IV). Moreover no inhalation or dermal exposure is expected. FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional ten-fold margin of exposure (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 exposure (safety) will be safe for infants and children. Margins of exposure (safety) are often referred to as uncertainty (safety) factors. In this instance, based on all the available information, the Agency concludes that the bacterium, *B. pumilus* GB34, is non-toxic to mammals, including infants and children. Because there are no threshold effects of concern, the provision requiring an additional margin of safety does not apply. As a result, EPA has not used a margin of exposure (safety) approach to assess the safety of *B. pumilus* GB 34.

VIII. Other Considerations

A. Endocrine Disruptors

EPA is required under FFDCA section 408(p) to develop a screening process to determine whether pesticide chemicals (and any other substance that may have an effect that is cummulative to an effect of a pesticide chemical) ''may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effects effect as the Administrator may designate.'' Following the recommendations of its Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC), EPA determined that there was a scientific basis for including, as part of the program, the androgen-and thyroid hormone systems, in addition to the estrogen hormone system. EPA also adopted EDSTAC's recommendation that the Program include evaluations of potential effects in wildlife. For pesticide chemicals EPA will use FIFRA and, to the extent that effects in wildlife may help determine whether a substance may have an effect in humans, FFDCA authority to require the wildlife evaluations. As the science develops and resources allow, screening of additional hormone systems may be added to the Endocrine Disruptor Screening Program (EDSP).

When the appropriate screening and/or testing protocols being considered under the Agency's Endocrine Disruptor Screening Program have been determined, *B. pumilus* GB 34 may be subjected to additional screening and/or testing to better characterize any effects related to endocrine disruption. Based on the weight of the evidence of available data, no endocrine system-related effects have been identified for *B. pumilus* GB 34.

B. Analytical Method(s)

The Agency proposes to establish an exemption from the requirement of a tolerance without any numerical limitation. Accordingly, the Agency has concluded that analytical methods are not needed for enforcement purposes related to *B. pumilus* GB 34.

C. Codex Maximum Residue Level

There are no Codex Maximum Residue Levels nor any tolerances or exemptions issued for *B. pumilus* GB 34 outside the United States.

IX. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue

to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of the FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2002–0328 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 2, 2003.

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

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

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

EPA is authorized to waive any fee requirement ''when in the judgment of the Administrator such a waiver or refund is equitable and not contrary to the purpose of FFDCA section 408(m).'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at *tompkins.jim@epa.gov*, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

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

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.1. Mail your copies, identified by docket ID number OPP–2002–0328, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.1. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

X. Statutory and Executive Order Reviews

This final rule establishes an exemption from the tolerance requirement under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of the FFDCA, such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XI. Congressonial Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 12, 2003.

James Jones,

Acting Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Section 180.1224 is added to subpart D to read as follows:

§ 180.1224 Bacillus pumilus GB 34; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the microbial pesticide *Bacillus pumilus* GB 34 when used as a seed treatment in or on soybeans and soybeans after harvest.

[FR Doc. 03–7638 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2003–0079; FRL–7297–8]

Modified Acrylic Polymers; Revision of Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation revises an existing exemption from the requirement of a tolerance for modified acrylic polymers when used as an inert ingredient in a pesticide chemical formulation, including antimicrobial pesticide chemical formulations if such is used in accordance with good agricultural or manufacturing practices. Alco Chemical submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA) requesting the revisions to the existing exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of modified acrylic polymers.

DATES: This regulation is effective April 2, 2003. Objections and requests for hearings, identified by docket ID number OPP–2003–0079, must be received on or before June 2, 2003.

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

FOR FURTHER INFORMATION CONTACT: Treva 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 code 311)
- Pesticide manufacturing (NAICS code 25532)

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–2003–0079. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search'' then key in the appropriate docket ID number.

II. Background and Statutory Findings

In the **Federal Register** of January 14, 2003 (68 FR 1846) (FRL–7286–5), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a, as amended by the FQPA (Public Law 104–170), announcing the filing of a pesticide petition (PP 3E6539) by Alco Chemical, 909 Mueller Drive, Chattanooga, TN 37406–0401. That notice included a summary of the petition prepared by the petitioner. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.960 be amended by revising the existing exemption from the requirement of a tolerance for acrylic polymers composed of one or more of the following monomers: Acrylic acid, methyl acrylate, ethyl acrylate, butyl acrylate, hydroxyethyl acrylate, hydroxypropyl acrylate, hydroxybutyl acrylate, carboxyethyl acrylate, methacrylic acid, methyl methacrylate, ethyl methacrylate, butyl methacrylate, isobutyl methacyrlate, hydroxyethyl methacrylate, hydroxypropyl methacrylate, hydroxybutyl methacrylate, lauryl methacrylate, and stearyl methacrylate with none and/or one or more of the following monomers: Acrylamide, N-methyl acrylamide, N-octylacrylamide, maleic anhydride, maleic acid, monoethyl maleate, diethyl maleate, monooctyl maleate, dioctyl maleate, and their corresponding sodium, potassium, ammonium, isopropylamine, triethylamine, monoethanolamine, and/or triethanolamine salts; the resulting polymer having a minimum number average molecular weight (in amu), 1,200 by including N,N-dimethyl acrylamide as one of the monomers. No CAS Reg. No. is associated with this tolerance exemption.

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

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers that should present minimal or no risk (see 40 CFR 723.250). Acrylic polymers composed of one or more of the following monomers: Acrylic acid, methyl acrylate, ethyl acrylate, butyl acrylate, hydroxyethyl acrylate, hydroxypropyl acrylate, hydroxybutyl acrylate, carboxyethyl acrylate, methacrylic acid, methyl methacrylate, ethyl methacrylate, butyl methacrylate, isobutyl methacyrlate, hydroxyethyl methacrylate, hydroxypropyl methacrylate, hydroxybutyl methacrylate, lauryl methacrylate, and stearyl methacrylate

with none and/or one or more of the following monomers: Acrylamide, N-methyl acrylamide, N-octylacrylamide, maleic anhydride, maleic acid, monoethyl maleate, diethyl maleate, monooctyl maleate, dioctyl maleate, and their corresponding sodium, potassium, ammonium, isopropylamine, triethylamine, monoethanolamine, and/or triethanolamine salts; the resulting polymer having a minimum number average molecular weight (in amu), 1,200 (also referred to as modified acrylic polymers) were previously determined to meet the set of criteria identifying categories of polymers that should present minimal or no risk (66 FR 53720; October 24, 2001).

These criteria of 40 CFR 723.250 would continue to be met with the addition of N,N-dimethyl acrylamide as one of the acrylic polymer monomers. Therefore, based on its conformance to the criteria for a polymer to be considered low risk under 40 CFR 723.250, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to modified acylic polymers.

V. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that modified acrylic polymers could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average molecular weight of modified acrylic polymers is greater than 1,200 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since modified acrylic polymers conform to the criteria that identify a low risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

VI. Cumulative Effects

Section 408(b)(2)(D)(v) of the FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance or tolerance exemption, the Agency consider ''available information'' concerning the cumulative effects of a particular chemical's residues and ''other substances that have a common mechanism of toxicity.'' The Agency has not made any conclusions as to whether or not modified acrylic polymers share a common mechanism of toxicity with any other chemicals. However, modified acrylic polymers conform to the criteria that identify a low risk polymer. Due to the expected lack of toxicity based on the above conformance, the Agency has determined that a cumulative risk assessment is not necessary.

VII. Determination of Safety for U.S. Population

Based on the conformance to the criteria used to identify a low risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population from aggregate exposure to residues of modified acrylic polymers.

VIII. Determination of Safety for Infants and Children

FFDCA section 408 of the FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of modified acylic polymers, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

IX. Other Considerations

A. Endocrine Disruptors

There is no available evidence that modified acylic polymers is an endocrine disruptor.

B. Existing Exemptions from a Tolerance

An exemption from the requirement of a tolerance exists (see 40 CFR 180.960) for acrylic polymers composed of one or more of the following monomers: Acrylic acid, methyl acrylate, ethyl acrylate, butyl acrylate, hydroxyethyl acrylate, hydroxypropyl acrylate, hydroxybutyl acrylate, carboxyethyl acrylate, methacrylic acid, methyl methacrylate, ethyl methacrylate, butyl methacrylate, isobutyl methacyrlate, hydroxyethyl methacrylate, hydroxypropyl methacrylate, hydroxybutyl methacrylate, lauryl methacrylate, and stearyl methacrylate with none and/or one or more of the following monomers: Acrylamide, N-methyl acrylamide, N-octylacrylamide, maleic anhydride, maleic acid, monoethyl maleate, diethyl maleate, monooctyl maleate, dioctyl maleate, and their corresponding sodium, potassium, ammonium, isopropylamine, triethylamine, monoethanolamine, and/or triethanolamine salts; the resulting polymer having a minimum number average molecular weight (in amu), 1,200.

C. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

D. International Tolerances

The Agency is not aware of any country requiring a tolerance for modified acylic polymers nor have any CODEX Maximum Residue Levels (MRLs) been established for any food crops at this time.

X. Conclusion

Accordingly, EPA finds that exempting residues of modified acrylic polymers from the requirement of a tolerance will be safe.

XI. Objections and Hearing Requests

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

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2003–0079 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 2, 2003.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR

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

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

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

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

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

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

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

XII. Statutory and Executive Order Reviews

This final rule establishes an exemption from the tolerance requirement under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of the FFDCA, such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule

does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 25, 2003.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. The table to section 180.960 is amended by revising the entry which reads in part ''Acrylic polymers composed of one or more of the following monomers:. . .'' as follows:

§ 180.960 Polymers; Exemptions from the requirement of a tolerance.

Polymer	CAS No.
* * * * * *	
Acrylic polymers composed of one or more of the following monomers: Acrylic acid, methyl acrylate, ethyl acrylate, butyl acrylate, hydroxyethyl acrylate, hydroxypropyl acrylate, hydroxybutyl acrylate, carboxyethyl acrylate, methacrylic acid, methyl methacrylate, ethyl methacrylate, butyl methacrylate, isobutyl methacrylate, hydroxyethyl methacrylate, hydroxypropyl methacrylate, hydroxybutyl methacrylate, lauryl methacrylate, and stearyl methacrylate; with none and/or one or more of the following monomers: Acrylamide, N-methyl acrylamide, N,N-dimethyl acrylamide, N-octylacrylamide, maleic anhydride, maleic acid, monoethyl maleate, diethyl maleate, monooctyl maleate, dioctyl maleate; and their corresponding sodium, potassium, ammonium, isopropylamine, triethylamine, monoethanolamine, and/or triethanolamine salts; the resulting polymer having a minimum number average molecular weight (in amu), 1,200	None
* * * * * *	

[FR Doc. 03–7974 Filed 4–1–03; 8:45 am]
BILLING CODE 6560–50–S

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–7805]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Edward Pasterick, Mitigation Division, 500 C Street, SW.; Room 435, Washington, DC 20472, (202) 646–3443.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be

available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community no.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region I				
Maine: Allagash, Town of, Aroostook County.	230440	March 19, 1974, emerg.; August 5, 1985, reg.; April 2, 2003, susp..	4/2/03	4/2/03
Region V				
Ohio: Frankfort, Village of, Ross County	390484	July 11, 1975, emerg.; September 24, 1984, reg.; April 2, 2003, susp.	4/2/03	4/2/03
Region I				
Connecticut: Newtown, Town of, Fairfield County.	090011	August 28, 1975, emerg.; June 15, 1979, reg.; April 16, 2003, susp.	4/16/03	4/16/03
New Hampshire: Errol, Town of, Coos County..	330206	August 31, 1993, emerg.; June 1, 1995, reg.; April 16, 2003, susp.	4/16/03	4/16/03

Code for reading third column: emerg.—emergency; reg.—regular; susp.—suspension.

Dated: March 27, 2003.

Anthony S. Lowe,

Director, Mitigation Division.

[FR Doc. 03–7983 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–05–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 021212307–3037–02; I.D. 032703E]

Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 m) Length Overall and Longer Using Hook-and-line Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels 60 feet (18.3 m) length overall (LOA) and longer using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2003 total allowable catch (TAC) of Pacific cod allocated to catcher vessels using hook-and-line gear in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 28, 2003, until 1200 hrs, A.l.t., June 10, 2003.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season apportionment of the 2003 Pacific cod TAC allocated to catcher vessels using hook-and-line gear in the BSAI is 175 metric tons (mt) as established by the final 2003 harvest specifications for groundfish of the BSAI (68 FR 9924, March 3, 2003).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, has determined that the A season apportionment of the 2003 Pacific cod TAC allocated as a directed fishing allowance to catcher vessels using hook-and-line gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels 60 feet (18.3 m) length overall and longer using hook-and-line gear in the BSAI. Catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line gear in the BSAI may continue to participate in the directed fishery for Pacific cod under a separate Pacific cod allocation to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

Maximum retainable amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is contrary to the public interest. This requirement is contrary to the public interest as it would delay the closure of the fishery, lead to exceeding the A season apportionment of the 2003 Pacific cod TAC allocated to catcher vessels using hook-and-line gear in the BSAI, and therefore reduce the public's ability to use and enjoy the fishery resource.

The AA also finds good cause to waive the 30–day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

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

Dated: March 27, 2003.

Richard W. Surdi

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

[FR Doc. 03–7960 Filed 3–28–03; 2:59 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 011219306–3058–03; I.D. 110501A]

RIN 0648–AM44

Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries; Correction

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

ACTION: Final rule; Technical correction.

SUMMARY: This document corrects a January 7, 2003, final rule that implemented changes to regulations governing the North Pacific Groundfish Observer Program (Observer Program). The action is necessary to correct erroneous cross references and inaccurate amendatory language that occurred in the final rule.

DATES: Effective April 2, 2003.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION: A final rule implementing changes to regulations governing the Observer Program was published in the **Federal Register** January 7, 2003 (68 FR 715). The final rule contained five errors in cross references caused by renumbering of paragraphs. These errors are corrected by this action.

Need for Corrections

In this final rule, the renumbering of paragraphs affected cross references in three paragraphs that were not addressed in the final rule. Newly redesignated paragraph 679.50(d)(5)(i) is corrected by removing the reference to ''(d)(4)(ii)'' and by adding in its place ''(d)(5)(ii)''; Newly redesignated paragraph 679.50(d)(5)(ii)(B) is corrected by removing reference to ''(d)(4)(iii)'', and by adding in its place ''(d)(5)(iii)''; and paragraph 679.50(g)(2)(iii)(B)(2) is corrected by removing the reference to ''(d)(3)'' and by adding in its place ''(d)(4)''.

Amendatory instruction 2 of 68 FR 715 is corrected by removing the text ''(d)(3) through (6)'' and by adding in its place ''(d)(3) through (5)'' by removing the text ''(d)(4) through (7)'' and by adding in its place ''(d)(4) through (6)'' and by correcting the text

''paragraphs(i)(2)(vi) and (i)(2)(xii) are revised;'' to read as ''paragraph(i)(2)(vi) is revised; and paragraph (i)(2)(xii) is added;''.

Classification

This action corrects paragraph numbering and cross references, a non-discretionary technical change with no substantive effects. Therefore, the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement to provide prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B), as such procedure would be unnecessary. Because this technical amendment does not constitute a substantive rule, it is not subject to the requirement for a 30–day delay in effective date under 5 U.S.C. 553(d). Because prior notice and opportunity to comment is not required for this action by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are not applicable.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: March 24, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ Accordingly, 50 CFR part 679 is corrected by making the following correcting amendments to the final rule published on January 7, 2003 (68 FR 715):

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*; 3631 *et seq.*; Title II of Division C, Pub. L. 105–277; Sec 3027, Pub. L. 106–31; 113 Stat. 57; 16 U.S.C. 1540(f); and Sec. 209, Pub, L, 106–554.

§ 679.50 [Corrected]

■ 2. In § 679.50, correct the reference to paragraphs redesignated in the final rule 68 FR 715, January 7, 2003:

■ a. In paragraph (d)(5)(i), remove the reference ''(d)(4)(ii)'' and add in its place ''(d)(5)(ii)''.

■ b. In paragraph (d)(5)(ii)(B), remove the reference ''(d)(4)(iii)'' and add in its place ''(d)(5)(iii)''.

■ c. In paragraph (g)(2)(iii)(B)(2), remove the reference ''(d)(3)'' and add in its place ''(d)(4)''.

■ 3. On page 719 of 68 FR 715, third column, amendatory instruction 2:

■ a. Lines 1 and 2, remove ''(d)(3) through (6)'' and add in its place ''(d)(3) through (5)''.

■ b. Lines 2 and 3, remove ''(d)(4) through (7)'' and add in its place ''(d)(4) through (6)''.

■ c. Line 5 and 6, remove ''paragraphs (i)(2)(vi) and (i)(2)(xii) are revised'' and add in its place ''paragraph (i)(2)(vi) is revised; and new paragraph (i)(2)(xii) is added;''.

[FR Doc. 03–7517 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 68, No. 63
Wednesday, April 2, 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 930

[Docket No. FV02–930–3 PR]

Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rates; Withdrawal of a Proposed Rule

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws a proposed rule published in the **Federal Register** on June 10, 2002 (67 FR 39637), which would have increased the assessment rate for cherries that are utilized in the production of tart cherry products other than juice, juice concentrate, or puree from $0.00175 to $0.0021 per pound. It also would have increased the assessment rate for cherries utilized for juice, juice concentrate, or puree from $0.000875 to $0.00105 per pound. Both assessment rates would have applied to the 2002–2003 and subsequent fiscal periods. Since the proposed rule was published, the tart cherry marketing order was amended (August 8, 2002; 67 FR 51697). The provisions requiring the establishment of different assessment rates for different products were removed. In their place, the Cherry Industry Administrative Board (Board) is required to consider the volume of cherries used in making various products and the relative market value of those products in deciding whether the assessment rate should be a single, uniform rate applicable to all cherries or whether varying rates should be recommended for cherries manufactured into different products. At this time, it is the Board's intention to recommend one assessment rate applicable to all cherries so this action is no longer necessary.

DATES: The proposed rule published on June 10, 2002 (67 FR 39637) is withdrawn as of April 3, 2003.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Unit 155, Room 2A38, 4700 River Road, Riverdale, MD 20737, telephone: (301) 734–5243, or Fax: (301) 734–5275; 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, or Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders 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 rule is issued under Marketing Agreement and Order No. 930 (7 CFR part 930), regulating the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

This action withdraws a proposed rule published in the **Federal Register** on June 10, 2002 (67 FR 39637), which would have increased the assessment rate for cherries that are utilized in the production of tart cherry products other than juice, juice concentrate, or puree from $0.00175 to $0.0021 per pound. It also would have increased the assessment rate for cherries utilized for juice, juice concentrate, or puree from $0.000875 to $0.00105 per pound. Both assessment rates would have applied to the 2002–2003 and subsequent fiscal periods.

Since the proposed rule was published, the tart cherry marketing order was amended (August 8, 2002; 67 FR 51697). The provisions requiring the establishment of different assessment rates for different products were removed. The Cherry Industry Administrative Board (Board) now is required to consider the volume of cherries used in making various products and the relative market value of those products in deciding whether the assessment rate should be a single, uniform rate applicable to all cherries or whether varying rates should be recommended for cherries manufactured into different products. At this time, it is the Board's intention to recommend one assessment rate applicable to all cherries so this action is no longer necessary.

Therefore, the proposed rule regarding an increase in the assessment rates for cherries published in the **Federal Register** on June 10, 2002 (67 FR 39637), is hereby withdrawn.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

Authority: 7 U.S.C. 601–674.

Dated: March 27, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–7939 Filed 4–1–03; 8:45 am]

BILLING CODE 3410–02–P

SMALL BUSINESS ADMINISTRATION

13 CFR PART 121

Small Business Size Standards; Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for small arms manufacturing.

SUMMARY: The U.S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for small arms manufacturing. The basis for waivers is that no small business manufacturers are supplying these classes of products to the Federal government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses or awarded through the SBA 8(a) Program. The purpose of this notice is to solicit comments and potential source information from interested parties.

DATES: Comments and sources must be submitted on or before April 21, 2003.

ADDRESSES: Edith Butler, Program Analyst, U.S. Small Business Administration, 409 3rd Street, SW., Washington DC, 20416, Tel: (202) 619–0422.

FOR FUTHER INFORMATI0N CONTACT: Edith Butler, Program Analyst, (202) 619–0422 FAX (202) 205–7280.

SUPPLEMENTARY INFORMATION: Pub. L. 100–656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any ''class of products'' for which there are no small business manufacturers or processors in the Federal market.

To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines ''class of products'' based on six digit coding systems.

The first coding system is the Office of Management and Budget *North American Industry Classification System (NAICS).* The second is the Product and Service Code established by the Federal Procurement Data System.

The U.S. Small Business Administration is currently processing a request to waive the Nonmanufacturer Rule for Small Arms Manufacturing, North American Industry Classification System (NAICS) 332994. The public is invited to comment or provide source information to SBA on the proposed waiver of the nonmanufacturer rule for this NAICS code.

Linda G. Williams,

Associate Administrator for Government Contracting.

[FR Doc. 03–7840 Filed 4–1–03; 8:45 am]

BILLING CODE 8025–01–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2002–4C]

Notice of Public Hearings: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of Public Hearings in Los Angeles, CA.

SUMMARY: The Copyright Office of the Library of Congress will be holding two days of public hearings in Los Angeles, California on the possible exemptions to the prohibition against circumvention of technological measures that control access to copyrighted works and is extending the due date for requests to testify in California.

DATES: Public hearings will be held at the UCLA School of Law on May 14 and 15, 2003, beginning at 9 a.m. Requests to testify for these California hearings must be received by 5 p.m. E.S.T. on April 8, 2003. *See* **SUPPLEMENTARY INFORMATION** for additional information on other requirements.

ADDRESSES: The Los Angeles, California round of public hearings will be held on May 14 and 15, 2003 in the Moot Court Room, Room 1310, of the UCLA School of Law, 405 Hilgard Avenue, Los Angeles, CA. *See* **SUPPLEMENTARY INFORMATION** for additional address information and other requirements.

FOR FURTHER INFORMATION CONTACT: Rob Kasunic, Senior Attorney, Office of the General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone (202) 707–8380; fax (202) 707–8366. Requests to testify must be sent by email to *1201@loc.gov*. Email inquiries regarding the hearings may be sent to *rkas@loc.gov*.

SUPPLEMENTARY INFORMATION: On October 15, 2002, the Copyright Office published a Notice of Inquiry seeking comments in connection with a rulemaking pursuant to section 1201(a)(1) of the Copyright Act, 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress may exempt certain classes of works from the prohibition against circumventing a technological measure that controls access to a copyrighted work. For a more complete statement of the background and purpose of the rulemaking, please see the Notice of Inquiry and the full record of the previous rulemaking proceeding available on the Copyright Office's Web site at:
http://www.copyright. gov/1201/.

On March 20, 2003, the Copyright Office announced that it would be holding public hearings relating to the rulemaking in Washington DC on April 11, April 15, April 30, and May 2, 2003, and that public hearings would subsequently be held in California in May, on dates and at a location to be announced later. 68 FR 13652 (March 20, 2003).

The Copyright Office is now announcing that the California hearings will be conducted on May 14 and 15, 2003 to hear testimony relating to the rulemaking. The hearings will be conducted in Room 1310 at the UCLA School of Law, located at 405 Hilgard Avenue, Los Angeles, California.

The March 20 notice invited interested parties to submit requests to testify at one of these hearings. Requests were to be submitted no later than April 1, 2003. Given the timing of this announcement on the precise dates and location of the California hearings, the Copyright Office is extending the due date for requests to testify at the Los Angeles, CA hearings only until 5 p.m., E.S.T., April 8, 2003.

Requirements for Persons Desiring To Testify

A request to testify must be submitted to the Copyright Office. All requests to testify must clearly identify:

- The name of the person desiring to testify,
- The organization or organizations represented, if any,
- Contact information (address, telephone, and email),
- The class of work to which your testimony is responsive (if you wish to testify on more than one proposed class of work, please state your order of preference),[1]
- A brief summary of your proposed testimony,
- A description of any audiovisual material or demonstrative evidence, if any, that you intend to present,
- Preferences as to dates on which you wish to testify. *Note*: Because the agenda will be organized based on subject matter, we cannot guarantee that we can accommodate requests to testify on particular dates.

The Copyright Office notes that it has already received many requests to testify that have not complied with

[1] The 51 written comments proposing classes of works to be exempted and the 338 reply comments have been posted on the Office's Web site; *seehttp://www.copyright.gov/1201/.*

these requirements, particularly the requirement to identify the class of work to which the testimony is responsive. Requests to testify that do not conform to these requirements will not be considered, since the hearing sessions will be structured around particular or related proposed classes of works to be exempted. Persons who submit a timely request to testify will receive a response by email or telephone by April 14, 2003. The Copyright Office will notify all witnesses of the date and expected time of their appearance, and the time allocated for their testimony.

At the UCLA School of Law, only limited on-site parking will be available for participants and the public. Persons wishing to attend the hearings are encouraged to make alternative transportation plans or to park in commercial parking lots located near UCLA. The Office will post additional information on parking at UCLA on the Copyright Office's Web site at *http://www.copyright.gov/1201/*.

Addresses for Requests to Testify

All requests to testify must be sent by email to *1201@loc.gov* and must be received by 5 E.S.T. on April 8, 2003. Persons who are unable to send requests by email should contact Rob Kasunic, Senior Attorney, at (202) 707–8380 to make alternative arrangements for submission of their requests to testify.

Form and Limits on Testimony at Public Hearings

There will be time limits on the testimony allowed for persons testifying that will be established after receiving all requests to testify. In the written comment period, the Office received nearly 400 written comments. Given the time constraints, only a fraction of that number could possibly testify at the hearings. A timely request to testify does not guarantee an opportunity to testify at these hearings. The Copyright Office encourages parties with similar interests to select common representatives to testify on behalf of a particular position.

The Copyright Office stresses that factual arguments are at least as important as legal arguments and encourages persons who wish to testify to provide demonstrative evidence to supplement their testimony. While testimony from attorneys who can articulate legal arguments in support of or opposition to a proposed exempted class of works is useful, testimony from witnesses who can explain and demonstrate the facts is also solicited. Any electronic or audiovisual equipment necessary for a presentation or demonstration at these California hearings should be brought by the person testifying.

The Office intends to organize individual sessions of the hearings around particular or related classes of works proposed for exemption. If a request to testify involves more than one proposed exemption or related exemption, please specify, in order of preference, the proposed exemptions on which you would prefer to testify.

Following receipt of the requests to testify, the Copyright Office will inform all parties requesting to testify whether they have been accepted. The Copyright Office will also prepare an agenda of the hearings which will be posted on the Copyright Office Web site at *http://www.copyright.gov/1201/* and sent to persons who have been accepted to testify. To facilitate this process, it is essential that all of the required information listed above be included in a request to testify.

Dated: March 31, 2003.

David O. Carson,

General Counsel.

[FR Doc. 03–8147 Filed 4–1–03; 8:45 am]

BILLING CODE 1410–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 440

[CMS–2132–P]

RIN 0938–AM26

Medicaid Program; Provider Qualifications for Audiologists

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the requirements for audiologists furnishing services under the Medicaid program. In addition, it would create consistency with the Medicare requirements that define a qualified audiologist by recognizing the role of State licensure in determining provider qualifications. These revised standards would expand State flexibility in choosing qualified audiologists.

DATES: We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on June 2, 2003.

ADDRESSES: In commenting, please refer to file code CMS–2132–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission or e-mail.

Mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2132–P, P.O. Box 3016, Baltimore, MD 21244–3016.

Please allow sufficient time for mailed comments to be timely received in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) to one of the following addresses: Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Linda Peltz, (410) 786–3399.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone (410) 786–7195.

Copies: This **Federal Register** document is also available from the **Federal Register** online database through *GPO Access,* a service of the U.S. Government Printing Office. The Web site address is: *http://www.access.gpo.gov/nara/index.html.*

I. Background

A. Legislation

Medicaid Requirements

Title XIX of the Social Security Act (the Act) authorizes Federal grants to States for Medicaid programs that

provide medical assistance to low-income families, the elderly, qualified pregnant minors, and persons with disabilities. The Medicaid program is jointly financed by the Federal and State governments and administered by the States. Within Federal rules, each State chooses eligible groups of beneficiaries, types and ranges of services, payment levels for services, and administrative and operating procedures. The nature and scope of a State's Medicaid program is described in the State plan that the State submits to us for approval. The plan is amended whenever necessary to reflect changes in Federal or State law, changes in policy, or court decisions. Under section 1902(a)(10) of the Act, States must provide certain basic services. Section 1905(a)of the Act identifies categories of services States may provide as medical assistance.

Under the Medicaid program, services for individuals with speech, hearing, and language disorders historically have been permitted under the Secretary's discretionary authority under section 1905(a)(11) of the Act. In our regulations, at 42 CFR 440.110(c), we require that the beneficiary be referred by a physician or other licensed practitioner of the healing arts within the scope of his or her practice under State law for services furnished by, or under the direction of, a qualified audiologist or speech pathologist. As currently defined at § 440.110(c)(2), an audiologist or speech pathologist is an individual who has a certificate of clinical competence from the American Speech-Language-Hearing Association (ASHA); completed the equivalent educational requirements and work experience necessary for the certificate; or completed the academic program and is acquiring supervised work experience to qualify for the certificate.

Medicare Requirements

Section 1861(ll)(2) of the Act defines audiology services to include hearing and balance assessment services furnished by a qualified audiologist, as the audiologist is legally authorized to perform under State law. Section 1861(ll)(3)(B) then identifies the minimum qualifications that a qualified audiologist must have to participate in the Medicare program by defining a ''qualified audiologist'' as an individual with a master's or doctoral degree and who—

- Is licensed as an audiologist by the State in which the individual furnished those services; or
- In the case of an individual who furnishes services in a State that does not license audiologists, has—

+ Successfully completed 350 clock hours of supervised clinical practicum (or is in the process of accumulating that supervised clinical experience);

+ Performed not fewer than 9 months of supervised full-time audiology services after obtaining a master's or doctoral degree in audiology or a related field; and

+ Successfully completed a national examination in audiology approved by the Secretary.

B. Current Medicaid Program Experience

Since its inception, the Medicaid program has permitted States the option of providing services for individuals with speech, hearing, and language disorders. Audiology services may be provided in a variety of settings at the State discretion. States have the option of providing audiology services to their adult Medicaid population, but because of the mandatory Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) program, must provide audiology services to Medicaid eligible persons under 21 years of age who have been evaluated and found in need of the service. In fact, Medicaid pays for a substantial number of medical services provided to children with disabilities in schools (''school-based services'') according to the Individuals with Disabilities Education Act (IDEA) (Pub. L. 105–17, enacted on June 4, 1997). Our current regulations at § 440.110(c)(2), require audiologists to hold a certificate of clinical competency from ASHA, or its equivalent, to furnish audiology services. Current regulations also permit services to be provided under the direction of a qualified (ASHA certified) audiologist.

C. Consistency with Medicare Program

Before the Social Security Amendments of 1994 (Pub. L. 103–432, enacted on October 31, 1994), the Medicare and Medicaid regulations both required speech pathologists and audiologists to meet the academic and clinical experience requirements for a Certificate of Clinical Competence granted by ASHA. In accordance with section 146 of the Social Security Amendments of 1994, Medicare revised its statutory requirements for speech pathologists and audiologists, removing the requirement for ASHA certification and placing primary reliance for determining provider qualifications on State licensure.

After the revision of the Medicare requirements in 1994, we began receiving letters from audiology professionals and interested parties recommending that we adopt the Medicare definition of qualified audiologists. In addition, the introductory text of the legislation entitled ''The Medicaid Audiology Act of 1999'' (H.R. 1068); and the Committee Report for FY 2001 Labor, Health and Human Services, and Education Appropriations bill (Report 106–645, page 108), recommended that we adopt the Medicare definition of ''qualified audiologist'' in the Medicaid program; that is, recognize the role of State licensure in determining provider qualifications. The proponents recommending the change stated that the Medicaid definition had not changed in over 20 years and predated the national trend toward greater reliance on State determinations of professional qualifications through licensure.

Last year, after repeated requests to reconcile the differing definitions, we agreed to consider possibilities for changing the Medicaid regulations to bring them into closer conformity with the Medicare requirements by recognizing State licensure in defining a qualified audiologist in a manner that would not compromise State flexibility and quality of care.

We began by conducting meetings with stakeholders and interviewing national organizations to determine the implications that this change would have on Medicaid programs, providers, and beneficiaries. Based on the information gained from those encounters, we now believe it is possible to enact a change to the Medicaid definition of qualified audiologist to recognize the role of State licensure, while simultaneously incorporating standards that address our concerns regarding quality standards of care.

The requirements proposed in this rule reflect our goal of maintaining Medicaid's quality standards while simultaneously being responsive to States, stakeholders, and beneficiaries. Our proposed provider standards recognize the role of State licensure in determining provider qualifications, while preserving the State's flexibility and professional industry standards that aid in ensuring quality services to all Medicaid beneficiaries.

II. Provisions of the Proposed Regulations

This proposed rule only addresses the qualifications of audiologists as defined under § 440.110(c)(2). At this time, we do not propose to change the requirements under this section pertaining to qualified speech-language pathologists.

We are proposing to make the following revisions to the regulations:

• In § 440.110(c)(2), to define audiologists separately from speech pathologists.

• To add a new § 440.110(c)(3) to define ''qualified audiologist''. ''A qualified audiologist means an individual with a master's or doctoral degree in audiology who—

(i) Is licensed as an audiologist to perform those services by the State in which the individual furnishes those services, providing that the State licensure requirements meet or exceed the requirements in paragraph (c)(3)(ii)(A) or (c)(3)(ii)(B) of this section;''.

(ii) In the case of an individual who furnishes audiology services in a state that does not license audiologists or that exempts audiologists practicing in specific institutions or settings from licensure, the individual must meet one of the following standards:

(A) Has a Certificate of Clinical Competence in Audiology granted by the American Speech-Language-Hearing Association; or

(B) Has successfully completed a minimum of 350 clock-hours of supervised clinical practicum (or is in the process of accumulating such supervised clinical experience under the supervision of a qualified master or doctoral-level audiologist), performed not less than 9 months of supervised full-time audiology services after obtaining a master's or doctoral degree in audiology, or a related field, and successfully completed a national examination in audiology approved by the Secretary.

Similar to Medicare's statutory revision in 1994, our proposed regulation will remove the requirement for ASHA certification as the sole standard for determining provider qualifications and will place primary reliance on State licensing.

Our goal in revising the Medicaid audiology provider qualification standards is to make both programs' requirements consistent where possible while also incorporating minimum clinical and academic requirements that reflect nationally recognized industry professional standards. In doing so, we seek to ensure that regardless of where the Medicaid beneficiary receives the audiology services, the services would be provided by highly trained professionals.

To accomplish this goal, our proposed requirements differ from Medicare's through the inclusion of minimum provider academic and clinical practicum standards applicable in States that license audiologists, as well as in States that either exempt audiologists from licensure or that do not license audiologists at all.

''Under the Direction of''

To afford States the flexibility they currently have under Medicaid to determine qualified providers, we plan to retain the alternative requirement for providers who are not themselves qualified audiologists to work ''under the direction of'' a qualified audiologist. Section 440.110(c)(1) allows for services to be furnished by or ''under the direction of'' a qualified audiologist. This means an individual who is working under the supervision of a Federally qualified audiologist may furnish Medicaid audiology services.

We interpret the ''under the direction of'' requirement to mean that a qualified audiologist who is directly affiliated with the entity providing audiology services must supervise each beneficiary's care. To meet this requirement, an audiologist must see the beneficiary initially, prescribe the type of care provided, and review the need for continued services throughout treatment. The audiologist must assume professional responsibility for the services provided and ensure that the services are medically necessary. The concept of professional responsibility implicitly supports face-to-face contact by the audiologist at least at the beginning of treatment and periodically thereafter. Thus, audiologists must spend as much time as necessary directly supervising services to ensure beneficiaries are receiving services in a safe and efficient manner in accordance with accepted standards of medical practice.

For an audiologist to be affiliated with an entity, there must be a contractual agreement or some other type of formal arrangement between the audiologist and the entity which enumerates the audiologist's supervisory obligations relating to the care provided to the beneficiaries. Moreover, documentation must be kept supporting the audiologist's supervision of services and ongoing involvement in the treatment. As stated above, we would retain the provision regarding services provided under the direction of an audiologist.

III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

• The need for the information collection and its usefulness in carrying out the proper functions of our agency.

• The accuracy of our estimate of the information collection burden.

• The quality, utility, and clarity of the information to be collected.

• Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the provisions summarized below that contain information collection requirements:

§ 440.110 Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders.

Section 440.100(c)(3)(iii) states that an individual who provides Medicaid audiology services must maintain documentation to demonstrate that they meet the standard(s) set forth in this section. While this requirement is subject to the PRA, we believe this requirement is a usual and customary business activity and the burden associated with this requirement is exempt from the PRA, as stipulated under 5 CFR 1320.3(b)(2) and (b)(3).

If you comment on any of these information collection and record keeping requirements, please mail copies directly to the following:

Centers for Medicare & Medicaid Services, Office of Strategic Operations and Regulatory Affairs, Room N2–17–23, 7500 Security Boulevard, Baltimore, MD 21244–1850, Attn: John Burke CMS–2132–P, and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn.: Brenda Aguilar, CMS–2132–P.

IV. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, if we proceed with a subsequent document, we will respond to the major comments in the preamble to that document.

V. Regulatory Impact Statement

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993), Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 16, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives, and if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more annually).

We are unable to provide a specific dollar estimate of the economic impact this proposed regulation would have on State and local governments and participating providers. Because the flexibility permitted under Medicaid allows States to provide audiology under various Medicaid benefits, it is not possible to capture accurate expenditure data.

We have determined, however, that this proposed rule is not a major rule under Executive Order 12866, and the Secretary certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. We have made this determination because while we believe this rule would permit States to have more flexibility in determining who is qualified to provide audiology services, we do not anticipate any increase in States' use of audiology services due to this regulation. Section 804(2) of title 5, United States Code (as added by section 251 of Pub. L. 104–121), specifies that a ''major rule'' is any rule that the Office of Management and Budget finds is likely to result in—

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises in domestic and export markets.

In addition, consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), we prepare and publish an initial regulatory flexibility analysis for proposed regulations unless the Secretary certifies that the regulations would not have a significant impact on a substantial number of small entities. For purposes of the RFA, we do not consider States or individuals to be small entities.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6 million to $29 million in any 1 year. For purposes of the RFA, audiologists that generate total revenues of $6 million or less in any 1 year are considered to be small entities. The Small Business Administration categorizes small businesses for Audiologists along with physical, occupational, and speech therapists. The total number of providers within this category that have total revenues of between $5 million and $7.5 million or less in any one year is 23,823 that they consider small businesses. Those firms and establishments with total revenue above $7.5 million are not considered small businesses according to the SBA. Therefore, approximately 0.92 percent of audiologist would be considered small businesses. For further information on the SBA size standards see 65 FR 69432. Individuals and States are not included in the definition of a small entity.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a Metropolitan Statistical Area and has fewer than 100 beds. This rule will not have a significant impact on small rural hospitals. The Medicaid program permits States the flexibility to provide audiology services under a variety of mandatory and optional benefits. The majority of States do so, mainly as either independent practitioner services, as part of a nursing facility service or community-based clinic services, or as part of their home health or school-based services programs. In addition, current Medicaid rules permit States the flexibility to provide audiology services by, or under the direction of, a qualified audiologist. This provider flexibility is recognized by states and is widely used to provide audiology services to children through school-based services programs. Because the proposed rule retains the ability for audiology services to be provided ''under the direction of,'' the changes proposed in this rule would not have an impact on how States currently provide services to their Medicaid populations. Therefore, small rural hospitals would not be affected.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditures in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million. We do not anticipate this rule would have an effect on the States, local or tribal governments, or on private sector costs. As we stated earlier, this regulation would give States more flexibility in determining qualified audiologists thereby giving them the ability to choose from a larger provider pool of ''qualified'' individuals. However, because we expect the primary users of Medicaid audiology services, such as, children and seniors, to remain fairly constant, we do not anticipate any significant increase in the use of audiology services due to this proposed rule. In addition, because Medicaid audiology services are optional for states to provide to their Medicaid populations, many states choosing to do so limit utilization in some manner. In addition, many states limit the use of optional services such as audiology in favor of mandatory Medicaid benefits. States providing audiology services to children under the EPSDT program primarily do so a part of their school-based services program under IDEA. Since all 50 states currently have a school based services program in operation, we do not anticipate this rule to have any significant effect on audiology services provided to Medicaid children. Additionally, recognizing that states currently use the flexibility permitted in the Medicaid law to provide audiology services ''under the direction of'' a qualified audiologist, we expect states will continue to do so by providing audiology services using individuals working under the supervision of qualified audiologists.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts a State law, or otherwise has federalism implications.

We do not believe this proposed rule in any way would impose substantial direct compliance costs on State and local governments or preempts or supersedes State or local law. This proposed rule would permit States to use State licensed audiologists to provide Medicaid audiology services, thereby giving them increased flexibility in providing Medicaid audiology services. In addition, after researching national audiology usage and reviewing States' currently approved Medicaid States Plans, we anticipate that most, if not all, qualified audiologists currently enrolled in the Medicaid program would continue to be qualified as a result of the continued flexibility proposed in this rule. We also anticipate that States will continue to provide audiology services by using the additional flexibility already granted under the Medicaid program to provide audiology services using individuals meeting State provider qualifications and working within State practice acts ''under the direction of'' a qualified Medicaid audiologist. We believe the additional flexibility proposed in this rule to recognize State licensure will serve to enhance States ability to provide services. We do not, however, anticipate this rule will have a significant affect on the actual provision of audiology services in State Medicaid programs and therefore does not have Federalism implications.

B. Anticipated Effects

We anticipate this proposed rule will give States increased flexibility in determining who is a Medicaid qualified audiologist. We also anticipate that the quality care standards proposed in this rule would help ensure that Medicaid audiology services continue to be provided by, or under the direction of, highly qualified and trained individuals. Additionally, we believe conforming the Medicare and Medicaid provider requirements would help eliminate any confusion providers may experience in complying with Federal rules and help reduce or eliminate conflict where audiologists provide services to both the Medicaid and Medicare populations (such as in nursing facilities or through home health care agency providers). Additionally, this proposed rule also serves to eliminate inconsistencies in Medicaid provider standards by no longer recognizing equivalency rulings. Under the current Medicaid rules, states can seek equivalency rulings from their State Attorney General in instances where they believe State licensure is equivalent to ASHA certification. Since the proposed rule recognizes State licensure that meets Medicare-equivalent standards, equivalency rulings are no longer necessary or required. We believe States would look favorably on the elimination of equivalency rulings since they proved administratively burdensome and time-consuming to obtain.

C. Alternatives Considered

In developing the policies set forth in this proposed rule, we met with professional organizations and interested parties to solicit their ideas and concerns. We also worked with our national regional office Staffs to review currently approved Medicaid state plans for information on the provision of audiology services in States' Medicaid programs. We considered the role of audiology services in the Medicaid program and the potential impact changes in the standards for audiology providers would have overall. We considered several options that included (1) no change to the current Medicaid audiology requirements, (2) retain current requirements but issue updated policy guidance on issues such as provider equivalency authority, (3) rewrite the current Medicaid regulations to adopt the current Medicare requirements, and (4) rewrite the current Medicaid regulations to adopt the Medicare standards, but with minimum standards that would apply in States that do not license or that exempt some practitioners from State licensure requirements.

After much research and consideration of the impact of each of the options, we concluded that option 4—the standards proposed in this rule—best satisfy the commitment made by the Secretary and address the request raised by interested parties to conform the definition of a qualified audiologist under the Medicare and Medicaid programs by recognizing the role of state licensure as a Medicaid provider requirement. We also concluded that the standards proposed in this rule best continue to recognize states rights under Medicaid by retaining program flexibility while at the same time also building in quality standards that continue to ensure Medicaid services are provided to all Medicaid-eligible individuals by recognized, highly trained professionals.

D. Conclusion

For the reason stated above, we are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined, and we certify, that this rule would not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 440

Grant programs—Health, Medicaid.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services would amend 42 CFR chapter IV, part 440 as set forth below:

PART 440—SERVICES: GENERAL PROVISIONS

Subpart A—Definitions

1. The authority citation for part 440 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. In § 440.110(c), the introductory text of paragraph (c)(2) is revised, and a new paragraph (c)(3) is added to read as follows:

§ 440.110 Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders.

* * * * *

(c) *Services for individuals with speech, hearing, and language disorders.*

* * * * *

(2) A ''speech pathologist'' is an individual who—

* * * * *

(3) A ''qualified audiologist'' means an individual with a master's or doctoral degree in audiology who—(i) Is licensed as an audiologist to perform those services by the State in which the individual furnishes those services, providing that the State licensure requirements meet or exceed those in paragraph (c)(3)(ii)(A) or (c)(3)(ii)(B) of this section;

(ii) In the case of an individual who furnishes audiology services in a State that does not license audiologists, or that exempts audiologists practicing in specific institutions or settings from licensure, the individual must meet one of the following standards:

(A) Have a Certificate of Clinical Competence in Audiology granted by the American Speech-Language-Hearing Association; or

(B) Have successfully completed a minimum of 350 clock-hours of supervised clinical practicum (or is in the process of accumulating that supervised clinical experience under the supervision of a qualified master or doctoral-level audiologist), performed not fewer than 9 months of supervised

full-time audiology services after obtaining a master's or doctoral degree in audiology, or a related field, and successfully completed a national examination in audiology approved by the Secretary.

(iii) Individuals who provide Medicaid audiology services must maintain documentation to demonstrate that they meet the standard(s) set forth in this section.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: November 26, 2003.

Thomas A Scully,

Administrator, Centers for Medicare & Medicaid Services.

Approved: January 28, 2003.

Tommy G. Thompson,

Secretary.

[FR Doc. 03–8021 Filed 3–31–03; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL MARITIME COMMISSION

46 CFR Part 530

[Docket No. 03–03]

Proposed Amendment to Service Contract Regulations

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to amend its regulations on the electronic filing of service contracts for ocean transportation under the Shipping Act of 1984 (''Shipping Act'') (46 U.S.C. app. 1701 *et seq.*), as amended by the Ocean Shipping Reform Act of 1998 (''OSRA''), to add a provision which would permit persons authorized to transmit electronically service contract filings for vessel-operating common carriers, conferences and agreements, to correct within 48 hours an original service contract filing or an amendment that is defective due to electronic transmission errors. The revision would allow a ''corrected transmission'' of the original service contract or amendment submission to be designated as such and filed in the Commission's electronic service contract filing system, SERVCON.

DATES: Submit comments no later than May 2, 2003. Submit an original and 15 copies of any comments (paper), or e-mail comments as an attachment in WordPerfect 8, Microsoft Word 97, or earlier versions of these applications.

ADDRESSES: Address all comments concerning this proposed rule to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1046, Washington, DC 20573–0001, e-mail: *secretary@fmc.gov*.

FOR FURTHER INFORMATION CONTACT: Florence A. Carr, Director, Bureau of Trade Analysis, 202–523–5796, e-mail: *florence@fmc.gov*.

SUPPLEMENTARY INFORMATION: Section 8(c) of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (''OSRA''), 46 U.S.C. app. 1707(c), and the Commission's current service contract regulations, 46 CFR part 530, subpart A, require service contracts between shippers and ocean common carriers in the foreign commerce of the United States to be filed electronically with the Commission on a confidential basis. Only an ''authorized person,'' as defined in 46 CFR 530.3(c), can access the confidential section of the Commission's electronic service contract filing system, SERVCON, available via the Commission's website. Each individual service contract filer must register with the Commission to obtain a log-on identification and password. Some carriers use individual employees as the authorized person to file their service contracts; however, the majority of carriers authorize third parties to make their service contract filings. The filings may consist of an original service contract or an amendment to an existing service contract. There are currently more than 200 persons registered to transmit service contract filings on behalf of 150 vessel-operating common carriers.

Current regulations provide for the amendment, correction, and cancellation of service contract filings (46 CFR 530.10). The Commission, however, has become aware of a need to provide filers the ability to correct purely electronic ''transmission errors'' made when filing either the original service contract or an amendment to a service contract into SERVCON, or errors made in the process of converting the service contract filing into electronic format for submission to the SERVCON system. Since the start of SERVCON in May 1999, filers have withdrawn or overwritten these errors.

Under the proposed rule, only errors resulting from electronic transmission and data conversion for SERVCON format may be corrected. Corrections to an initial filing would be allowed within 48 hours from the time and date of receipt recorded in SERVCON (excluding Saturdays, Sundays and legal public holidays). For example, an initial filing received at 5 p.m. on a Friday must be corrected before 5 p.m. the following Tuesday. The SERVCON system currently has and will continue to have the ability to identify such corrected service contract filings. The Bureau of Trade Analysis will continue to monitor filers' use of the correction process; any abuse of the limited permission in the proposed rule would be considered a violation of the Commission's regulations. Unlike the current regulations which provide for a process to make a retroactive correction in the terms of a filed service contract due to an oversight by the service contract parties,[1] there is no Commission action involved in the process to correct electronic transmission errors that are caused by failures in the hardware or software used by the filers. Therefore, no fee is being proposed for use of this overwrite function in the SERVCON system.

Some examples of filer generated transmission errors that could be corrected under this restricted overwrite proposal are: Incorrect header information, a wrong service contract number, and a wrong file transmitted or uploaded. Examples of substantive service contract changes that would not be allowed under the new proposed 46 CFR 530.10(d) are: Changing rates, deletion of a port or point to be served or a commodity to be carried under the contract; addition or deletion of a shipper entitled to access the service contract, and modification of the duration or minimum quantity commitment of the contract. Instead, these types of changes should continue to be made as ''amendments'' under 46 CFR 530.10(b) or, if retroactivity is deemed necessary, by filing a request for permission to correct a clerical or administrative error in the terms of a filed service contract under 46 CFR 530.10(c).

Under the proposed rule, the SERVCON system would be modified to accept only corrected service contracts that the filer identifies as such and for which the filer provides a description of the changes being made by the correction process. A new field would be added to the online database as a checkbox for the filer to identify the

[1] Either party to a service contract may request permission to correct a clerical or an administrative error in a filed service contract pursuant to 46 CFR 530.10(c). The request must be submitted within 45 days of the contract's filing and accompanied by a service fee of $276. Further, a letter of transmittal, affidavit, supporting documentation, and concurrence statement must be included with the request. Upon approval of a request for permission to correct a clerical error, an Order is issued (under delegated authority to the Director, Bureau of Trade Analysis) (*see* 46 CFR 501.26(n)). The party filing the contract then files an amendment providing for the retroactive correction of the incorrect material.

submission as a corrected service contract. If the filer fails to use this new checkbox, the contract will be rejected because the SERVCON system will not accept service contracts that have duplicate file names, service contract or amendment numbers. The system would also flag resubmitted contracts and would give a unique internal file name to the corrected filing for FMC monitoring purposes. A new separate SERVCON field for filers to enter a description of the corrections being made is part of the proposed rule.

Comments are invited on the proposed rule, particularly from registered authorized persons who make electronic service contract filings in the SERVCON system for or on behalf of carriers. Comments identifying specific transmission and data conversion errors that result from a filer's use of SERVCON may enable the Commission to make SERVCON more user friendly. Comments are also solicited specifically on any technical issues related to the proposed 48-hour window for making a correction, as well as those arising from the proposed procedure to include a description of the changes being made in the corrected submission.

The Commission has determined that this regulation is not a significant regulatory action as defined in Executive Order 12866. It also does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*). The Chairman certifies, pursuant to 5 U.S.C. 605, that the proposed rule would not have a significant impact on a substantial number of small entities.

List of Subjects in 46 CFR Part 530

Freight, Maritime carriers, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Commission proposes to amend 46 CFR part 530 as follows:

PART 530—SERVICE CONTRACTS

1. The authority citation for part 530 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1704, 1705, 1707, 1716.

2. Section 530.10 is amended by revising the section heading; by redesignating paragraphs (d) and (e) as paragraphs (e) and (f) and by adding a new paragraph (d) to read as follows:

§ 530.10 Amendment, correction, cancellation, and electronic transmission errors.

* * * * *

(d) *Electronic transmission errors.* An authorized person who experiences a purely technical electronic transmission error or a data conversion error in transmitting a service contract filing or an amendment thereto is permitted to file a Corrected Transmission (''CT'') of that filing within 48 hours of the date and time of receipt recorded in SERVCON (excluding Saturdays, Sundays and legal public holidays). This time-limited permission to correct an initial defective service contract filing is not to be used to make changes in the original service contract rates, terms or conditions that are otherwise provided for in paragraphs (b) and (c) of this section. The CT tab box in SERVCON must be checked at the time of resubmitting a previously filed service contract, and a description of the corrections made must be stated at the beginning of the corrected service contract in a comment box. Failure to check the CT box and enter a description of the correction will result in the rejection of a file with the same name, since documents with duplicate file names, service contract and amendment numbers are not accepted by SERVCON.

* * * * *

By the Commission.

Theodore A. Zook,

Assistant Secretary.

[FR Doc. 03–7693 Filed 4–1–03; 8:45 am]

BILLING CODE 4730–01–P

Notices

Federal Register
Vol. 68, No. 63
Wednesday, April 2, 2003

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 03–037–1]

Availability of an Environmental Assessment for Field Testing West Nile Virus Vaccine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed West Nile Virus Vaccine for use in horses. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a U.S. Veterinary Biological Product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensure.

DATES: We will consider all comments that we receive on or before May 2, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 03–037–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 03–037–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 03–037–1'' on the subject line.

You may read the environmental assessment, the risk analysis (with confidential business information removed), and any comments that we receive in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

You may request a copy of the environmental assessment (as well as the risk analysis with confidential business information removed) by writing to Dr. Eleanor V. Eagly, USDA, APHIS, VS, CVB–LPD, 510 South 17th Street, Suite 104, Ames, IA 50010, or by calling (515) 232–5785. Please refer to the docket number, date, and complete title of this notice when requesting copies.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html.*

FOR FURTHER INFORMATION CONTACT: Dr. Albert P. Morgan, Chief Staff Officer, Operational Support Section, Center for Veterinary Biologics, Licensing and Policy Development, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; phone (301) 734–8245; fax (301) 734–4314. For information regarding the environmental assessment or the risk analysis, contact Dr. Eleanor V. Eagly, USDA, APHIS, VS, CVB–LPD, 510 South 17th Street, Suite 104, Ames, IA 50010; phone (515) 232–5785.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: Merial Limited.

Product: West Nile Virus Vaccine, Live Canarypox Vector, Code 1991.R0.

Field Test Locations: Montana, Missouri, Oklahoma, Tennessee, Iowa, and Florida.

The above-mentioned product is a canarypox-vectored recombinant vaccine containing genes of the West Nile virus. The vaccine is for use in horses as an aid in the prevention of viremia associated with West Nile virus infection.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provision of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following

the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensure.

Authority: 21 U.S.C. 151–159.

Done in Washington, DC, this 27th day of March 2003.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–7848 Filed 4–1–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Technology Administration.

Title: Commercial Space Launch Range User Requirements.

Form Number(s): None.

OMB Approval Number: 0692–0009.

Type of Review: Regular submission.

Burden Hours: 35.

Number of Respondents: 7.

Average Hours Per Response: 10.

Needs and Uses: The information collected would allow the DOC, Office of Space Commercialization (DOC/OSC) and the Federal Aviation Administration (FAA) to follow the terms of a Memorandum of Agreement (MOA) with the U.S. Air Force to ensure consideration of commercial space launch users' needs in the Air Force's range modernization planning. The collection instrument will be a **Federal Register** announcement.

Affected Public: Business or other for-profit organizations; not-for-profit institutions; State, Local, or Tribal government.

Frequency: Biannually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: March 28, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–7954 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–21–P

DEPARTMENT OF COMMERCE

Office of the Secretary, Office of Civil Rights

Proposed Information Collection; Comment Request; Requests for Reasonable Accommodation

ACTION: Notice.

SUMMARY: The Department of Commerce (DOC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing and proposed information collection, 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 June 2, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Forms 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 should be directed to the attention of Brenda Brittain, Disability Program Manager, Office of Civil Rights, at 202 482–8183. In addition, written comments may be sent via the Internet to *BBrittain@doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the Rehabilitation Act of 1973, Federal agencies must provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause the undue hardship. Unless an accommodation would pose an undue hardship, the Department will provide reasonable accommodation to a qualified individual with a disability who is an:

a. Applicant who needs an accommodation in order to be considered for a job (any change to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires);

b. Employee who needs an accommodation to enable him or her to perform the essential functions of the job or to gain access to the workplace (any change to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables a qualified individual with a disability to perform the essential functions of that position); or

c. Employee who needs an accommodation to enjoy equal benefits and privileges of employment (that which enables an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities).

Executive Order 13164 requires Federal agencies to provide written procedures for reasonable accommodation for employees and applicants. Records must be maintained in order to evaluate the fair application of the procedures for the DOC. To do so, a form has been developed to comprise the report for each reasonable accommodation request.

In order to ensure that the DOC process requests for reasonable accommodation in a fair, timely and equitable manner, applicants for employment and current employees are asked to verify their requests in writing by using form CD 575.

II. Method of Collection

The information shall be collected through the use of a paper form and available on the Internet.

III. Data

OMB Number: None.

Form Numbers: CD Form 575.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 20.

Estimated Time Per Response: 7 minutes.

Estimated Total Annual Respondent Burden Hours: 2.

Estimated Total Annual Respondent Cost Burden: $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 will 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, *e.g.*, the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 28, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–7955 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–BP–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Yaudat Mustaffa Talyi, a.k.a. Joseph Talyi, and International Business Services, Ltd. and Top Oil Tools, Ltd.

In the matter of Yaudat Mustafa Talyi, a.k.a. Joseph Talyi, 888 Cross Gates Boulevard, Slidell, Louisiana 70458, and International Business Services, Ltd. 700 Gause Boulevard, Suite 304, Slidell, Louisiana 70458, and 41 Chamale Cove East, Slidell, Louisiana 70460, and 2301 Covington Highway 190, Slidell, Louisiana 70460, Respondents, and Top Oil Tools, Ltd., 41 Chamale Cove East, Slidell, Louisiana 70460, related person.

Renewal of Order Temporarily Denying Export Privileges

Through the Office of Export Enforcement (''OEE''), the Bureau of Industry and Security (''BIS''), U.S. Department of Commerce, has requested that I renew an order issued on September 30, 2002, pursuant to § 766.24 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774(2002)) (''EAR''),[1] temporarily denying all U.S. export privileges of Yaudat Mustafa Talyi, a.k.a. Joseph Talyi, 800 Cross Gates Boulevard, Slidell, Louisiana 70458 (''Talyi''), and International Business Services, Ltd., 700 Gause Boulevard, Suite 304, Slidell, Louisiana 70458, 41 Chamale Cove East, Slidell, Louisiana 70460, and 2301 Covington Highway 190, Slidell, Louisiana 70460, (''IBS''). BIS has also requested, pursuant to §§ 766.24(c) and 766.23 of the EAR, that I continue the temporary denial order (''TDO'') as to the following person who is related to IBS and Talyi: Top Oil Tools, Ltd., 41 Chamale Cove East, Slidell, Louisiana 70460. BIS states in its request that, based upon evidence previously adduced that was the basis for the issuance of the September 30, 2003, TDO and evidence developed since that time, it believes that Talyi, acting through his company IBS, has continued to export and participate in the attempted export of items in violation of the TDO in such a manner that suggests a likelihood that violations will occur again absent a renewal of the TDO. Specifically, the evidence indicates that after the TDO was issued on September 30, 2002, Talyi attempted to violate the terms of the TDO by attempting to engage in an export transaction and making it as one in which he played no role. *See* BIS's Request for TDO Renewal dated March 10, 2003, at 3–5 (''BIS's Request''). In fact, Talyi ordered and purchased the items, had them shipped to the business address of IBS, and attempted to conceal the items in a shipment of personal effects from a local gas station owned by his brother to his sister in the United Arab Emirates. *See id; see also* BIS's Response dated March 26, 2003, at 3–4 (''BIS's Response''). The evidence also establishes that on at least three occasions after the TDO was issued, Talyi attempted to convince a Louisiana oil field equipment broker to coordinate and manage exports of oil field parts on Talyi's behalf. *See* BIS's Request at 5–7; *see also* e-mails from Talyi to George Fortenberry dated Oct. 22, 2002, Nov. 11, 2002; and Dec. 13, 2002. Finally, BIS's evidence revealed an additional illegal export of oil field equipment in October of 2001. *See id.* at 7; *see also* BIS's Response at 4–5.

OEE established when the TDO was issued on September 30, 2002, that Top Oil Tools, Ltd., 41 Chamale Cove East, Slidell, Louisiana 70460, is related by its ownership, control, affiliation, and connection with Talyi and IBS such that it should be considered a related person under the terms of this order. *See* BIS's Request at 8; *see also* Articles of Incorporation of Top Oil Tools dated Dec. 10, 1999. Top Oil Tools, Ltd. is a business owned and operated by Talyi, it is located at the same address, and it has participated in some of the transactions in this matter. *See id.* This relationship continues to exist. *See* Certificate of Incorporation of Top Oil Tools from Louisiana Secretary of State dated Jan. 7, 2003. Consequently, it is necessary to continue to name Top Oil Tools, Ltd. as a person related to Talyi and IBS in order to prevent evasion of the terms and conditions of this order.

On March 24, 2003, an attorney representing Talyi filed a timely opposition to OEE's request that I renew the TDO. *See* letter from Frank G. DeSalvo to Lisa A. Prager dated March 24, 2003. that opposition questioned the weight of OEE's evidence that Talyi had violated the TDO and that Talyi has participated in a illegal export of oil field equipment in October 2001. *See id.* Talyi's opposition was terse, conclusory, and presented no evidence to rebut the need for a renewal of the TDO. *See id.*

In light of the evidence cited above, OEE's investigation demonstrates that Talyi, through his company IBS, has committed or attempted to commit repeated violations of U.S. export control laws, including the EAR and the TDO, that such violations have been deliberate and covert, and that, given the nature of the items shipped, future such violations could go undetected. In addition, a renewal of the TDO is needed to give notice to companies in the United States and abroad that they should cease dealing with Talyi or IBS in export transactions involving U.S.-origin items. such a TDO is clearly consistent with the public interest to preclude future violations of the EAR.

Accordingly, I am renewing this order because I have concluded that a TDO continues to be necessary, in the public interest, to prevent an imminent violation of the EAR.

It is therefore ordered: First, that Yaudat Mustafa Talyi, a.k.a. Joseph Talyi, 888 Cross Gates Boulevard,

[1] From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive order 12924, which has been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Com. 397 (2001)), continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1701 (2000)) (''IEEPA''). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by the notice of August 14, 2002 (67 FR 53721 (August 16, 2002)), has continued the EAR in effect under IEEPA.

Slidell, Louisiana 70458 (''Talyi''), and International Business Services, Ltd., 700 Gause Boulevard, Suite 304, Slidell, Louisiana 70458, 41 Chamale Cove East, Slidell, Louisiana 70460, and 2301 Covington Highway 190, Slidell, Louisiana 70460 (''IBS'') (hereinafter collectively referred to as the ''denied persons''); and the following person subject to the Order by its relationship to the denied person, Top Oil Tools, Ltd., 41 Chamale Cove East, Slidell, Louisiana 70460 (the ''related person'') (together, the denied persons and the related person are ''persons subject to this Order'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Export Administration Regulations (''EAR''), or in any other activity subject to the EAR, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise serving in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a person subject to this Order any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a person subject to this order of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a person subject to this order acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a person subject to this order of any item subject to the EAR that has been exported from the United States.

D. Obtain from a person subject to this order in the Untied States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a person subject to this order, or service any item, of whatever origin, that is owned, possessed or controlled by a person subject to this order is such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, in addition to the related person named above, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to the denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of § 766.24(e) of the EAR, denied persons may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022. A related person may appeal to the Administrative Law Judge at the aforementioned address in accordance with the provisions of § 766.23(c) of the EAR.

This Order is effective immediately upon expiration of the order issued on September 30, 2002, or March 29, 2003, and shall remain in effect for 180 days.

In accordance with the provisions of § 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. Talyi or IBS may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on Talyi, IBS, and Top Oil Tools, Ltd., and shall be published in the **Federal Register**

Entered this 26th day of March, 2003.

Lisa A. Prager,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. 03–7858 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review.

SUMMARY: The Department of Commerce issued an amended Export Trade Certificate of Review (''Certificate'') to the National Tooling and Machining Association (''NTMA'') on March 26, 2003. The original Certificate was issued on October 18, 1988 (53 FR 43140, October 25, 1988), and last amended on March 7, 2002 (67 FR 11981, March 18, 2002).

FOR FURTHER INFORMATION CONTACT: Jeffrey C. Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, by phone at (202) 482–5131, (this is not a toll-free number) or by E-mail at *oetca@ita.doc.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (2003).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of the Certificate in the **Federal Register**. Under section 305(a) of the Export Trading Company Act of 1982 and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the grounds that the determination is erroneous.

Description of Amended Certificate

NTMA's Certificate has been amended so that the attached list constitutes the ''Members'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)). The effective date of the amended Certificate is January 6, 2003. A copy of the amended Certificate will be kept in the International Trade Administration's

Freedom of Information Records Inspection Facility.

Dated: March 27, 2003.

Jeffrey Anspacher,

Director, Office of Export Trading Company Affairs.

Attachment

b & b Tool Company, Inc., Rockford, IL
bmc Industries, Bakersfield, CA
A & A Industries, Inc., Peabody, MA
A & A Machine Company, Inc., Southampton, PA
A & A Machine Shop, Inc., La Marque, TX
A & B Aerospace, Inc., Azusa, CA
A & B Machine Shop, Rockford, IL
A & B Tool & Manufacturing Corp., Toledo, OH
A & D Precision, Fremont, CA
A & E Custom Manufacturing Technologies, Inc., Kansas City, KS
A & E Machine Shop, Inc., Lone Star, TX
A & G Machine, Inc., Auburn, WA
A & S Tool & Die Company, Inc., Kernersville, NC
A A Precisioneering, Inc., Meadville, PA
A B A Division, A B A—P G T, Inc., Manchester, CT
A B C O Tool & Engineering, Phoenix, AZ
A B Heller, Inc., Milford, MI
A B R Enterprises Inc., Temple City, CA
A C Machine, Inc., Akron, OH
A E Cole Die & Engraving, Columbus, OH
A E Machine Works, Inc., Houston, TX
A F C Tool Company, Inc., Subsidiary of F C Industries, Dayton, OH
A I M Tool & Die, Grand Haven, MI
A J L Manufacturing Company, Inc., Rochester, NY
A M C Precision, Inc., N. Tonawanda, NY
A M Machine Company, Inc., Baltimore, MD
A S C Corporation, Owings Mills, MD
A. C. Cut-Off, Inc., Azusa, CA
A-G Tool & Die, Div. of Seilkop Industries, Inc, Miamitown, OH
A-Line Tool & Die, Inc., Louisville, KY
A-RanD, Inc., Phoenix, AZ
Abbott Machine & Tool, Inc., Toledo, OH
Abbott Tool, Inc., Toledo, OH
Ability Tool Company, Rockford, IL
Able Wire EDM, Inc., Brea, CA
Abrams Airborne Manufacturing, Inc., Tucson, AZ
Absolute Grinding Co., Inc., Mentor, OH
Absolute Turning & Machine, Tucson, AZ
Acadiana Hydraulic Works, Inc., New Iberia, LA
Accu Die & Mold Inc., Stevensville, MI
Accu-Met Laser, Inc., Cranston, RI
Accu-Roll, Inc., Rochester, NY
Accudynamics, Inc., Middleboro, MA
Accura Industries, Inc., Rochester, NY
Accurate Grinding & Mfg. Corp., & Accurate Fishing Products, Corona, CA
Accurate Machine Co. Inc., Indianapolis, IN
Accurate Manufacturing Company, Glendale, CA
Accurate Products Co., Tucson, AZ
Accurite Machine & Mfg. Inc., Louisville, KY
Accutronics, Inc., Littleton, CO
Ace Manufacturing Company, Cincinnati, OH
Ace Specialty Company, Inc., Tonawanda, NY
Ackley Machine Corporation, Moorestown, NJ
Acme Metal Works, Gilbert, AZ
Acraloc Corporation, Oak Ridge, TN
Acro Industries, Inc., Rochester, NY
Acro Tool & Die Company, Inc., Akron, OH
Actco Tool & Mfg. Co., Meadville, PA
Action Die & Tool Inc., Wyoming, MI
Action Machine L.L.C., Glendale, AZ
Action Mold & Machining, Inc., Grand Rapids, MI
Action Precision Grinding Inc., North Tonawanda, NY
Action SuperAbrasive Products, Brimfield, OH
Action Tool and Manufacturing, Inc., Rockford, IL
Acucut, Inc., Southington, CT
Acutec Precision Machining Inc., Saegertown, PA
Adams Engineering, Division of Manufacturing Technology, Inc., South Bend, IN
Adaptive Technologies Inc., Springboro, OH
Addison Precision Mfg. Corp., Rochester, NY
Adena Tool Corporation, Dayton, OH
Admill Machine Company, Newington, CT
Adron Tool Corporation, Menomonee Falls, WI
Advance Manufacturing Corp., Cleveland, OH
Advanced Composite Products & Technology, Inc. (ACPT Inc.), Huntington Beach, CA
Advanced Machine Inc., Rochester, NY
Advanced Machine Programming, Morgan Hill, CA
Advanced Machining Corporation, Salisbury, NC
Advanced Measurement Labs, Inc., Sun Valley, CA
Advanced Mold & Tooling Inc., Rochester, NY
Advanced Precision Engineering, Ipswich, MA
Advanced Tooling Specialists Inc., Menasha, WI
Advanced Tooling Systems, Inc., Comstock Park, MI
Advantage Mold & Design, Meadville, PA
Aero Comm Machining, Wichita, KS
Aero Engineering & Mfg. Company, Valencia, CA
Aero Gear, Inc., Windsor, CT
Aerostar Aerospace Inc., Phoenix, AZ
Aetna Machine Company, Cochranton, PA
Aggressive Tool & Die, Inc., Buckner, KY
Aggressive Tool & Die, Inc., Coopersville, MI
Ahaus Tool & Engineering, Inc., Richmond, IN
Aimco Precision, Inc., Phoenix, AZ
Ajax Tool, Inc., Fort Wayne, IN
Akro Tool Co., Inc., Cincinnati, OH
Akron Steel Fabricators Company, Akron, OH
Akron Tool & Die Company, Inc., Akron, OH
Albert Seisler Machine Corp., Mohnton, PA
Albertson & Hein, Inc., Wichita, KS
Albion Machine & Tool Company, Albion, MI
Alco Manufacturing, Inc., Santa Ana, CA
Alfred Manufacturing Company, Denver, CO
Alger Machine Company, Inc., Rochester, NY
All Five Tool Company, Inc., Bristol, CT
All Tool Company, Union, NJ
All Tools Company, Oklahoma City, OK
All Tools Texas, Inc., Houston, TX
All Weld Machine, Milpitas, CA
All-Tech Machine & Eng., Inc., Fremont, CA
All-Tech Machining, Inc., Wilmer, AL
Allen Aircraft Products, Inc., Ravenna, OH
Allen Precision Industries, Inc., Asheboro, NC
Allen Precision Machining Co., Angleton, TX
Allen Randall Enterprises, Inc., Akron, OH
Alliance Machine Tool Co., Inc., Louisville, KY
Allied Mechanical, Ontario, CA
Allied Screw Products, Inc., Mishawaka, IN
Allied Tool & Die Company, LLC, Phoenix, AZ
Allied Tool & Die, Inc., Cleveland, OH
Allied Tool & Machine Company, Kernersville, NC
Allied Tool & Machine, Inc., Saginaw, MI
Allied Tools Of Texas, Houston, TX
Alloy Metal Products, Livermore, CA
Allstate Tool & Die, Inc., Rochester, NY
Alpha Mold West Inc., Broomfield, CO
Alpha Mold, LLC, Huber Heights, OH
Alpha Precision Machining Inc., Kent, WA
Alpha Tooling, Inc., Santa Fe Springs, CA
Alro Specialty Metals, St. Louis, MO
Alt's Tool & Machine, Inc., Santee, CA
Alton Products, Inc., Maumee, OH
Alves Precision Engineered Products Inc., Watertown, CT
Amatrol, Inc., Jeffersonville, IN
Ambel Precision Mfg. Corp., Bethel, CT
American Machine & Gundrilling Co., Inc., Maple Grove, MN
American Mfg. & Machining, Inc., Racine, WI
American Precision Machining, Inc., Phoenix, AZ
American Precision Technologies, Inc., San Fernando, CA
American Tool & Die, Inc., Toledo, OH
American Wire EDM, Inc., Placentia, CA
Amerimold, Inc., Mogadore, OH
Amity Mold Company, Tipp City, OH
Anchor Lamina Inc., Madison Heights, MI
Anders Machine and Engraving, Div. of Ad-Tech Machine & Tool, Rochester, NY
Andrew Tool Company, Inc., Plymouth, MN
Anglo-American Mold, Inc., Louisville, KY
Anmar Precision Components Inc., North Hollywood, CA
Anmark Machine, Tempe, AZ
Anoplate Corporation, Syracuse, NY
Apex Machine Company, Ft. Lauderdale, FL
Apex Machine Tool Company, Farmington, CT
Apex Precision Technologies, Inc., Camby, IN
Apex Tool & Manufacturing, Inc., Evansville, IN
Apollo E.D.M. Company, Fraser, MI
Apollo Precision, Inc., Plymouth, MN
Apollo Products Inc., Willoughby, OH
Applegate EDM, Inc., Dallas, TX
Applied Engineering, Inc., Yankton, SD
Arc Drilling Inc., Garfield Heights, OH
Arco Industries, Inc., Dayton, OH
Arco Metals Corporation, Baltimore, MD
Ardekin Machine Company, Rockford, IL
Area Tool & Manufacturing, Inc., Meadville, PA
Argo Tool Corporation, Twinsburg, OH
Arkansas Tool & Die, Inc., No. Little Rock, AR
Arlington Machine & Tool Company, Fairfield, NJ
Armin Tool & Manufacturing Co., Inc., South Elgin, IL
Armstrong Machine Works, Inc., Rogersville, TN

Armstrong Mold, Machining Div., East Syracuse, NY
Armstrong-Blum Mfg. Co., Mt. Prospect, IL
Arnett Tool, Inc., New Paris, OH
Arro Tool & Die, Inc., Lakewood, NY
Arrow Diversified Tooling, Inc., Ellington, CT
Arrow Grinding, Inc., Tonawanda, NY
Arrow Sheet Metal Products Co., Denver, CO
Artisan Machining, Inc., Bohemia, NY
Ascension Industries, North Tonawanda, NY
Ash Machine Corporation, Pataskala, OH
Associated Electro-Mechanics, Inc., Springfield, MA
Associated Technologies, Brea, CA
Associated Toolmakers, Inc., Keokuk, IA
Astley Precision Machine Co., Irwin, PA
Astro Automation, Inc., Irwin, PA
Astro Machine Works Inc., Ephrata, PA
Atec Engineering, Phoenix, AZ
Athens Industries, Southington, CT
Atkins Tool Company, Riverton, NJ
Atlantic Precision Products Inc., Sanford, ME
Atlantic Tool & Die Company, Strongsville, OH
Atlas Machine & Supply, Inc., Louisville, KY
Atlas Tool, Inc., Roseville, MI
August Machine, Inc., Phoenix, AZ
Austin Machine Company Inc., O'Fallon, MO
Autocam Corporation, Kentwood, MI
Automated Cells & Equipment, Inc., Painted Post, NY
Automated EDM Incorporated, Ramsey, MN
Automation Tool & Die, Inc., Brunswick, OH
Automation Tool Company, Cookeville, TN
Axian Technology, Phoenix, AZ
Ay Machine Company, Ephrata, PA
Ay-Mac Precision, Inc., Yorba Linda, CA
ACMT, Inc. dba A C Tool & Machine, Co., Louisville, KY
ALKAB Contract Manufacturing, Inc., New Kensington, PA
B & B Machine & Grinding Service, Denver, CO
B & B Manufacturing Company, Largo, FL
B & B Precision Mfg., Inc., Avon, NY
B & G Quality Machine & Tool Company, Inc., Baltimore, MD
B & H Fabricators, Inc., Wilmington, CA
B & H Tool Co. Inc., San Marcos, CA
B & H Tool Works, Inc., of Rockcastle Co., Richmond, KY
B & L Tool and Machine Company, Plainville, CT
B & M Machine Corporation of Racine, Racine, WI
B C D Metal Products Inc., Malden, MA
B. Radtke & Sons, Inc., Round Lake Park, IL
B–W Grinding Service, Inc., Houston, TX
Bachman Machine Company, Inc., St. Louis, MO
Bachmann Precision Machine, Products Corp., South El Monte, CA
Badge Machine Products, Inc., Canandaigua, NY
Bahrs Die & Stamping Company, Inc., Cincinnati, OH
Baker Hill Industries, Inc., Coral Springs, FL
Banner Machine Inc., Phoenix, AZ
Barberie Mold, Gardena, CA
Barnes Aerospace-Apex Mfg., Phoenix, AZ
Baumann Engineering, Claremont, CA
Bawden Industries, Inc., Romulus, MI
Baxter Machine Products, Inc., Huntingdon, PA
Beach Mold & Tool, Inc., New Albany, IN
Beacon Tool Company, Inc., Whittier, CA
Beaver Tool & Machine Company, Inc., Feasterville, PA
Bechler Cams, Inc., Anaheim, CA
Becker, Inc., Kenosha, WI
Becksted Machine, Inc., Tucson, AZ
Bedard Machine, Inc., Brea, CA
Bel-Kur, Inc., Temperance, MI
Belgian Screw Machine Products, Inc., Concord, MI
Bell Engineering, Inc., Saginaw, MI
Bellco Precision Manufacturing, Inc., Melissa, TX
Beloit Precision Die Co. Inc., Beloit, WI
Benda Tool & Model Works, Hercules, CA
Bendon Gear Machine, Rockland, MA
Bennett Tool & Die Company, Nashville, TN
Bennett Tool & Machine, Fremont, CA
Benning Inc., Blaine, MN
Bent River Machine Inc., Clarkdale, AZ
Berman Tool & Die, Waldorf, MD
Bermar Associates, Inc., Troy, MI
Bertram Tool & Machine Co., Inc., Farrell, PA
Bertrand Products, Inc., South Bend, IN
Best Tool & Manufacturing Co., Inc., Kansas City, MO
Bestway Industries, Inc., Cleveland, OH
Beta Machine Co. Inc., Cleveland, OH
Bilar Tool & Die Corporation, Warren, MI
Billet Industries, Inc., York, PA
Bishop Steering Technology, Inc., Indianapolis, IN
Black Creek Mold & Tool, Rainbow City, AL
Blackwood Grinding Inc., Hurst, TX
Blandford Machine & Tool Co., Inc., Louisville, KY
Blue Chip Mold, Inc., Rochester, NY
Bluegrass Forging, Tool & Die, Shelbyville, KY
Bob's Tool & Cutter Grinding, Inc., Indianapolis, IN
Bohler Uddeholm North America, Santa Fe Springs, CA
Boice Industrial Corporation, Ruffsdale, PA
Bolt Industries, LLC, Phoenix, AZ
Bosma Machine & Tool, Corporation, Tipp City, OH
Boston Centerless Inc., Woburn, MA
Bourdelais Grinding Co. Inc., Chatsworth, CA
Bowden Manufacturing Corp., Willoughby, OH
Boyce Machine, Inc., Cuyahoga Falls, OH
Boyle, Inc., Freeport, PA
Bra-Vor Tool & Die Company, Inc., Meadville, PA
Bradford Machine Company Inc., Brattleboro, VT
Bradhart Products, Inc., Brighton, MI
Bramko Tool & Engineering, Inc., O'Fallon, MO
Bratt Machine Company Inc., No. Andover, MA
Brij Systems, Wichita, KS
Brinkman Tool & Die, Inc., Dayton, OH
Brittain Machine, Inc., Wichita, KS
Broadway Companies, Inc., Englewood, OH
Brogdon Tool & Die, Inc., Blue Springs, MO
Brookfield Machine, Inc., West Brookfield, MA
Brooklyn Machine & Mfg. Co. Inc., Cuyahoga Heights, OH
Brooklyn Scraping & Re-Machining, Inc., W. Lafayette, IN
Brooks Machine Tool Corporation dba, Time Machine & Stamping, Phoenix, AZ
Brown-Covey, Inc., Kansas City, MO
Brownstown Quality Tool & Design, Brownstown, IN
Budney Overhaul & Repair, LTD., Berlin, CT
Buerk Tool LLC, Buffalo, NY
Buiter Tool & Die, Inc., Grand Rapids, MI
Bundy Manufacturing Inc., El Segundo, CA
Burckhardt America, Inc., Greensboro, NC
Burger & Brown Engineering, Inc., Olathe, KS
Burgess Brothers, Inc., Canton, MA
BMCO Industries Inc., Cranston, RI
BPS Industries Inc., Baltimore, MD
BSB Products Corporation, Buffalo, NY
BT Laser, Inc., Santa Clara, CA
C & C Machine Company, Akron, OH
C & C Precision Machining Inc., Mesa, AZ
C & G Machine & Tool Co., Inc., Granby, MA
C & J Industries Inc., Meadville, PA
C & R Manufacturing, Inc., Shawnee, KS
C & S Machine & Manufacturing, Corporation, Louisville, KY
C A R Engineering & Mfg., Victor, NY
C B Kaupp & Sons, Inc., Maplewood, NJ
C B S Manufacturing Company, Inc., Windsor, CT
C D M Tool & Mfg. Co., Inc., Hartford, WI
C J Winter Machine Technologies, Inc., Rochester, NY
C M Gordon Industries Inc., Santa Fe Springs, CA
C M Industries, Inc., d/b/a Custom Marine, Inc., Old Saybrook, CT
C N C Precision Machining, Inc., Comstock Park, MI
C T D Machines, Inc., Los Angeles, CA
C V Tool Company, Inc., Southington, CT
C. G. Tech, Inc., Phoenix, AZ
C-Axis Inc., Hamel, MN
C-P Mfg. Corp., Van Nuys, CA
Caco Pacific Corporation, Covina, CA
Cadco Program & Machine, St. Charles, MO
Cal-Weld, Fremont, CA
Calder Machine Co. (C M C), Florence, SC
California Wire EDM, Santa Ana, CA
Calmax Technology, Inc., Santa Clara, CA
Cambridge Specialty Company, Inc., Kensington, CT
Cambridge Tool & Die Corp., Cambridge, OH
Cameron Machine Shop, Inc., Richardson, TX
Campbell Grinding & Machine, Inc., Lewisville, TX
Campro Manufacturing, Inc., Phoenix, AZ
Camtec, Inc., Traverse City, MI
Canto Tool Corporation, Meadville, PA
Capitol Technologies, Inc., South Bend, IN
Capitol Tool & Die, L. P., Madison, TN
Carboloy Inc., Warren, MI
Cardinal Machine Company, Inc., Strongsville, OH
Carius Tool Co., Inc., Cleveland, OH
Carlson Capital Manufacturing Co., Rockford, IL
Carlson Tool & Manufacturing Corp., Cedarburg, WI
Cass Screw Machine Products Company, Brooklyn Center, MN
Catalina Tool & Mold, Inc., Tucson, AZ
Cates Machine Shop, Inc., Tyler, TX
Cee-San Machine & Fabrication Co., Inc., Houston, TX
Centaur Tool & Die, Inc., Bowling Green, OH
Centennial Technologies, Inc., Saginaw, MI
Center Line Industries, Inc., West Springfield, MA
Center Line Machine Company, Lafayette, CO
Center Line Tool, Freeport, PA

Central Mass. Machine, Inc., Holyoke, MA
Central States Machine Service, Elkhart, IN
Central Tools, Inc., Cranston, RI
Century Mold Company, Inc., Rochester, NY
Century Tool & Engr., Inc., Indianapolis, IN
Cer-Mac Inc., Horsham, PA
CertainTeed, Auburn, WA
Certified Grinding & Machine, Inc., Rochester, NY
Certified Industries, II, LLC, Phoenix, AZ
Chadakoin Interactive, Thompsons Station, TN
Chance Tool & Die Co., Inc., Cincinnati, OH
Chandler Tool & Design Inc., Rockford, IL
Chapman Engineering, Inc., Santa Ana, CA
Charmilles Technologies Corporation, Lincolnshire, IL
Chase Machine & Mfg. Co., Rochester, NY
Chelar Tool & Die, Inc., Belleville, IL
Cherokee Industries, Hampshire, IL
Chicago Grinding & Machine Co., Melrose Park, IL
Chicago Mold Engineering Co., Inc., St. Charles, IL
Chickasha Manufacturing Company, Inc., Chickasha, OK
Chippewa Tool & Manufacturing Co., Woodville, OH
Chopper Guys Biker Products, Inc., Vallejo, CA
Christopher Tool & Manufacturing, Solon, OH
Cindex Industries Inc., Ludlow, MA
Circle-K-Industries, K-Form Inc., Sterling, VA
Clark Automation Manufacturing Company, Inc., Pleasanton, CA
Clark-Reliance Corporation, Strongsville, OH
Clarke Engineering, Inc., Clarke Gear Co., North Hollywood, CA
Class Machine & Welding, Inc., Akron, OH
Classic Tool, Inc., Saegertown, PA
Clay & Bailey Mfg. Co., Kansas City, MO
Cleveland Electric Laboratories Company, Inc., Twinsburg, OH
Clifton Automatic Screw, Machine Products, Inc., Lake City, PA
Cloud Company, San Luis Obispo, CA
Coast Cutters Company, Inc., South El Monte, CA
Cobak Tool & Manufacturing Co., St. Louis, MO
Coffey Associates, Washington, DC
Coil Pro Machinery, Southington, CT
Colbrit Manufacturing Co., Inc., Chatsworth, CA
Collins Instrument Company, Angleton, TX
Collins Machine & Tool Co., Inc., Madison, TN
Colonial Machine & Tool Co., Inc., Coventry, RI
Colonial Machine Company, Kent, OH
Colorado Surface Grinding, Inc., Denver, CO
Comet Tool, Inc., Hopkins, MN
Command Tooling Systems, Ramsey, MN
Commerce Grinding, Inc., Dallas, TX
Commercial Grinding Services, Inc., Cleveland, OH
Commonwealth Machine Co., Inc., Danville, VA
Competition Tooling, Inc., High Point, NC
Competitive Engineering Inc., Tucson, AZ
Complete Tool & Die, Inc., St. James, MO
Composidie, Inc., Apollo, PA
Compu Die, Inc., Wyoming, MI
Compumachine Incorporated, Wilmington, MA
Computech Manufacturing Co., Inc., No. Kansas City, MO
Computerized Machining Service, Inc., Englewood, CO
Conco Systems, Inc., Verona, PA
Condor Engineering, Inc., Colorado Springs, CO
Coney Tool Inc., Independence, MO
Connecticut Jig Grinding, Inc., New Britain, CT
Connolly Tool & Machine Co., Dallas, TX
Conroy & Knowlton, Inc., Los Angeles, CA
Consolidated Mold & Mfg. Inc., Kent, OH
Conti Tool & Die Company, Akron, OH
Continental Precision, Inc., Phoenix, AZ
Continental Tool & Machine, Strongsville, OH
Continental Tool & Manufacturing, Inc., Lenexa, KS
Cook Machine and Engineering Corporation, Gardena, CA
Coosa Machine Company, LLC, Rainbow City, AL
Corbitt Mfg. Company, St. Charles, MO
Cornerstone Design, LTD., Franksville, WI
Cornerstone Screw Machine Products, Burbank, CA
Corning Gilbert Inc., Glendale, AZ
Corry Custom Machine, Corry, PA
Cosar Mold, Inc., Brimfield, OH
Costa Machine, Inc., Akron, OH
Covert Manufacturing, Inc., Galion, OH
Cox Mfg. Co. Inc., San Antonio, TX
Cox Tool Company, Inc., Excelsior Spring, MO
Craig Machinery & Design, Inc., Louisville, KY
Creative Machining & Mfg., Inc., St. Petersburg, FL
Creative Precision, West, Phoenix, AZ
Creb Engineering, Inc., Pascoag, RI
Crenshaw Die & Manufacturing Corp., Irvine, CA
Crest Manufacturing Company, Lincoln, RI
Criterion Tool & Die, Inc., Brook Park, OH
Critical Operations, Inc., Santa Ana, CA
Cross Tool & Manufacturing, Inc., Flagstaff, AZ
Crossland Machinery, Kansas City, MO
CrossRidge Precision, Oak Ridge, TN
Crown Mold & Machine, Streetsboro, OH
Crucible Materials Corporation, Camillus, NY
Crush Master Grinding Corp., Walnut, CA
Custom Engineering, Inc., Evansville, IN
Custom Gear & Machine, Inc., Rockford, IL
Custom Machine, Inc., Woburn, MA
Custom Machine, Inc., Cleveland, OH
Custom Tool & Design, Inc., Erie, PA
Custom Tool & Grinding Inc., Washington, PA
Custom Tool & Model Corp., Frankfort, NY
Cut-Right Tools Corporation, Willoughby, OH
Czech Tool, Saegertown, PA
CB Quality Machining & Engineering Inc., Buffalo, MN
CDL Manufacturing, Inc., Rochester, NY
CHIPSCO, Inc., Meadville, PA
CNC Corp., Colorado Springs, CO
CNC Precision Manufacturing, Inc., Farmers Branch, TX
CPC Tooling Technologies, Columbus, OH
D & H Manufacturing Company, Fremont, CA
D & N Precision, Inc., San Jose, CA
D & S Manufacturing Corporation, Southwick, MA
D M E Company, Madison Heights, MI
D M Machine & Tool, Kennerdell, PA
D M Machine Company, Inc., Willoughby, OH
D P I, Inc., Huntingdon Vly, PA
D P Tool & Machine Inc., Avon, NY
D S A Precision Machining, Inc., Livonia, NY
D S Greene Company, Inc., Wakefield, MA
D. F. O'Brien Precision Machining & Tooling, Santa Fe Springs, CA
D-K Manufacturing Corporation, Fulton, NY
D-Velco Manufacturing, Phoenix, AZ
Daca Machine & Tool, Inc., Dutzow, MO
Dadeks Machine Works Corporation, Houston, TX
Daily Industrial Tools, Costa Mesa, CA
Dan McEachern Company, Alameda, CA
Danco Precision, Inc., Phoenixville, PA
Dane Systems, Inc., Stevensville, MI
Danly IEM, Div. of Connell Ltd. Partnership, Cleveland, OH
Data Machine, Inc., Adamsburg, PA
Data Mold & Tool, Inc., Walbridge, OH
Datum Industries, Kentwood, MI
David Engineering & Mfg., Corona, CA
Davis Machine & Manufacturing Company, Arlington, TX
Davis Tool & Die Company Inc., Fenton, MO
Dayton Progress Corporation, West Carrollton, OH
Dayton Reliable Tool & Mfg. Co., Dayton, OH
DaCo Precision Manufacturers, Sandy, UT
Dearborn Precision Tubular Products, Inc., Fryeburg, ME
Deck Brothers, Inc., Buffalo, NY
Deep Holdings, Inc., dba Deephole Machine, Houston, TX
Deeter's Tool & Mfg., Inc., Erie, PA
Dekalb Tool & Die, Inc., Tucker, GA
Delco Corporation, Akron, OH
Dell Tool, Penfield, NY
Delltronics, Inc., Englewood, CO
Deltron Engineering, Burbank, CA
Demaich Industries, Inc., Johnston, RI
Dependable Machine Company, Inc., Indianapolis, IN
Desert Precision Mfg., Inc., Tucson, AZ
Designs For Tomorrow, Inc., Maryland Heights, MO
Detroit Tool & Engineering Co., Lebanon, MO
Deutsch ECD, Hemet, CA
DeKing Screw Products Inc., Chatsworth, CA
Di-Matrix, Phoenix, AZ
Dial Machine Company, Andalusia, PA
Diamond Lake Tool, Inc., Anoka, MN
Diamond Tool & Engineering, Inc., Bertha, MN
Diamond Tool, Inc., Euclid, OH
Die Cast Die and Mold, Inc., Perrysburg, OH
Die Products Company, Minneapolis, MN
Die Quip Corp., Bethel Park, PA
Die Solutions, Inc., Washington, MO
Die Tech Industries, Ltd., Providence, RI
Die-Matic Corporation, Brooklyn Heights, OH
Die-Matic Tool and Die, Inc., Grand Rapids, MI
Die-Mension Corporation, Brunswick, OH
Die-Namic Inc., Taylor, MI
Diemaster Tool & Mold, Inc., Macedonia, OH
Dietooling, Div. of Diemolding, Wampsville, NY
Digital Tool & Die, Inc., Grandville, MI
Distefano Tool & Mfg. Company, Omaha, NE
Distinctive Machine Corporation, Grand Rapids, MI
Diversified Engraving Stamp & Machine Company, Akron, OH

Diversified Manufacturing, Incorporated, Lockport, NY
Diversified Tool & Die, Vista, CA
Diversified Tool, Inc., Mukwonago, WI
Dixie Tool & Die Co., Inc., Gadsden, AL
Double D Machine & Tool Company, Fremont, OH
Doyle Manufacturing, Inc., Holland, OH
Drabik Tool and Die Inc., Brook Park, OH
Drewco Corporation, Franksville, WI
Drill Masters Inc., Hamden, CT
Dugan Tool & Die Company, Toledo, OH
Dun-Rite Industries, Inc., Temperance, MI
Dunn & Bybee Tool Company, Inc., Sparta, TN
Dura-Metal Products Corporation, Irwin, PA
Durivage Pattern & Mfg. Co. Inc., Williston, OH
DuWest Tool & Die, Inc., Cleveland, OH
Dynamic Engineering, Inc., Minneapolis, MN
Dynamic Fabrication, Inc., Santa Ana, CA
Dynamic Machine & Fabricating, Phoenix, AZ
Dynamic Tool & Design, Inc., Menomonee Falls, WI
DynaGrind Precision, Inc., New Kensington, PA
Dysinger Incorporated, Dayton, OH
Dytran Instruments, Inc., Chatsworth, CA
E & S Precision Machine, LLC, Modesto, CA
E B & Sons Machine Inc., Aliquippa, PA
E C M Of Florida, Jupiter, FL
E J Codd Co. of Baltimore City &, Codd Fabricators & Boiler Co., Inc., Baltimore, MD
E K L Machine Company, Inc., Andalusia, PA
E R C Concepts Company, Inc., Sunnyvale, CA
E W Johnson Company, Inc., Lewisville, TX
E.T. Precision Optics Inc., Rochester, NY
E-Fab, Inc., Santa Clara, CA
Eagle Mold Company, Inc., Carlisle, OH
Eagle Precision Tooling Inc., Erie, PA
Eagle Technologies Group, St. Joseph, MI
Eagle Tool & Machine Company, Inc., Springfield, OH
East Side Machine, Inc., Webster, NY
East Texas Machine Works, Inc., Longview, TX
Ebway Corporation, Fort Lauderdale, FL
Eckert Enterprises Ltd., Tempe, AZ
Eckert Machining, Inc., San Jose, CA
Eclipse Mold, Inc., Clinton Township, MI
Eclipse Tool & Die, Inc., Wayland, MI
Edco, Inc., Toledo, OH
Edge-Tech, Inc., Redmond, WA
Edwardsville Machine & Welding Company, Inc., Edwardsville, IL
Egli Machine Company, Inc., Sidney, NY
Ehlert Tool Co., Inc., New Berlin, WI
Ehrhardt Tool & Machine Company, Granite City, IL
Eicom Corporation, Moraine, OH
Ejay's Machine Co., Inc., Fullerton, CA
Elcam Tool & Die, Inc., Wilcox, PA
Electra Form Industries Inc., Vandalia, OH
Electric Enterprise Inc., Stratford, CT
Electro-Freeto Manufacturing Co., Inc., Wayland, MA
Electro-Mechanical Products, Inc., Denver, CO
Electro-Tech Machining, Long Beach, CA
Electroform Co. Inc., Machesney Park, IL
Elite Tool & Machinery Systems, Inc, O'Fallon, MO
Elizabeth Carbide Die Co., Inc., McKeesport, PA
Elliot Tool & Manufacturing Co., St. Louis, MO
Elliott's Precision, Inc., Peoria, AZ
Ellis Machine and Fabrication Inc., Buffalo, NY
Ellis Tool & Machine, Inc., Tom Bean, TX
Elrae Industries, Alden, NY
Emmert Welding & Manufacturing, Inc., Independence, MO
Empire Die Casting Co., Inc., Macedonia, OH
Empire Manufacturing Corporation, Bridgeport, CT
Engineered Pump Services, Inc., Pasadena, TX
Entek Corporation, Norman, OK
Enterprise Tool & Die, Brooklyn Heights, OH
Ephrata Precision Parts, Inc., Denver, PA
Epicor Software Corporation, Minneapolis, MN
Erickson Tool & Machine Company, Rockford, IL
Erie Shore Machine Co., Inc., Cleveland, OH
Erie Specialty Products, Inc., Erie, PA
Estee Mold & Die, Inc., Dayton, OH
Esterle Mold & Machine Co., Stow, OH
Estul Tool & Manufacturing Co., Inc., Matthews, NC
Evans Tool & Die, Inc., Conyers, GA
Ever Fab, Inc., East Aurora, NY
Ever-Ready Tool, Inc., Largo, FL
Everett Pattern and Mfg., Inc., Middleton, MA
Ewart-Ohlson Machine Company, Cuyahoga Falls, OH
Ex-Cel Machine & Tool, Inc., Louisville, KY
Exact Cutting Service, Inc., Brecksville, OH
Exact Tool & Die, Inc., Brook Park, OH
Exacta Machine, Inc., Wichita, KS
Exacta Tech Inc., Livermore, CA
Exacto, Inc. of South Bend, South Bend, IN
Excaliber Precision Machining, Peoria, AZ
Excel Manufacturing Inc., Seymour, IN
Excel Manufacturing, Inc., Valencia, CA
Excel Precision, Inc., Tempe, AZ
Excel Stamping & Manufacturing, Inc., Houston, TX
Executive Mold Corporation, Huber Heights, OH
Ezell Precision Tool Company, Clearwater, FL
EDM Supplies, Inc., Downey, CA
EROWA Technology Inc., Arlington Hts., IL
EWT, Inc., Rockford, IL
F & F Machine Specialties, Mishawaka, IN
F & G Tool & Die Company, Dayton, OH
F & S Tool, Inc., Erie, PA
F D T Precision Machine Co., Inc., Taunton, MA
F G A Inc., Baton Rouge, LA
F H Peterson Machine Corporation, Stoughton, MA
F K Instrument Co., Inc., Clearwater, FL
F M Machine Company, Akron, OH
F N Smith Corporation, Oregon, IL
F P Pla Tool & Manufacturing Co., Buffalo, NY
F S G Inc, Mishawaka, IN
F T T Manufacturing Inc., Geneseo, NY
F Tinker & Sons Company, Pittsburgh, PA
F W Gartner Thermal Spraying Co., Houston, TX
F-Squared, Inc., Tarentum, PA
Fabricast, Inc., So. El Monte, CA
Fabritek Company, Inc., Winchester, VA
Fairbanks Machine & Tool, Raytown, MO
Fairview Machine Company, Inc., Topsfield, MA
Fairway Molds, Inc., Walnut, CA
Falls City Machine Technology, Louisville, KY
Falls Mold & Die, Inc., Stow, OH
Fame Tool & Manufacturing Co., Cincinnati, OH
FamPEC Technology LLC, Murfreesboro, TN
Fargo Machine Company, Inc., Ashtabula, OH
Farrar Corporation, Norwich, KS
Farzati Manufacturing Corp., Greensburg, PA
Faustson Tool Corp., Arvada, CO
Fay & Quartermaine Machining Corp., El Monte, CA
Fay Tool & Die, Inc., Orlando, FL
Feedall, Inc., Willoughby, OH
Feilhauer's Machine Shop Inc., Cincinnati, OH
Fenton Manufacturing, Inc., Ashtabula, OH
Fenwick Machine & Tool, Piedmont, SC
Feral Productions LLC., Newark, CA
Ferriot Inc., Akron, OH
First International Bank, Hartford, CT
Fischer Precision Spindles, Inc., Berlin, CT
Fischer Tool & Die Corporation, Temperance, MI
Five Star Tool Company, Inc., Rochester, NY
Fleck Machine Company, Inc., Hanover, MD
Foresight Technologies, Tempe, AZ
Forster Tool & Mfg. Inc., Bensenville, IL
Fortner & Gifford, Inc., Prescott, AZ
Fostermation Inc., Meadville, PA
Fox Valley Tool & Die, Inc., Kaukauna, WI
Franchino Mold & Engineering, Lansing, MI
Frasal Tool Co., Inc., Newington, CT
Frazier Aviation, Inc., San Fernando, CA
Fre-Mar Industries, Inc., Brunswick, OH
Fredon Corporation, Mentor, OH
Free-MaDie Company, Kittanning, PA
Freeport Welding & Fabricating, Inc., Freeport, TX
Fries Machine & Tool, Inc., Dayton, OH
Frost & Company, Charlestown, RI
Fulton Industries, Inc., Rochester, IN
Furno Co. Inc., Pomona, CA
Future Fabricators, Phoenix, AZ
Future Tool & Die, Inc., Grandville, MI
Fyco Tool & Die, Inc., Houston, TX
FCMP, Inc., Buffalo, NY
FRB Machine Inc., Emlenton, PA
G & G Tool Company, Inc., Sidney, OH
G & K Machine Company, Denver, CO
G & L Tool Corp., Agawam, MA
G B F Enterprises, Inc., Santa Ana, CA
G B Tool Company, Warwick, RI
G H Tool & Mold, Inc., Washington, MO
G M T Corporation, Waverly, IA
G R McCormick, Inc., Burbank, CA
G S Precision, Inc., Brattleboro, VT
Gadsden Tool, Inc., Gadsden, AL
Gales Manufacturing Corporation, Racine, WI
Gambar Products Company, Inc., Warwick, RI
Garcia Associates, Arlington, VA
Gatco, Inc., Plymouth, MI
Gateway Metals Inc., Crestwood, MO
Gauer Mold & Machine Company, Tallmadge, OH
Gaum, Inc., Robbinsville, NJ
Gear Manufacturing, Inc., Anaheim, CA
Geiger Manufacturing, Inc., Stockton, CA
Gene's Gundrilling Inc., Alahambra, CA
General Aluminium Forgings, Colorado Springs, CO
General Engineering Company, Toledo, OH
General Grinding, Inc., Oakland, CA

General Machine Shop, Inc., Cheverly, MD
General Machine-Diecron, Inc., Griffin, GA
General Tool & Die Company, Inc., Racine, WI
General Tool Company, Cincinnati, OH
Genesee Manufacturing Company, Inc., Rochester, NY
Genesee Metal Stampings, Inc., West Henrietta, NY
Genesee Precision Mfg., Inc., Avon, NY
Gentec Manufacturing Inc., San Jose, CA
Geometric Tool & Machine Co., Inc., Piedmont, SC
George Welsch & Son Company, Cleveland, OH
German Machine, Inc., Rochester, NY
Germantown Tool & Machine Works, Inc., Huntingdon Valle, PA
Gibbs Die Casting Corporation, Henderson, KY
Gibbs Machine Company, Inc., Greensboro, NC
Gilbert Machine & Tool Company, Greene, NY
Gill Tool & Die, Inc., Grand Rapids, MI
Gillette Machine & Tool Co Inc., Rochester, NY
Girard Tool & Die/Jackburn Mfg., Inc., Girard, PA
Gischel Machine Company Inc., Baltimore, MD
Givmar Precision Machining, Mountain View, CA
Glaze Tool & Engineering, Inc., New Haven, IN
Glendale Machine Company, Inc., Solon, OH
Glendo Corporation, Emporia, KS
Glidden Machine & Tool, Inc., North Tonawanda, NY
Global Precision, Inc., Davie, FL
Global Shop Solutions, The Woodlands, TX
Godwin—SBO, L.P., Houston, TX
Golis Machine, Inc., Montrose, PA
Graham Tech Inc., Cochranton, PA
Grand Valley Manufacturing Company, Titusville, PA
Graybill's Tool & Die, Inc., Manheim, PA
Great Lakes E.D.M. Inc., Clinton Twp., MI
Great Lakes Metal Treating, Inc., Tonawanda, NY
Great Lakes Tooling Inc., Cleveland, OH
Great Western Grinding & Eng., Inc., Huntington Beach, CA
Grind-All Precision Tool Co., Inc., Clinton Township, MI
Grind-All, Inc., Cleveland, OH
Grindworks Inc., Glendale, AZ
Grosmann Precision, Ballwin, MO
Grover Gundrilling, Inc., Norway, ME
Guill Tool & Engineering Co., Inc., West Warwick, RI
Gulf South Machine/Drilex Corp., Houston, TX
Gurney Precision Machining, Saint Petersburg, FL
Gustav's Tool & Die, Inc., Seguin, TX
H & H Machine Company, Whittier, CA
H & H Machine Shop Of Akron, Inc., Akron, OH
H & H Machined Products, Inc., Erie, PA
H & K Machine Service Co. Inc., O'Fallon, MO
H & M Machining Inc., Machesney Park, IL
H & M Precision Machining, Santa Clara, CA
H & W Machine Company, Broomfield, CO
H & W Tool Company, Inc., Dover, NJ
H B Machine, Inc., Phoenix, AZ
H Brauning Company, Inc., Manassas, VA
H D & K Mold Company, Inc., Hilton, NY
H H Mercer, Inc., Mesquite, TX
H R M Machine, Inc., Costa Mesa, CA
Haberman Machine, Inc., St. Paul, MN
Haig Precision Mfg. Corp., Campbell, CA
Hal-West Technologies, Inc., Kent, WA
Hamblen Gage Corporation, Indianapolis, IN
Hamill Manufacturing Company, Trafford, PA
Hamilton Mold & Machine, Inc., Cleveland, OH
Hamilton Tool Company, Inc., Meadville, PA
Hammill Manufacturing Company, Toledo, OH
Hammon Precision Technologies, Hayward, CA
Hanover Machine Company, Ashland, VA
Hans Rudolph, Inc., Kansas City, MO
Hansen Engineering, Harbor City, CA
Hanson Mold, St. Joseph, MI
Hardy Machine Inc., Hatfield, PA
Hardy-Reed Tool & Die Co., Manitou Beach, MI
Haumiller Engineering Company, Elgin, IL
Hawkeye Precision, Inc., Gilbert, AZ
Hawkins Machine Company, Inc., Coventry, RI
Hawkinson Mold Engineering Co., Alhambra, CA
Hayden Corporation, West Springfield, MA
Heatherington Machine Corp., Orlando, FL
Heinhold Engineering & Machine Co., Inc., Salt Lake City, UT
Heitz Machine & Manufacturing Co., Maryland Heights, MO
Hellebusch Tool & Die, Inc., Washington, MO
Helm Precision, Ltd., Phoenix, AZ
Henman Engineering & Machine, Muncie, IN
Hercules Machine Tool & Die, Warren, MI
Herman Machine, Inc., Tallmadge, OH
Herrick & Cowell Company, Hamden, CT
Hetrick Mfg., Inc., Lower Burrell, PA
Heyden Mold & Bench Company, Tallmadge, OH
Hi Tech Manufacturing, LLC, Greensboro, NC
Hi-Tech Machining & Engineering LLC, Tucson, AZ
Hi-Tech Tool Industries, Inc., Sterling Heights, MI
Hiatt Metal Products Company, Muncie, IN
Hickory Machine Company, Inc., Newark, NY
High-Tech Industries, Holland, MI
Highland Mfg. Inc., Manchester, CT
Hill Engineering, Inc., A Mestek Co., Villa Park, IL
Hillcrest Precision Tool Co. Inc., Haverhill, MA
Hillcrest Tool & Die, Inc., Titusville, PA
Hilton Tool & Die Corporation, Rochester, NY
Hittle Machine & Tool Company, Indianapolis, IN
Hobson & Motzer, Inc., Durham, CT
Hodon Manufacturing Inc., Willoughby, OH
Hoffman Custom Tool & Die, Newport Beach, CA
Hoffstetter Tool & Die, Clearwater, FL
Holland USA, Muskegon, MI
Hollis Line Machine Co., Inc., Hollis, NH
Holmes Manufacturing Corporation, Cleveland, OH
Homeyer Tool and Die Co., Marthasville, MO
Hoppe Tool, Inc., Chicopee, MA
Horizon Industries, Columbia, PA
Howard Tool Co. Inc., Bangor, ME
Hubbell Machine Company, Inc., Cleveland, OH
Humboldt Instrument Company, San Leandro, CA
Hunt Machine & Manufacturing Co., Tallmadge, OH
Hyde Special Tools, Saegertown, PA
Hydrodyne Division Of FPI, Inc., Burbank, CA
Hydromat, Inc., St. Louis, MO
Hygrade Precision Technologies, Inc., Plainville, CT
Hytron Manufacturing Company, Inc., Huntington Beach, CA
Ideal Grinding Technologies, Inc, Chatsworth, CA
Ideal Tool Co. Inc., Meadville, PA
Imperial Die & Manufacturing Co., Strongsville, OH
Imperial Machine & Tool Company, Wadsworth, OH
Imperial Mfg., Santa Fe Springs, CA
Imperial Newbould, Meadville, PA
Imperial Tool & Manufacturing Co., Inc., Lexington, KY
Indiana Tool & Die Company, Die Sets Inc., Indiana, PA
Industrial Babbitt Bearing, Services, Inc., Gonzales, LA
Industrial Custom Automatic Machine (ICAM), Dayton, OH
Industrial Grinding, Inc., Dayton, OH
Industrial Machine & Tool Co., Inc., Nashville, TN
Industrial Machine Company, Oklahoma City, OK
Industrial Maintenance, & Electrical Corporation, Lavergne, TN
Industrial Mold + Machine, Twinsburg, OH
Industrial Molds, Inc., Rockford, IL
Industrial Precision Products, Inc., Oswego, NY
Industrial Tool & Machine Co., Cuyahoga Falls, OH
Industrial Tool, Die &, Engineering, Inc., Tucson, AZ
Industrial Tooling Technologies, Inc., Muskegon, MI
Ingersoll Contract Manufacturing, Company, Rockford, IL
Injection Mold & Machine Company, Akron, OH
Inland Tool & Manufacturing Co., Kansas City, KS
Inline Inc., Phoenix, AZ
Innex Industries, Inc., Rochester, NY
Integrated Aerospace, Santa Ana, CA
Integrated Fabrication and Machine, Sharpsville, PA
Integrated Machine Systems, Bethel, CT
Integrity Mfg. L.L.C., Farmington, CT
International Stamping Inc., Warwick, RI
Intrex Corporation, Louisville, CO
Iverson Industries, Inc., Wyandotte, MI
IDRAPRINCE, Holland, MI
ILM Tool, Inc., Hayward, CA
IMS, Inc., Decatur, AL
ISO Machining, Inc., Pleasanton, CA
ISYS Manufacturing, Inc., Concord, CA
ITM, Schertz, TX
J & A Tool Company, Inc., Franklin, PA
J & F Machine Inc., Cypress, CA
J & G Machine & Tool Co., Inc., Walworth, NY
J & J Tool Co., Inc., Louisville, KY

J & M Machine, Inc., Fairport Harbor, OH
J & M Unlimited, Ashland City, TN
J B Tool Die & Engineering, Inc., Fort Wayne, IN
J B Tool, Inc., Placentia, CA
J C B Precision Tool & Mold, Inc., Commerce City, CO
J D Kauffman Machine Shop, Inc., Christiana, PA
J F Fredericks Tool Company, Inc., Farmington, CT
J I Machine Company, Inc., San Diego, CA
J K Tool & Die, Inc., Apollo, PA
J M Mold South, Easley, SC
J M Mold, Inc., Piqua, OH
J M P Industries, Inc., Cleveland, OH
J M S Mold & Engineering Co., Inc., South Bend, IN
J S Die & Mold, Inc., Byron Center, MI
J W Harwood Company, Cleveland, OH
J.B.A.T. t/a Cherry Hill, Precision, Cherry Hill, NJ
Jacksonville Machine Inc., Jacksonville, IL
Jaco Engineering, Anaheim, CA
Jaquith Carbide Corporation, Ipswich, MA
Jasco Tools Inc., Cutting Tools Division, Rochester, NY
Jatco Machine & Tool Company, Inc., Pittsburgh, PA
Jena Tool Corporation, Dayton, OH
Jenkins Machine, Inc., Bethlehem, PA
Jennison Corporation, Carnegie, PA
Jergens Tool and Mold, Englewood, OH
Jergens, Inc., Cleveland, OH
Jesse Industries, Inc., Sparks, NV
Jet Products Co., Inc., Phoenix, AZ
Jet Products, Inc., East Bridgewater, MA
Jewett Machine Mfg. Co., Inc., Richmond, VA
Jig Grinding Service Company, Cleveland, OH
Jirgens Modern Tool Corporation, Kalamazoo, MI
JobBOSS Software/Exact, Edina, MN
Johnson Engineering Company, Indianapolis, IN
Johnson Precision, Inc., Buffalo, NY
Johnson Tool, Inc., Fairview, PA
Joint Production Technology, Inc., Macomb, MI
Joint Venture Acquisition Co., LLC, Saegertown, PA
Jonco Tool Company, Racine, WI
Juell Machine Company, Inc., Pomona, CA
JBK Manufacturing & Development, Co., Dayton, OH
J2 Precision CNC, Inc., Phoenix, AZ
K & E Mfg. Company, Lee's Summit, MO
K & H Mold & Machine Division, Akron, OH
K & H Precision Products, Inc., Honeoye Falls, NY
K & M Machine-Fabricating, Inc., Cassopolis, MI
K & S Tool & Die, Inc., Meadville, PA
K & S Tool & Mfg. Company, Inc., Jamestown, NC
K L H Industries, Inc., Germantown, WI
K M S Machine Works, Inc., Taunton, MA
K Mold & Engineering, Inc., Granger, IN
K V, Inc., Huntingdon Valle, PA
K.C.K. Tool & Die Co., Inc., Ferndale, MI
K–Form, Inc., Tustin, CA
Ka-Wood Gear & Machine Company, Madison Heights, MI
Kahre Brothers, Inc., Evansville, IN
Kalman Manufacturing, Morgan Hill, CA
Kansas City Screw Products Inc., Kansas City, MO
Karlee, Garland, TX
Karsten Precision, Phoenix, AZ
Kaskaskia Tool & Machine, Inc., New Athens, IL
Kaufhold Machine Shop, Inc., Lancaster, PA
Kearflex Engineering Company, Warwick, RI
Keck-Schmidt Tool & Die, South El Monte, CA
Kell-Strom Tool Company, Inc., Wethersfield, CT
Kellems & Coe Tool Corporation, Jeffersonville, IN
Keller Technology Corporation, Tonawanda, NY
Kelley Industries, Inc., Eighty Four, PA
Kelly & Thome, Pomona, CA
Kelm Acubar Company, Benton Harbor, MI
Kem-Mil-Co, Hayward, CA
Kemco Tool & Machine Company, Kirkwood, MO
Kenlee Precision Corporation, Baltimore, MD
Kennametal Inc., Latrobe, PA
Kennebec Tool & Die Co., Inc., Augusta, ME
Kennedy & Bowden Machine Company, La Vergne, TN
Kennick Mold & Die, Inc., Cleveland, OH
Kentucky Machine & Tool Company, Louisville, KY
Kern Special Tools Company, Inc., New Britain, CT
Keyes Machine Works, Inc., Gates, NY
Keystone Machine, Inc., Littlestown, PA
Kimberly Gear & Spline, Inc., Phoenix, AZ
King Machine & Engineering Co., Inc., Indianapolis, IN
King Systems Corporation, Plastics Technology Division, Noblesville, IN
Klein Steel Service, Inc., Rochester, NY
Knight Industries Precision Machining, Inc., Corona, CA
Knowlton Manufacturing Company, Norwood, OH
Knust—S B O, Houston, TX
Kordenbrock Tool & Die Company, Cincinnati, OH
Kovacs Machine & Tool Company, Inc., Wallingford, CT
Krause Tool, Inc., A–Z Corp. Div. of Krause Tool, Golden, CO
Kuhn Tool & Die Co., Meadville, PA
Kurt J. Lesker Company, Clairton, PA
L & L Machine, Inc., Ludlow, MA
L & L Tool & Die, Gardena, CA
L & P Machine, Inc., Santa Clara, CA
L A I Southwest, Inc., Phoenix, AZ
L H Carbide Corporation, Fort Wayne, IN
L P I Corporation, Hollywood, FL
L R G Corporation, Jeannette, PA
L R W Cutting Tools, Inc., Phoenix, AZ
L T L Company, Inc., Rockford, IL
L. P. Engineering Co., Carson, CA
Lake Manufacturing Co., Inc., Newburyport, MA
Lakeside Manufacturing Company, Stevensville, MI
Lamb Machine & Tool Company, Indianapolis, IN
Lamina, Inc., Farmington Hills, MI
Lampin Corporation, Uxbridge, MA
Lancaster Machine Shop, Lancaster, TX
Lancaster Metal Products Company, Lancaster, OH
Lancaster Mold, Inc., Lancaster, PA
Land Specialties Manufacturing Co., Inc., Raytown, MO
Lane Enterprise, Rochester, NY
Lane Punch Corporation, Salisbury, NC
Laneko Engineering Company, Ft. Washington, PA
Laneko Roll Form, Inc., Hatfield, PA
Lange Precision, Inc., Fullerton, CA
Langenau Manufacturing Company, Cleveland, OH
Laron Incorporated, Kingman, AZ
Las Cruces Machine Manufacturing &, Engineering, Las Cruces, NM
Laser Automation, Inc., Chagrin Falls, OH
Laser Fabrication & Machine Co., Inc., Alexandria, AL
Laser Tool, Inc., Saegertown, PA
Latva Machine, Inc., Newport, NH
Lavigne Manufacturing, Inc., Cranston, RI
Layke Incorporated, Phoenix, AZ
Layke Tool & Manufacturing, Inc., Meadville, PA
Ledford Engineering Company, Inc., Cedar Rapids, IA
Lee's Grinding, Inc., Cleveland, OH
Leech Industries, Inc., Meadville, PA
Lees Enterprise, Chatsworth, CA
Leese & Co., Inc., Greensburg, PA
Leggett & Platt, Inc., Whittier, CA
Leicester Die & Tool, Inc., Leicester, MA
Lenz Technology Inc., Mountain View, CA
Leonardi Manufacturing Co., Inc., Weedsport, NY
Lewis Aviation, Phoenix, AZ
Lewis Machine & Tool Co. Inc., Cuba, MO
Lewis Machine and Tool Company, Milan, IL
Liberty Precision Industries, Ltd., Rochester, NY
Libra Precision Machining, Tecumseh, MI
Ligi Tool & Engineering, Inc., Deerfield Beach, FL
Lilly Software Associates, Inc., Hampton, NH
Limmco, Inc., New Albany, IN
Linmark Machine Products, Inc., Union, MO
Little Rhody Machine Repair, Inc., Coventry, RI
Littlecrest Machine Shop, Inc., Houston, TX
Lloyd Company, Houston, TX
Lloyd Tool & Manufacturing Corp., Burton, MI
Lobart Company, Pacoima, CA
Loecy Precision Mfg., Mentor, OH
Lordon Engineering, Gardena, CA
Loud Engineering and Manufacturing, Inc., Ontario, CA
Loyal Machine Company, Inc., Chelsea, MA
Luick Quality Gage & Tool, Inc., Muncie, IN
Lunar Tool & Machinery Company, St. Louis, MO
Lunar Tool & Mold, Inc., North Royalton, OH
Lunquist Manufacturing Corp., Rockford, IL
Lux Manufacturing, Inc., Sunnyvale, CA
Lynn Welding Co. Inc., Newington, CT
Lyons Tool & Die Company, Meriden, CT
LOMA Automation Technologies, Inc., Louisville, KY
M & D Loe Manufacturing, Inc., Benicia, CA
M & H Engineering Company, Inc., Danvers, MA
M & H Tool & Die, Inc., Gadsden, AL
M & J Grinding & Tool Co., Holland, OH
M & J Valve Services, Inc., Lafayette, LA
M C Mold & Machine, Inc., Tallmadge, OH
M D F Tool Corporation, North Royalton, OH
M F Engineering Co. Inc., Bristol, RI
M H S Automation, Round Lake Beach, IL
M P E Machine Tool Inc., Corry, PA
M P Technologies, Inc., Brecksville, OH
M S Willett, Inc., Cockeysville, MD

M. R. Mold & Engineering Corp., Brea, CA
M-Ron Corporation, Glendale, AZ
M-Tron Manufacturing Company, Inc., San Fernando, CA
Mac Machine and Metal Works, Inc, Connersville, IN
Mac-Mold Base, Inc., Romeo, MI
Machine Incorporated, Stoughton, MA
Machine Specialties, Inc., Greensboro, NC
Machine Tooling, Inc., Cleveland, OH
Machine Works, Inc., Phoenix, AZ
Machinist Cooperative, Gilroy, CA
MacKay Manufacturing, Spokane, WA
Maddox Metal Works, Inc., Dallas, TX
Magdic Precision Tooling, Inc., East McKeesport, PA
Maghielse Tool Corporation, Grand Rapids, MI
Magna Machine & Tool Company, New Castle, IN
Magnum Manufacturing Center, Inc., Colorado Springs, CO
Magnus Precision Manufacturing, Inc., Phelps, NY
Mahuta Tool Corp., Germantown, WI
Main Tool & Mfg. Co., Inc., Minneapolis, MN
Maine Machine Products, South Paris, ME
Mainline Machine, Inc., Broussard, LA
Majer Precision Engineering, Inc., Tempe, AZ
Major Tool & Machine, Inc., Indianapolis, IN
Makino, Mason, OH
Malmberg Engineering, Inc., Livermore, CA
Manda Machine Company, Inc., Dallas, TX
Manetek, Inc., Broussard, LA
Manheim Special Machine Shop, Manheim, PA
Mann Tool Company, Inc., Pacific, MO
Manufacturing Machine Corp., Pawtucket, RI
Manufacturing Service Corp., West Hartford, CT
Marberry Machine, Inc., Houston, TX
Marco Manufacturing Company, Akron, OH
Mardon Tool & Die Company, Inc., Rochester, NY
Marini Tool & Die Company, Inc., Racine, WI
Marion Tool and Die, Inc., Terre Haute, IN
Maris Systems Design, Inc., Spencerport, NY
Markham Machine Co. Inc., Akron, OH
Marlin Tool, Inc., Cuyahoga Falls, OH
Marox Corporation, Holyoke, MA
Marquette Tool & Die Company, St. Louis, MO
Marshall Manufacturing Company, Minneapolis, MN
Martinelli Machine, San Leandro, CA
Masco Machine, Inc., Cleveland, OH
Massachusetts Machine Works Inc., Westwood, MA
Master Cutting & Engineering, Inc., Santa Fe Springs, CA
Master Industries Inc., Piqua, OH
Master Research & Manufacturing, Inc., Norwalk, CA
Master Tool & Mold, Inc., Grafton, WI
Mastercraft Mold, Inc., Phoenix, AZ
Mastercraft Tool & Machine Co., Inc., Southington, CT
Mastercraft Tool Co., St. Louis, MO
Matthews Gauge, Inc., Santa Ana, CA
Maudlin & Son Manufacturing Co., Inc., Kemah, TX
May Technology & Mfg., Inc., Kansas City, MO
May Tool & Die, Inc., North Royalton, OH
MaTech Machining Technologies, Inc., Hebron, MD
McAfee Tool & Die, Inc., Uniontown, OH
McCurdy Tool & Machine Inc., Caledonia, IL
McGill Manufacturing Company, Flint, MI
McKee Carbide Tool Division, Olanta, PA
McKenzie Automation Systems, Inc, Rochester, NY
McNeal Enterprises, Inc., San Jose, CA
McNeil Industries, Inc., Willoughby, OH
McNeill Manufacturing Company, Oakland, CA
McSwain Manufacturing Corp., Cincinnati, OH
Meadville Plating Company, Inc., Meadville, PA
Meadville Tool Grinding, Meadville, PA
Mechanical Drive Components, Inc, Chicopee, MA
Mechanical Manufacturing Corp., Sunrise, FL
Mechanical Metal Finishing Co., Gardena, CA
Mechanized Enterprises, Inc., Anaheim, CA
Medved Tool & Die Company, Elm Grove, WI
Menegay Machine & Tool Company, Canton, OH
Mercer Machine Company, Inc., Indianapolis, IN
Merit Gage, Inc., St. Louis Park, MN
Merritt Tool Company, Inc., Kilgore, TX
Metal Form Engineering, Redlands, CA
Metal Processors Inc., Stevensville, MI
Metal-Tek Machining Inc., Phoenix, AZ
Metalcraft, Inc., Tempe, AZ
Metallon, Inc., Thomaston, CT
Metalsa—Perfek, Novi, MI
Metco Manufacturing Company, Inc., Warrington, PA
Metplas, Inc., Natrona Heights, PA
Metric Machining, Monrovia, CA
Metro Manufacturing, Inc., Phoenix, AZ
Metz Tool & Die Works, Rockford, IL
Miami Tool & Die, Inc., Huntington, IN
Micro Facture LLC, Mountville, PA
Micro Instrument Corporation, Boulder City, NV
Micro Manufacturing, Caledonia, MI
Micro Matic Tool, Inc., Youngstown, OH
Micro Precision Company, Houston, TX
Micro Punch & Die Company, Rockford, IL
Micro Surface Engineering, Inc., Bal-tec Division, Los Angeles, CA
Micro Tool & Manufacturing, Inc., Meadville, PA
Micro-Tronics, Inc., Tempe, AZ
Mid-Central Manufacturing, Inc., Wichita, KS
Mid-Conn Precision Manufacturing LLC, Bristol, CT
Mid-Continent Engineering, Inc., Minneapolis, MN
Mid-State Manufacturing, Inc., Milldale, CT
Mid-States Forging Die & Tool, Co., Inc., Rockford, IL
Midland Precision Machining, Inc., Tempe, AZ
Midway Mfg. Inc., Elyria, OH
Midwest Tool & Die Corporation, Fort Wayne, IN
Midwest Tool & Engineering Co., Dayton, OH
Mikron Machine, Inc., Cranesville, PA
Milco Wire EDM, Inc., & Milco Waterjet, Huntington Beach, CA
Millat Industries Corp., Dayton, OH
Miller Equipment Corporation, Richmond, VA
Miller Mold Company, Saginaw, MI
Milrose Industries, Cleveland, OH
Milwaukee Precision Corporation, Milwaukee, WI
Milwaukee Punch Corporation, Greendale, WI
Minco Tool & Mold Inc., Dayton, OH
Mission Tool & Manufacturing Co., Inc., Hayward, CA
Mitchell Machine, Inc., Springfield, MA
Mitchum Schaefer, Inc., Indianapolis, IN
Mittler Brothers Machine & Tool, Division-Mittler Corporation, Foristell, MO
Mod Tech Industries, Inc., Shawano, WI
Model Machine Company, Inc., Baltimore, MD
Modern Industries Inc., Phoenix, AZ
Modern Machine Company, San Jose, CA
Modern Machine Company, Bay City, MI
Modern Technologies Corp., Xenia, OH
Mold Threads Inc., Branford, CT
Moldcraft, Inc., Depew, NY
Moldesign, Inc., Knoxville, TN
Monks Manufacturing Co., Inc., Wilmington, MA
Monroe Tool & Die Co., Rochester, NY
Monsees Tool & Die, Inc., Rochester, NY
Montgomery Machine Company, Houston, TX
Moon Tool & Die Inc., Conneaut Lake, PA
Moore Gear Mfg. Co., Inc., Hermann, MO
Moore Quality Tooling, Inc., Dayton, OH
Moore's Ideal Products, Covina, CA
Morlin Incorporated, Erie, PA
Morris Machine Co., Inc., Indianapolis, IN
Morton & Company, Inc., Wilmington, MA
Moseys' Production Machinists Inc., Anaheim, CA
Mound Laser and Photonics Center, Miamisburg, OH
Mountain States Automation, Inc., Englewood, CO
Mueller Machine & Tool Company, Berkeley, MO
Muller Tool Inc., Cheektowaga, NY
Multi-Tool, Inc., Saegertown, PA
Mutual Precision, Inc., West Springfield, MA
Mutual Tool & Die, Inc., Dayton, OH
Myers Industries, Akro-Mils Division, Akron, OH
Myers Precision Grinding Company Inc., Warrensville Hts, OH
Myles Tool Co., Inc., Sanborn, NY
MCD Plastics & Manufacturing Inc., Piqua, OH
MCTD, Inc., Michigan City, IN
MKR Fabricators, Saginaw, MI
MPC Industries, Inc., Irvine, CA
MRC Technologies, Buffalo, NY
N C Dynamics, Inc., Long Beach, CA
N E T & Die Company, Inc., Fulton, NY
Nashville Machine Company, Inc., Nashville, TN
National Carbide Die, McKeesport, PA
National Jet Company, Inc., LaVale, MD
National Tool & Machine Co. Inc., East St. Louis, IL
Nationwide Precision Products, Corp., Rochester, NY
Nelson Bros. & Strom Co., Inc., Racine, WI
Nelson Engineering, Garden Grove, CA
Nelson Grinding, Inc., Fullerton, CA
Nelson Precision Drilling Co., Glastonbury, CT
Nerjan Development Company, Stamford, CT
Neutronics, Inc., Phoenix, AZ
New Century Fabricators, Inc., New Iberia, LA
New England Die Co., Inc., Waterbury, CT
New England Precision Grinding, Inc., Holliston, MA

New Standard Corporation, York, PA
Newman Machine Company, Inc., Greensboro, NC
Niagara Punch & Die Corporation, Buffalo, NY
Nifty Bar, Inc., Penfield, NY
Niles Machine & Tool Works, Inc., Livermore, CA
Nixon Tool Co., Inc., Richmond, IN
Noble Tool Corporation, Dayton, OH
Norbert Industries, Inc., Sterling Heights, MI
Nordon Tool & Mold, Inc., Rochester, NY
Noremac Manufacturing Corp., Westboro, MA
Norman Noble, Inc., Cleveland, OH
North Canton Tool Company, Inc., Canton, OH
North Central Tool & Die, Inc., Houston, TX
North Coast Tool & Mold Corp., Cleveland, OH
North Easton Machine Co., Inc., North Easton, MA
Northeast E D M, Newburyport, MA
Northeast Manufacturing Co., Inc., Stoneham, MA
Northeast Tool & Manufacturing Co., Indian Trail, NC
Northern Machine Tool Company, Muskegon, MI
Northern Tool & Gage, Inc., North Royalton, OH
Northwest Machine Works, Inc., Grand Junction, CO
Northwest Tool & Die Company, Inc., Grand Rapids, MI
Northwest Tool & Die, Inc., Meadville, PA
Northwood Industries, Inc., Perrysburg, OH
Norwood Tool Company, Dayton, OH
Now-Tech Industries Inc., Lackawanna, NY
Nu-Tech Industries, Grandview, MO
Nu-Tool Industries, Inc., North Royalton, OH
Numeric Machine, Fremont, CA
Numeric Machining Co., Inc., West Springfield, MA
Numerical Concepts, Inc., Terre Haute, IN
Numerical Precision, Inc., Wheeling, IL
Numerical Productions, Inc., Indianapolis, IN
Numet Machine, Stratford, CT
NuTec Tooling Systems, Inc., Meadville, PA
O & S Machine Company, Inc., Latrobe, PA
O–A, Inc., Agawam, MA
O E M Industries, Inc., Dallas, TX
O E M, Inc., Corvallis, OR
O–D Tool & Cutter Inc., Mansfield, MA
O'Keefe Ceramics, Woodland Park, CO
Oakley Die & Mold Company, Inc., Mason, OH
Obars Machine & Tool Company, Toledo, OH
Oberg Industries Inc., Freeport, PA
Oconee Machine & Tool Company, Inc., Westminster, SC
Oconnor Engineering Laboratories, Costa Mesa, CA
Ohio Gasket & Shim Company, Akron, OH
Ohio Transitional Machine & Tool, Inc., Toledo, OH
Oilfield Die Manufacturing Co., Lafayette, LA
Omax Corporation, Kent, WA
Omega One, Inc., Maple Heights, OH
Omega Tool, Inc., Menomonee Falls, WI
Omni Machine Works, Inc., Covington, GA
Omni Tool, Inc., Winston Salem, NC
Optimized EDM, Santa Clara, CA
Osborn Products, Inc., Phoenix, AZ
Overland Bolling, Dallas, TX
Overton & Sons Tool & Die Co. Inc., Mooresville, IN
Overton Corporation, Willoughby, OH
P & A Tool & Die, Inc., Rochester, NY
P & N Machine Company, Inc., Houston, TX
P & P Mold & Die, Inc., Tallmadge, OH
P & R Industries, Inc., Rochester, NY
P I A Group, Inc., Cincinnati, OH
P. Tool & Die Company, Inc., N. Chili, NY
P–K Tool & Manufacturing Company, Chicago, IL
Pacific Bearing Company, Rockford, IL
Pacific Tool & Die, Inc., Brunswick, OH
Pahl Tool Services, Cleveland, OH
Palma Tool & Die Company, Inc., Lancaster, NY
Palmer Machine Company Inc., Conway, NH
Palmer Manufacturing Company, Malden, MA
Pankl Aerospace Systems, Cerritos, CA
Parallax, Inc., Largo, FL
Paramount Machine & Tool Corp., Fairfield, NJ
Parker Plastics Corporation, Pittsburgh, PA
Parr-Green Mold and Machine Co., North Canton, OH
Parris Tool & Die Company, Goodlettsville, TN
Parrish Machine, Inc., South Bend, IN
Pasco Tool & Die, Inc., Meadville, PA
Patco Machine & Fab, Inc., Houston, TX
Path Technologies, Inc., Mentor, OH
Patkus Machine Company, Rockford, IL
Patriot Machine, Inc., St. Charles, MO
Patten Tool & Engineering, Inc., Kittery, ME
Paul E. Seymour Tool & Die Co., North East, PA
Peerless Precision, Inc., Westfield, MA
Pegasus/Triumph Manufacturing, Inc., East Berlin, CT
Peko Precision Products, Rochester, NY
Pell Engineering & Manufacturing, Inc., Pelham, NH
Penco Precision, Fontana, CA
Pendarvis Manufacturing, Anaheim, CA
Pendleton Tool Company, Inc., Erie, PA
Peninsula Screw Machine Products, Inc., Belmont, CA
Penn State Tool & Die Corp., North Huntingdon, PA
Penn United Tech, Inc., Saxonburg, PA
Pennoyer-Dodge Company, Glendale, CA
Pennsylvania Crusher, Cuyahoga Falls, OH
Pennsylvania Tool & Gages, Inc., Meadville, PA
Pequot Tool & Mfg., Inc., Pequot Lakes, MN
Perfection Tool & Mold Corp., Dayton, OH
Perfecto Tool & Engineering Co., Anderson, IN
Perfekta, Inc., Wichita, KS
Performance Grinding & Manufacturing, Inc., Tempe, AZ
Performance Machining Inc., Irwin, PA
Perry Tool & Research Inc., Hayward, CA
Petersen Precision Engineering, LLC, Redwood City, CA
Peterson Jig & Fixture, Inc., Rockford, MI
Phil-Coin Machine & Tool Co., Inc., Hudson, MA
Philips Machining Company, Inc., Coopersville, MI
Phoenix Grinding, Div. of Cal-Disc Grinding Co., Phoenix, AZ
Phoenix Metallics, Phoenix, AZ
Phoenix Tool & Gage, Inc., Phoenix, AZ
Piece-Maker Company, Troy, MI
Pinnacle Manufacturing Co., Inc., Chandler, AZ
Pinnacle Precision Co., Glassport, PA
Pioneer Industries, Seattle, WA
Pioneer Precision Grinding, Inc., West Springfield, MA
Pioneer Tool & Die Company, Akron, OH
Pioneer Tool & Die, Inc., Meadville, PA
Piper Plastics, Inc., Chandler, AZ
Pitt-Tex, Latrobe, PA
Plano Machine & Instrument Inc., Gainesville, TX
Plastic Mold Technology Inc., Grand Rapids, MI
Plastipak Packaging, Inc., Package Development Plant 67, Medina, OH
Pleasanton Tool and Manufacturing, Inc., Pleasanton, CA
Plesh Industries, Inc., Buffalo, NY
Pol-Tek Industries, Ltd., Cheektowaga, NY
Polytec Products Corporation, Menlo Park, CA
Ponderosa Industries, Inc., Denver, CO
Popp Machine & Tool, Inc., Louisville, KY
Port City Machine & Tool Company, Muskegon Heights, MI
Portage Knife Company, Inc., Mogadore, OH
Post Products, Inc., Kent, OH
Powers Bros. Machine, Inc., Montebello, CA
Powill Manufacturing &, Engineering, Inc., Phoenix, AZ
Practical Machine Company, Barberton, OH
Precise Products Corporation, Minneapolis, MN
Precision Aircraft Components, Inc., Dayton, OH
Precision Aircraft Machining, Co., Inc. dba PAMCO, Sun Valley, CA
Precision Automation Co., Inc., Clarksville, IN
Precision Balancing & Analyzing Co., Mentor, OH
Precision Boring Company, Detroit, MI
Precision Components Group, Inc., Fremont, CA
Precision Die & Stamping Inc., Tempe, AZ
Precision Engineering & Mfg. Co., PEMCO, Haymarket, VA
Precision Engineering, Inc., Uxbridge, MA
Precision Gage & Tool Company, Dayton, OH
Precision Gage, Inc., Tempe, AZ
Precision Grinding & Mfg. Corp., Rochester, NY
Precision Grinding Inc., Phoenix, AZ
Precision Grinding, Inc., Birmingham, AL
Precision Identity Corporation, Campbell, CA
Precision Machine & Instrument Co., Houston, TX
Precision Machine & Tool Co., Longview, TX
Precision Machine Company, Lancaster, PA
Precision Machine Rebuilding, Inc., Rogers, MN
Precision Machine Works, Aiken, SC
Precision Manufacturing, Technologies, Inc., Grand Junction, CO
Precision Metal Crafters, Ltd., Greensburg, PA
Precision Metal Fabrication, Dayton, OH
Precision Metal Tooling, Inc., Oakland, CA
Precision Mold & Engineering, Inc., Warren, MI
Precision Mold Base Corporation, Tempe, AZ
Precision Mold Welding, Inc., Little Rock, AR
Precision Products Inc., Greenwood, IN
Precision Resource, California Division, Huntington Beach, CA
Precision Resource Tool & Machine, Division, Shelton, CT

Precision Resources, Hawthorne, CA
Precision Specialists, Inc., West Berlin, NJ
Precision Specialties, San Jose, CA
Precision Stamping & Tool, Inc., Irvine, CA
Precision Stamping, Inc., Farmers Branch, TX
Precision Technology, Inc., Chandler, AZ
Precision Tool & Mold, Inc., Clearwater, FL
Precision Tool Work, Inc., New Iberia, LA
Precision Wire EDM Service Inc., Grand Rapids, MI
Preferred Tool Company, Inc., Seymour, IN
Prescott Aerospace, Inc., Prescott Valley, AZ
Pressco Products, Kent, WA
Prestige Mold Incorporated, Rancho Cucamonga, CA
Price Products, Inc., Escondido, CA
Pride, dba Pride Industries, Brooklyn Park, MN
Prima Die Castings, Inc., Clearwater, FL
Prime-Co Tool Inc., East Rochester, NY
Primeway Tool & Engineering Co., Div. of Cleary Developments, Inc., Madison Heights, MI
Pro-Mold, Inc., Rochester, NY
Pro-Tech Machine, Inc., Burton, MI
Process Equipment Company, Tipp City, OH
Product Engineering Company, Columbus, IN
Production Machining & Mfg., Dallas, TX
Production Saw Works, Inc., North Hollywood, CA
Production Tool & Mfg. Co., Portland, OR
Producto Machine Company, Bridgeport, CT
Professional Instruments Co., Inc., Hopkins, MN
Professional Machine & Tool Co., Gallatin, TN
Proficient Machining Co., Inc., Mentor, OH
Profile Grinding, Inc., Cleveland, OH
Proformance Manufacturing, Inc., Corona, CA
Progressive Concepts Machining, Pleasanton, CA
Progressive Machine & Design, LLC, Victor, NY
Progressive Metallizing &, Machine Company, Inc., Akron, OH
Progressive Tool & Die, Inc., Meadville, PA
Progressive Tool & Die, Inc., Gardena, CA
Progressive Tool Company, Waterloo, IA
Promax Tool Co., Rancho Cordova, CA
Prompt Machine Products, Inc., Chatsworth, CA
Proper Cutter, Inc., Guys Mills, PA
Proper Mold & Engineering, Inc., Center Line, MI
Proto-Design, Inc., Redmond, WA
Protonics Engineering Corp., Cerritos, CA
ProMold, Inc., Cuyahoga Falls, OH
Puehler Tool Company, Valley View, OH
Pullbrite, Inc., Fremont, CA
PDQ Machine, Inc., Machesney Park, IL
PMR, Inc., Avon, OH
PQ Enterprise, L.L.C., Grand Rapids, MI
PR Machine Works, Inc., Mansfield, OH
Quality Centerless Grinding Corp., Middlefield, CT
Quality Grinding and Machine, Rainbow City, AL
Quality Machine Engineering, Inc., Santa Rosa, CA
Quality Machining Technology, Inc., Oakdale, CA
Quality Machining, Inc., Waunakee, WI
Quality Mold & Engineering, QME Inc., Baroda, MI
Quality Tool & Die Inc., Meadville, PA
Quality Tool Company, Toledo, OH
Quick-Way Stampings, Euless, TX
R & D Machine Shop, Dallas, TX
R & D Specialty/Manco, Phoenix, AZ
R & D Tool & Engineering, Lee's Summit, MO
R & G Precision Tool Inc., Thomaston, CT
R & H Manufacturing Inc., Edwardsville, PA
R & J Tool, Inc., Brookville, OH
R & M Machine Tool, Freeland, MI
R & M Manufacturing Company, Niles, MI
R & M Mold Manufacturing Co., Inc., Bloomsbury, NJ
R & S EDM, Inc., W. Springfield, MA
R & S Redco, Inc., Rockland, MA
R D C Machine, Inc., Santa Clara, CA
R Davis EDM, Anaheim, CA
R E F Machine Company, Inc., Middlefield, CT
R F Cook Manufacturing Co., Stow, OH
R G F Machining Technologies, Canon City, CO
R J S Corporation, Akron, OH
R M I, Van Nuys, CA
R S Precision Industries, Inc., Farmingdale, NY
R T R Slotting & Machine Inc., Cuyahoga Falls, OH
R W Machine, Inc., Houston, TX
R. W. Smith Company, Inc., Dallas, TX
Rainbow Tool & Machine Co., Inc., Gadsden, AL
Raloid Corporation, Reisterstown, MD
Ralph Stockton Valve Products, Inc., Houston, TX
Ram Tool, Inc., Grafton, WI
Rapid-Line Inc., Grand Rapids, MI
Rapidac Machine Corporation, Rochester, NY
Ratnik Industries, Inc., Victor, NY
Rawlings Engineering, Macon, GA
Re-Del Engineering, Campbell, CA
Realco Diversified, Inc., Meadville, PA
Reardon Machine Co., Inc., St. Joseph, MO
Reata Engineering & Machine, Works, Inc., Englewood, CO
Reber Machine & Tool Company, Muncie, IN
Reed Instrument Company, Houston, TX
Reese Machine Company, Inc., Ashtabula, OH
Reg-Ellen Machine Tool Corp., Rockford, IL
Reichert Stamping Company, Toledo, OH
Reitz Tool, Inc., Cochranton, PA
Reko International Sales, Inc., Troy, MI
Reliable EDM, Inc., Houston, TX
Remarc Manufacturing Inc., Hayward, CA
Remmele Engineering, Inc., New Brighton, MN
Reny & Company Inc., El Monte, CA
Repairtech International, Inc., Van Nuys, CA
Republic Industries, Louisville, KY
Republic-Lagun, Carson, CA
Research Tool Inc., East Haven, CT
Reuther Mold & Manufacturing Co., Attn: Accounts Payable, Cuyahoga Falls, OH
Reynolds Manufacturing Co., Inc., Rock Island, IL
Rheaco Inc., Grand Prairie, TX
Rhode Island Centerless, Inc., Johnston, RI
Rich Tool & Die Company, Scarborough, ME
Richard Manufacturing Company, Inc., Milford, CT
Richard Tool & Die Corporation, New Hudson, MI
Richard's Grinding, Inc., Cleveland, OH
Richards Machine Tool Company, Inc., Lancaster, NY
Richsal Corporation, Elyria, OH
Rick Sanford Machine Company, San Leandro, CA
Rickman Machine Company, Wichita, KS
Rid-Lom Precision Tool Corp., Rochester, NY
Ridge Machine & Welding Company, Toronto, OH
Riggins Engineering, Inc., Van Nuys, CA
Right Tool & Die, Inc., Toledo, OH
Rite-Way Industries Inc., Louisville, KY
Riverview Machine Company, Inc., Holyoke, MA
Riviera Tool Company, Grand Rapids, MI
Robert C. Reetz Company, Inc., Pawtucket, RI
Robert C. Weisheit Co., Franklin Park, IL
Roberts Tool & Die Company, Chillicothe, MO
Roberts Tool Company, Inc., Chatsworth, CA
Robrad Tool & Engineering, Mesa, AZ
Rochester Automated Systems, Inc., Rochester, NY
Rochester Gear, Inc., Rochester, NY
Rochester Manufacturing, Wellington, OH
Rochester Precision Machine, Inc., Rochester, MN
Rockburl Industries Inc., Rochester, NY
Rockford Process Control, Inc., Rockford, IL
Rockford Tool & Manufacturing Co., Rockford, IL
Rockford Toolcraft, Inc., Rockford, IL
Rockhill Machining Industries Inc., Barberton, OH
Rockstedt Tool & Die, Brunswick, OH
Rocon Manufacturing Corporation, Rochester, NY
Rogers Enterprises, Rochester, NY
Roll Kraft, Mentor, OH
Romold Inc., Rochester, NY
Ron Grob Company, Loveland, CO
Ronart Industries, Inc., Detroit, MI
Ronlen Industries, Inc., Brunswick, OH
Rons Racing Products, Inc., Tucson, AZ
Royalton Manufacturing, Inc., Cleveland, OH
Royster's Machine Shop, LLC, Henderson, KY
Rozal Industries, Inc., Farmingdale, NY
Ruoff & Sons, Inc., Runnemede, NJ
Ryan Industries Inc., York, PA
RRR Development Co., Inc., North Canton, OH
RTS Wright Industries, Nashville, TN
RTS Wright Industries, LLC, Gilbert, AZ
S & B Tool & Die Co., Inc., Lancaster, PA
S & R Tool Inc., Lakeville, NY
S C Manufacturing, Akron, OH
S G S Tool Company, Munroe Falls, OH
S L P Machine, Inc., Ham Lake, MN
S. C. Machine, Chatsworth, CA
Sabre Machining Center, Inc., Dayton, OH
Saeilo Manufacturing Industries, Blauvelt, NY
Sage Machine & Fabricating, Houston, TX
Sagehill Engineering, Inc., Menlo Park, CA
Saliba Industries, Inc., Lake Forest, IL
Sanders Tool & Mould Company, Hendersonville, TN
Sandor Tool & Manufacturing Co., Lawrence, MA
Satran Technical Enterprises, Mayer, AZ
Sattler Machine Products, Inc., Sharon Center, OH
Sawing Services Co., Chatsworth, CA
Sawtech, Lawrence, MA
Schaffer Grinding Company, Inc., Montebello, CA
Scheu & Kniss, The Elizabeth Companies, Louisville, KY
Schill Corp., Toledo, OH
Schmald Tool & Die Inc., Burton, MI

Schmiede Corporation, Tullahoma, TN
Schmitt Machine, Inc., Ventura, CA
Schneider & Marquard, Inc., Newton, NJ
Schuetz Tool & Die, Inc., Hiawatha, KS
Schulze Tool Company, Independence, MO
Schwab Machine, Inc., Sandusky, OH
Schwartz Industries, Inc., Warren, MI
Scientiam Machine Co., Harbor City, CA
Seaway Industrial Products, Inc., Erie, PA
Sebewaing Tool & Engineering Co., Sebewaing, MI
Select Manufacturing Company, Rainbow City, AL
Select Tool & Die—Tool Div., Dayton, OH
Select Tool & Eng. Inc., Elkhart, IN
Select Tool and Die, Toledo, OH
SelfLube, Coopersville, MI
Selzer Tool & Die, Inc., Elyria, OH
Sematool Mold & Die Co., Santa Clara, CA
Serrano Industries Inc., Santa Fe Springs, CA
Service Manufacturing and, Engineering, Norwalk, CA
Service Tool & Die, Inc., Henderson, KY
Setters Tools, Inc., Piedmont, SC
Sharon Center Mold & Die, Sharon Center, OH
Shaw Industries, Inc., Franklin, PA
Shear Tool, Inc., Saginaw, MI
Sheets Tool & Manufacturing, Inc., Saegertown, PA
Shelby Engineering Company, Inc., Indianapolis, IN
Sherer Manufacturing Incorporated, Clearwater, FL
Sherman Tool & Gage, Erie, PA
Shookus Special Tools, Inc., Raymond, NH
ShopTech Industrial Software Corp., Cincinnati, OH
Sibley Machine & Foundry Corp., South Bend, IN
Signal Machine Company, New Holland, PA
Silicon Valley Mfg., Fremont, CA
Sipco Molding Technologies, Meadville, PA
Sirois Tool Co. Inc., Berlin, CT
Six Sigma, Louisville, KY
Ski-Way Machine Products Company, 24460 Lakeland Blvd., Euclid, OH
Skillcraft Machine Tool Company, West Hartford, CT
Skulsky, Inc., Gardena, CA
Skyline Manufacturing Corp., Nashville, TN
Skylon Mold & Machining, Sugar Grove, PA
Smith-Renaud, Inc., Cheshire, CT
Smith's Machine, Cottondale, AL
Smithfield Manufacturing, Inc., Clarksville, TN
Snyder Systems, Benicia, CA
Solar Tool & Die, Inc., Kansas City, MO
Sonic Machine & Tool, Inc., Tempe, AZ
Sonoma Precision Mfg. Co., Santa Rosa, CA
Sonora Precision Molds, Inc., Mi Wuk Village, CA
South Bend Form Tool Company, South Bend, IN
South Eastern Machining, Inc., Pelzer, SC
Southampton Manufacturing, Inc., Feasterville, PA
Southeastern Technology, Inc., Murfreesboro, TN
Southern Manufacturing Technologies Inc., Tampa, FL
Southwest Mold, Inc., Tempe, AZ
Space City Machine & Tool Co., Houston, TX
Spalding & Day Tool & Die Co., Louisville, KY
Spark Technologies, Inc., Schenley, PA
Spartak Products Inc., Houston, TX
Specialty Machine & Hydraulics, Pleasantville, PA
Speed Precision Machining, Phoenix, AZ
Spenco Machine & Manufacturing, Temecula, CA
Spex Precision Machine Technologies, Rochester, NY
Spike Industries, North Lima, OH
Spiral Grinding Company, Culver City, CA
Springfield Manufacturing, LLC, Clover, SC
Springfield Tool & Die, Inc., Greenville, SC
Spun Metals, Inc., A Deakins Co., Brazil, IN
Standard Die Supply of Indiana, Inc., Indianapolis, IN
Standard Jig Boring Service, Inc., Akron, OH
Standard Machine Inc., Cleveland, OH
Standard Welding & Steel, Products, Inc., Medina, OH
Stanek Tool Corporation, New Berlin, WI
Stanley Machining & Tool Corp., Carpentersville, IL
Star Precision Products, Mentor, OH
Star Tool & Die, Inc., Elkhart, IN
Starn Tool & Manufacturing Co., Meadville, PA
State Industrial Products, Inc., Phoenix, AZ
Stauble Machine & Tool Company, Louisville, KY
Stelted Manufacturing, Inc., Tempe, AZ
Sterling Engineering Corporation, Winsted, CT
Sterling Tool Company, Racine, WI
Stevens Manufacturing Co., Inc., Milford, CT
Stewart Manufacturing Company, Phoenix, AZ
Stillion Industries, Ann Arbor, MI
Stillwater Technologies, Inc., Troy, OH
Stonewall Jackson Mold Inc., Annville, KY
Stoney Crest Regrind Service, Inc., Bridgeport, MI
Streamline Tooling Systems, Muskegon, MI
Strobel Machine, Inc., Worthington, PA
Stuart Tool & Die, Falconer, NY
Studwell Engineering, Inc., Sun Valley, CA
Subsea Ventures Inc., Houston, TX
Suburban Manufacturing Company, Eastlake, OH
Summit Machine Company, Scottdale, PA
Summit Precision, Inc., Phoenix, AZ
Sun EDM Inc., Gilbert, AZ
Sunbelt Plastics, Inc., Frisco, TX
Sunrise Tool & Die, Inc., Henderson, KY
Sunset Tool Inc., Saint Joseph, MI
Super Finishers II, Phoenix, AZ
Superbolt, Inc., Carnegie, PA
Superior Die Set Corporation, Oak Creek, WI
Superior Die Tool Machine Co., Columbus, OH
Superior Gear Box Company, Stockton, MO
Superior Jig, Inc., Anaheim, CA
Superior Mold Company, Ontario, CA
Superior Thread Rolling Company Inc., Arleta, CA
Superior Tool & Die Company, Bensalem, PA
Superior Tool & Die Company, Inc., Elkhart, IN
Superior Tool, Inc., Willow Street, PA
Supreme Tool and Die Company, Fenton, MO
Surface Manufacturing, Auburn, CA
Swiss Wire E D M, Costa Mesa, CA
Swissco, Inc., Bell Gardens, CA
Synergis Technologies Group, Grand Rapids, MI
Syst-A-Matic Tool & Design, Meadville, PA
Systems 3, Inc., Tempe, AZ
STADCO, Los Angeles, CA
STM Manufacturing, Holland, MI
T & S Industrial Machining Corp., Woburn, MA
T J Tool and Mold, Guys Mills, PA
T M Machine & Tool, Inc., Toledo, OH
T M S Inc., Technical Machining Services, Inc., Lincoln, RI
T R Jones Machine Company, Inc., Crystal Lake, IL
T. J. Karg Company, Inc., Akron, OH
T–K & Associates, Inc., La Porte, IN
T–M Manufacturing Corporation, Sunnyvale, CA
Talbar, Inc., Meadville, PA
Talent Tool & Die, Inc., Berea, OH
Tana Corporation, Toledo, OH
Tanner Oil Tools Inc., Houston, TX
Target Precision, Meadville, PA
Taurus Tool & Engineering, Inc., Muncie, IN
Team Tooling and Design, Incorporated, Shawnee, OK
Tech Industries, Inc., Cleveland, OH
Tech Manufacturing Company, Wright City, MO
Tech Mold, Inc., Tempe, AZ
Tech Tool & Mold, Inc., Meadville, PA
Tech-Etch, Inc., Plymouth, MA
Tech-Machine, Inc., Colorado Springs, CO
Techmetals, Inc., Dayton, OH
Techni-Cast Corporation, South Gate, CA
Techni-Products, Inc., East Longmeadow, MA
Technics 2000 Inc., Olathe, KS
Technodic, Inc., Providence, RI
Tecno Troqueles Industries, Laredo, TX
TecoMetrix, LLC, Tempe, AZ
Tedco, Inc., Cranston, RI
Teke Machine Corp., Rochester, NY
Tell Tool, Inc., Westfield, MA
Tenk Machine & Tool Company, Cleveland, OH
Tennessee Metal Works, Inc., Nashville, TN
Tennessee Tool Corporation, Charlotte, TN
Terrell Manufacturing Inc., Strongsville, OH
Testand Corporation, Pawtucket, RI
Tetco, Inc., Plainville, CT
Teter Tool & Die, Inc., La Porte, IN
Thaler Machine Company, Dayton, OH
The Baughman Group, Louisville, KY
The Bechdon Company, Inc., Upper Marlboro, MD
The Foster Group, Rochester, NY
The Goforth Corp., dba The Machine Shop, Fremont, CA
The Metalworking Group, Inc., Cincinnati, OH
The POM Group, Inc., Auburn Hills, MI
The Ryan Group, Franklin, NJ
The Sullivan Corporation, Hartland, WI
The Timken Company, Specialty Tooling & Rebuilding, Canton, OH
The Will-Burt Company, Orrville, OH
Therm, Inc., Ithaca, NY
Thiel Tool & Engineering Co.,Inc., St. Louis, MO
Thomas Machine Works, Inc., Newburyport, MA
Thornhurst Manufacturing, Inc., Zephyrhills, FL
Three-Way Pattern, Inc., Wichita, KS
ThyssenKrupp Budd Company, Shelbyville, KY
Tipco Punch, Inc., Hamilton, OH
Tipp Machine & Tool, Inc., Tipp City, OH

Titan, Inc., Sturtevant, WI
Toledo Blank, Inc., Toledo, OH
Toledo Molding & Die, Toledo, OH
Tolerance Masters, Inc., Circle Pines, MN
Tomak Precision, Lebanon, OH
Tomco Tool & Die, Inc., Belding, MI
TomKen Tool & Engineering, Inc., Muncie, IN
Tool Gauge & Machine Works, Inc., Tacoma, WA
Tool Mate Corporation, Cincinnati, OH
Tool Specialties Company, Hazelwood, MO
Tool Specialty Company, Los Angeles, CA
Tool Tech Corporation, San Jose, CA
Tool Tech, Inc., Springfield, OH
Tool-Matic Company, Inc., City Of Commerce, CA
Toolcomp Tooling & Components Co., Toledo, OH
Toolcraft of Phoenix, Inc., Glendale, AZ
Toolcraft Products, Inc., Dayton, OH
Toolex, Inc., Houston, TX
Tools Renewal Company, Birmingham, AL
Tools, Inc., Sussex, WI
Top Tool & Die, Inc., Cleveland, OH
Toth Industries, Inc., Toledo, OH
Toth Technologies, Pennsauken, NJ
Tower Tool & Engineering, Inc., Machesney Park, IL
Trace-A-Matic Corporation, Brookfield, WI
Tracer Tool & Die Company Inc., Grand Rapids, MI
Trademark Die & Engineering, Belmont, MI
Tram Tek Inc., Phoenix, AZ
Transmatic Manufacturing, Mesa, AZ
Treblig, Inc., Greenville, SC
Trec Industries, Inc., Brooklyn Heights, OH
Tree City Mold & Machine Co., Inc., Kent, OH
Treffers Precision, Inc., Phoenix, AZ
Tresco Tool, Inc., Guys Mills, PA
Tri Craft, Inc., Middleberg Heigh, OH
Tri-City Machine Products, Inc., Peoria, IL
Tri-City Tool & Die, Inc., Bay City, MI
Tri-Core Mold & Die, Machesney Park, IL
Tri-M-Mold, Inc., Stevensville, MI
Triad Plastic Technologies, Reno, NV
Triangle Tool Company, Erie, PA
Tribond Industries, Inc., Phoenix, AZ
Tricon Machine LLC, Rochester, NY
Tridecs Corporation, Hayward, CA
Trident Precision Manufacturing, Webster, NY
Trimac Manufacturing, Inc., Santa Clara, CA
Trimble Navigation Ltd. Engineering & Construction Division, Huber Heights, OH
Trimetric Specialties, Inc., Newark, CA
Trimline Tool, Inc., Grandville, MI
Trinity Tools, Inc., North Tonawanda, NY
Trio Manufacturing, Inc., Kent, WA
Trio Tool & Die, Inc., Hawthorne, CA
Triple-T Cutting Tools Inc., West Berlin, NJ
Triplett Machine, Inc., Phelps, NY
Trojan Mfg. Co. Inc., Piqua, OH
Trotwood Corporation, Trotwood, OH
Tru Form Manufacturing Corp., Rochester, NY
Tru Tool, Inc., Sturtevant, WI
Tru-Cut, Inc., Sebring, OH
True Cut EDM Inc., Garland, TX
True-Tech Corporation, Fremont, CA
Trust Technologies, Willoughby, OH
Trutron Corporation, Troy, MI
Tschida Engineering, Inc., Napa, CA
Tucker Engineering Inc., Peabody, MA
Turn-Tech, Inc., Pinehurst, TX
Twin City Plating Company, Minneapolis, MN
Two-M Precision Co., Inc., Willoughby, OH
TAE Corporation, d/b/a T & E Manufacturing, Kent, WA
TCI Precision Metals, Gardena, CA
TMI Industries, Inc., Temperance, MI
TMK Manufacturing Inc., Santa Clara, CA
TMX Engineering & Manufacturing, Santa Ana, CA
UFE Incorporated, Stillwater, MN
UMC, Inc., Hamel, MN
US Machine & Tool, Inc., Murfreesboro, TN
Ugm, Inc., Salida, CA
Ultra Precision, Inc., Freeport, PA
Ultra Stamping & Assembly, Inc., Rockford, IL
Ultra Tool & Manufacturing, Inc., Menomonee Falls, WI
Ultra-Tech, Inc., Kansas City, KS
Ultramation, Inc., Waco, TX
Ultron, Long Beach, CA
Unique Machine Company, Montgomeryville, PA
Unique Tool & Manufacturing, Randleman, NC
Unitech, Inc., Kansas City, MO
United Centerless Grinding, East Hartford, CT
United Machine Co., Inc., Wichita, KS
United Plastics Group, Anaheim, CA
United Stars Aerospace, Inc., Kent, WA
United States Fittings, Inc., Warrensville Hgt, OH
United Tool & Engineering Co., South Beloit, IL
United Tool & Engineering, Inc., Mishawaka, IN
Universal Brixius, Milwaukee, WI
Universal Custom Process, Inc., Streetsboro, OH
Universal Precision Products Inc., Akron, OH
Upland Fab, Inc., Ontario, CA
UAB Manufacturing Co., Inc., Southampton, PA
USAeroteam, Dayton, OH
V & M Tool Company, Inc., Perkasie, PA
V & S Die & Mold, Inc., Lakewood, OH
VA Machine & Tools, Inc., Broussard, LA
V Ash Machine Company, Cleveland, OH
VI Mfg., Inc., Webster, NY
VRC, Inc., Berea, OH
V.A.W. of America, Inc., Phoenix, AZ
Valley Machine Works, Inc., Phoenix, AZ
Valley Tool & Die, Inc., North Royalton, OH
Valv-Trol Company, Stow, OH
Van Engineering, R Vandewalle, Inc., Cincinnati, OH
Van Os Machine Works, Inc., St. Louis, MO
Van Reenen Tool & Die Inc., Rochester, NY
Van-Am Tool & Engineering, Inc., St. Joseph, MO
Vanderveer Industrial Plastics, Inc., Placentia, CA
Vanpro, Inc., Cambridge, MN
Varco Systems, Orange, CA
Vaughn Manufacturing Company, Inc., Nashville, TN
Venango Machine Products, Inc., Reno, PA
Versacut Ind. Inc., Morenci, MI
VersaTool & Die Machining, and Engineering Inc., Beloit, WI
Vico Louisville, Louisville, KY
Viking Tool & Engineering, Whitehall, MI
Viking Tool & Gage, Inc., Conneaut Lake, PA
Vistek Precision Machine Company, Ivyland, PA
Vitron Manufacturing, Inc., Phoenix, AZ
Vitullo & Associates, Inc., Warren, MI
Vobeda Machine & Tool Company, Racine, WI
Vulcan Tool Corporation, Dayton, OH
W & H Stampings & Fineblanking, Inc., Hauppauge, NY
W D & J Machine & Engineering Inc., Fullerton, CA
W G Strohwig Tool & Die, Inc., Richfield, WI
W W G, Inc., Indianapolis, IN
W. C. Kirby & Son, Inc., Noblesville, IN
W.A.C. Consulting/Coss Systems Inc., Northboro, MA
Wagner Engineering, Inc., Gilbert, AZ
Wagner Engraving Co., Kirkwood, MO
Waiteco Machine, Inc., Devens, MA
Waltco Engineering, Inc., Gardena, CA
Walter Tool & Mfg. Inc., Elgin, IL
Warmelin Precision Products, Hawthorne, CA
Waukesha Tool & Stamping Inc., Sussex, WI
Wayne Manufacturing, Inc., Boulder, CO
Weco Metal Products, Ontario, NY
Wemco Precision Tool, Inc., Meadville, PA
Wentworth Company, Glastonbury, CT
Werkema Machine Company, Inc., Grand Rapids, MI
Wes Products, Madison Heights, MI
West Hartford Tool & Die Company, Newington, CT
West Pharmaceutical Services, Erie, PA
West Valley Milling, Inc., Chatsworth, CA
West Valley Precision Inc., San Jose, CA
Western Air Products, Tucson, AZ
Western Mass. MechTech, Inc., Ware, MA
Western Tap Manufacturing Co., Inc., Buena Park, CA
Westfield Manufacturing Corp., Westfield, IN
Westfield Tool & Die, Inc., Westfield, MA
Westlake Tool & Die Mfg., Avon, OH
Westool Corporation, Temperance, MI
White Machine, Inc., North Royalton, OH
Whitehead Tool & Design, Inc., Guys Mills, PA
Wiegel Tool Works, Inc., Wood Dale, IL
Wiesen EDM, Inc., Belding, MI
Wightman Engineering Services, Inc., Santa Clara, CA
Wilco Die Tool Machine Company, Maryland Heights, MO
Wilkinson Mfg., Inc., Santa Clara, CA
Willer Tool Corporation, Jackson, WI
William Sopko & Sons Co., Inc., Cleveland, OH
Williams Engineering &, Manufacturing, Inc., Chatsworth, CA
Williams Machine, Inc., Lake Elsinore, CA
Williams Machining Co., Edinboro, PA
Windsor Tool & Die, Inc., Cleveland, OH
Wintech Industries Inc., Tempe, AZ
Wire Cut Company, Inc., Buena Park, CA
Wire Tech E D M, Inc., Los Alamitos, CA
Wire-Tech, Inc., Tempe, AZ
Wirecut Technologies Inc., Indianapolis, IN
WireCut E D M, Inc., Dallas, TX
Wisconsin Engraving Company/Unitex, New Berlin, WI
Wise Machine Co., Inc., Butler, PA
Wolverine Bronze Company, Roseville, MI
Wolverine Tool & Engineering, Belmont, MI
Wolverine Tool Company, St. Clair Shores, MI
Woodruff Corporation, Torrance, CA

Wright Brothers Welding &, Sheet Metal, Inc., Hollister, CA
WADKO Precision, Inc., Eagle Lake, TX
WGI Inc., Southwick, MA
WSI Industries, Inc., Osseo, MN
X–L Machine Company, Inc., Three Rivers, MI
XLI Corporation, Rochester, NY
Yarde Metals, Inc., Bristol, CT
Yates Tool, Inc., Medina, OH
Yoder Die Casting Corporation, Dayton, OH
Youngberg Industries, Inc., Belvidere, IL
Youngers and Sons Manufacturing, Company, Inc., Viola, KS
Youngstown Plastic Tooling &, Machinery, Inc., Youngstown, OH
Z & Z Machine Products Inc., Racine, WI
Z M D Mold & Die Inc., Mentor, OH
Zircon Precision Products, Inc., Tempe, AZ
Zuelzke Tool & Engineering, Milwaukee, WI
4 Axis Machining, Inc., Denver, CO

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DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 021220324–3072–03]

Special American Business Internship Training Program (SABIT)

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Correction of the notice of extension of funding availability for grants under the Special American Business Internship Training Program (SABIT). This notice also clarifies the deadline date of the application process. Applications are to be received in the SABIT office by the closing date. Applications postmarked by the closing date, but arriving after the closing date, will not be accepted.

SUMMARY: The International Trade Administration publishes this notice to correct the closing date for the Special American Business Internship Training Program (SABIT) from March 1, 2003 to April 7, 2003. The extension was published in the **Federal Register** on February 27, 2003. The correct closing date is April 7, 2003.

DATES: To be considered, applications must be received in the SABIT office by April 7, 2003. Processing of complete applications takes approximately three to four months. All awards are expected to be made by July 1, 2003.

FOR FURTHER INFORMATION CONTACT: Liesel Duhon, Director, Special American Business Internship Training program, International Trade Administration, U.S. Department of Commerce, phone—(202) 482–0073, facsimile—(202) 482–2443. These are not toll free numbers.

SUPPLEMENTARY INFORMATION: This Notice amends the **Federal Register** notice published on February 27, 2003 (68 FR 9061) extending the deadline for the availability of funds for the Special American Business Internship Training program (SABIT), for training business executives and scientists (also referred to as Ainterns'') from Eurasia (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan). All applications must be received by SABIT by April 7, 2003. All information in the previous announcement remains current, except for the change of the closing date.

Dated: March 28, 2003.

Liesel C. Duhon,

Director, SABIT Program.

[FR Doc. 03–7956 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–HE–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of a Public Workshop for Developing Criteria for Accreditation of Certification Bodies Involved in Organic Production and Processing

AGENCY: National Institute of Standards and Technology.

ACTION: Notice of public meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) invites interested parties to attend a two-hour workshop regarding the development of criteria for a sub-program of the National Voluntary Conformity Assessment System Evaluation (NVCASE) Program for recognition of accreditors of certification bodies involved in organic production and processing.

NVCASE program procedures require NIST to consult the public when establishing requirements to be applied in evaluations conducted within the scope of NVCASE programs. There is no fee for the workshop; however, all attendees must register in advance with the Workshop Coordinator no later than May 1, 2003. Due to limited space, the interested parties will be registered on a first-come first-served basis.

DATES: The workshop will be held on May 9, 2003, from 9 a.m. to 11 a.m.

ADDRESSES: The workshop will be held at National Institute of Standards and Technology (NIST—North), located at 820 W. Diamond Avenue, Room 152, Gaithersburg, Maryland 20878.

FOR FURTHER INFORMATION CONTACT: Contact Jogindar (Joe) Dhillon via telephone at (301) 975–5521. You may register for the workshop by e-mail at *dhillon@nist.gov* or by fax at (301) 975–5414. You may also register by U.S. mail addressed to NVCASE Workshop Coordinator, (Attention: Joe Dhillon), NIST, 100 Bureau Drive, Stop 2150, Gaithersburg, Maryland 20899–2150.

SUPPLEMENTARY INFORMATION: In accordance with Title 15 Part 286.2(b) of the Code of Federal Regulations, NIST will establish this program pursuant to a letter received from the International Organic Accreditation Service (IOAS) in which it expressed its interest to seek NIST recognition under the NVCASE program. IOAS is an accreditor of product certifiers for organic production and processing. Further information for IOAS is available at *http://www.ioas.org*. NIST may recognize IOAS and any other prospective candidate who will then accredit certification bodies for organic production and processing. This sub-program would use the norms of International Federation of Organic Agriculture Movements (IFOAM). You may access IFOAM Norms 2002 at *http://www.ifoam.org/standard/index.html*.

Due to heightened security concerns, interested parties who wish to attend the workshop should arrive 30 minutes prior to the beginning of the workshop and should bring two forms of identification.

A copy of NVCASE regulations is available at *http://ts.nist.gov/nvcase*. This program under NVCASE will allow the certification bodies to satisfy the conformity assessment requirements of international Guides/Standards and IFOAM norms.

Dated: March 28, 2003.

Arden Bement,

Director.

[FR Doc. 03–7885 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032603A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Receipt of an application for a scientific research/enhancement permit (1288) and request for comment.

SUMMARY: Notice is hereby given that NMFS has received an application for a permit from Dynamac/USEPA in Corvallis, OR (1288). The permit would affect five Evolutionarily Significant Units (ESUs) of salmonids identified in the **SUPPLEMENTARY INFORMATION** section. This document serves to notify the public of the availability of the permit application for review and comment before a final approval or disapproval is made by NMFS.

DATES: Written comments on the permit application must be received no later than 5 p.m. Daylight Savings Time on May 2, 2003.

ADDRESSES: Written comments on the modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review in the indicated office, by appointment: For permit 1288: Diana Hines, Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404 6528 (ph: 707 575 6057, fax: 707 578 3435). Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 3226 (301 713 1401).

FOR FURTHER INFORMATION CONTACT: Diana Hines at phone number 707–575–6057, or e-mail: *diana.hines@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531 1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NMFS. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to the following five threatened salmonid ESUs: threatened Southern Oregon/Northern California Coast coho salmon *O. kisutch*, threatened Central California Coast coho salmon, threatened Northern California Steelhead *O. mykiss*, threatened Central California Coast steelhead, and threatened California Coastal Chinook salmon *O. tshawytscha*.

Modification Request Received

Dynamac/USEPA requests permit 1288 for takes of juvenile ESA-listed coho salmon, steelhead and Chinook salmon associated with studies assessing presence and population abundances of species in selected streams throughout California. Dynamac/USEPA has proposed to use electrofishing as the method of capture. Permit 1288 will expire June 30, 2008.

Dated: March 28, 2003.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–7969 Filed 4–1–03; 8:45am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032703C]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Application for scientific research and enhancement of survival permit (1425).

SUMMARY: Notice is hereby given that NMFS has received an application for a scientific research and enhancement permit from Fish First, a non-profit organization, pursuant to the Endangered Species Act, as amended (ESA). The permit application is for the take of ESA-listed adult and juvenile salmon associated with enhancement and restoration of salmon habitat activities in the Lewis River basin in the State of Washington, more fully described below (see **SUPPLEMENTARY INFORMATION**).

DATES: Comments or requests for a public hearing on the permit application must be received at the appropriate address or fax number (see Address) no later than 5 p.m Pacific daylight time on May 2, 2003. Anyone requesting a hearing should state the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA.

ADDRESSES: Written comments on the application should be sent to Washington State Branch Office, Habitat Conservation Division, 510 Desmond Drive SE, Suite 103, Lacey, WA 98503. Comments may also be sent via fax to 360–753–9517. Comments will not be accepted if submitted via e-mail or the internet. Requests for the permit application should be directed to the Washington State Branch office (address above). The application also is available on the internet at *http://www.nwr.noaa.gov/* or it may be reviewed by appointment during business hours at the Washington State Branch office by calling 360–753–9530.

FOR FURTHER INFORMATION CONTACT: Stephanie Ehinger, Washington State Branch Office Habitat Division, Lacey, Washington (ph: 360–534–9341, e-mail: *stephanie.ehinger@noaa.gov*); or Dan Guy at the same office (ph: 360–534–9342; e-mail: *dan.guy@noaa.gov*).

SUPPLEMENTARY INFORMATION:

Authority

Section 9 of the ESA and Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The term take under the ESA means harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). Under limited circumstances, NMFS may issue permits to take listed species, such as scientific research and enhancement permits issued under Section 10(a)(1)(A) of the ESA (16 U.S.C.1531 *et. seq.*) and Federal regulations found at 50 CFR 222.308. NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permit.

Species Covered in this Notice

The following listed species and evolutionary significant units (ESUs) are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened Lower Columbia River (LCR),

Steelhead (*O. mykiss*): Threatened LCR, and

Chum salmon (*O.keta*): Threatened LCR.

Background

Fish First requests a 5–year permit for annual take of adult and juvenile threatened LCR chinook salmon, threatened LCR steelhead and threatened LCR chum salmon. Fish First is a 501(c)(3) non-profit organization created explicitly to aid in the enhancement and recovery of anadromous salmon populations - particularly the threatened LCR ESUs listed above - in the Lewis River Basin in the State of Washington. The organization proposes to undertake projects that will enhance and restore salmon habitat on private property adjacent to and in the Lewis River. The proposed activities would restore natural aquatic or riparian habitat processes or conditions, and selectively alter degraded habitat features to improve habitat conditions. All of Fish First's proposed projects were developed in response to a Limiting Factors Analysis completed in association with the Washington State Conservation Commission.

The enhancement projects proposed in the application include: (1) restoration of fish passage areas from which salmon have been blocked due to anthroprogenic activities; (2) obliteration of old roads and old road crossings to restore riparian and floodplain habitats; (3) riparian enhancements, such as planting native vegetation and restricting livestock access via fencing; (4) reconnecting off-channel habitat including old side channels, oxbows and wetlands to improve salmon rearing habitat and water quality; (5) nutrient enhancement by salmon carcass placement to improve watershed productivity; (6) placement of large woody debris to increase channel complexity and improve instream conditions for adult and juvenile salmon; (7) supplementing spawning gravel in stream reaches with limited gravel supply; (8) creating in-stream habitat and pool riffle sequences in stream reaches simplified and degraded by historic anthropogenic activities.

In addition, Fish First will undertake continuous watershed assessments and monitoring of restoration and enhancement project activities, their impacts on listed salmon, their structural stability, vegetation plantings and fish use. Fish First will provide annual reports of such assessments and monitoring to NMFS, so that the results of the actions can be measured and so that projects can be modified as needed. Fish First will also monitor all take and provide NMFS with annual reports indicating the type of take and amount of take, including whether any fish were killed.

The proposed activities by Fish First will be carried out solely for the benefit of listed salmon; that is, for the enhancement of survival of listed species as contemplated by section 10 (a)(1)(A) of the ESA. They are not activities incidental to some otherwise lawful actions. The proposed activities by Fish First may result in take of adult and juvenile LCR salmon, primarily in the form of harassment, but also some capture, handle, release. Fish First will take specific measures, such as designing, scheduling, and sequencing construction work, to minimize any impacts. In-water project work will occur during NMFS approved work windows. If fish capture is needed to de-water a work site, the capture, handle and release of fish will be done by qualified fisheries biologists according to the established procedures and conditions NMFS imposes in other scientific research permits for listed ESUs. However, the organization will try to do its work when fish are not present. Fish First will also comply with Washington State permits, including any intended to protect water quality. Because the habitat actions are designed specifically to enhance the survival of the listed salmon, the impacts of the habitat modifications will be beneficial to the survival and recovery of the listed LCR ESUs. Complete details of the proposed activities, specific locations and anticipated take are provided in the permit application.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decision will not be made until after the end of the 30–day comment period and after NMFS has fully considered all public comments received. NMFS will publish notice of its final action in the **Federal Register**.

Dated: March 28, 2003.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–7966 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032703D]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Applications for four scientific research permits (1114, 1124, 1134, 1152) and four permit modifications (1290, 1291, 1322, 1376).

SUMMARY: Notice is hereby given that NMFS has received four permit applications and four applications to modify existing scientific research permits relating to Pacific salmon and steelhead. All of the proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide resource management and conservation efforts.

DATES: Comments or requests for a public hearing on the applications or modification requests must be received no later than 5 p.m. Pacific daylight savings time on May 2, 2003.

ADDRESSES: Written comments on the applications or modification requests should be sent to Protected Resources Division, NMFS, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737. Comments may also be sent via fax to 503–230–5435. Comments will not be accepted if submitted via e-mail or the internet.

FOR FURTHER INFORMATION CONTACT: Chris Bill, Portland, OR (ph: 503–230–5403, Fax: 503–230–5435, e-mail *christopher.bill@noaa.gov*). Permit/modification applications, including amount of take requested are available at *http://www.nwr.noaa.gov*.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species and evolutionarily significant units (ESUs) are covered in this notice:

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SR).

Chinook salmon (*O. tshawytscha*): endangered natural and artificially

propagated upper Columbia River (UCR); threatened natural and artificially propagated SR spring/summer (S/S); threatened SR fall; threatened lower Columbia River (LCR); threatened upper Willamette River (UWR); threatened natural and artificially propagated Puget Sound (PS).

Chum salmon (*O. keta*): threatened Columbia River (CR).

Steelhead (*O. mykiss*): endangered natural and artificially propagated UCR; threatened SR; threatened middle Columbia River (MCR); threatened LCR.

Authority

Scientific research permits are issued in accordance with Section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq*.) and regulations governing listed fish and wildlife permits (50 CFR parts 222–226). NMFS issues permits and modifications based on findings that such permits and modifications: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA.

Permit/Modifcation Applications

Permit 1114

The Washington Department of Fish and Wildlife (WDFW) is requesting a 5–year permit for a study that would annually take juvenile and adult, natural and artificially-propagated, endangered UCR spring chinook salmon; and juvenile and adult, natural and artificially propagated, endangered UCR steelhead. Under this permit, the WDFW would capture juvenile, artificially propagated and natural UCR spring chinook salmon and steelhead as part of a long-term, ongoing smolt monitoring program at Rock Island Dam on the Columbia River in Washington State. The original permit was in place for 5 years (63 FR 20169) with three modifications (63 FR 43381, 65 FR 15314, 66 FR 38641); it expired on December 31, 2002. Under the new permit (as with the old) the captured smolts would be held for as long as 24 hours and all would be anesthetized, sampled for data relating to their species, size, origin (hatchery or natural), and examined for the presence of a coded wire tag (CWT) or passive integrated transponder (PIT) tag. Some of the captured fish would be examined for evidence of gas bubble trauma (GBT) and others would be implanted with a PIT tag. All captured fish would be allowed to recover before being released in the dam's tailrace. The WDFW also expects to capture a few downstream-migrating steelhead kelts during the course of the trapping operation. These fish would be anesthetized and immediately moved to the lower sections of the adult fishway where they could recover on their own and continue their migration. The WDFW does not intend to kill any of the fish being captured, but a small percentage may die as a result of the research activities.

The purpose of the research is to provide important information regarding what effects the annual mid- and upper (Columbia) river water allocation budget has on listed salmonids. The data being collected would be used to assess the effects of the water allocation plan, thereby improving smolt migration conditions (e.g., through releasing adequate amounts of upstream water during the migration period) and increasing listed spring chinook and steelhead survival rates. Another objective is to help resource managers develop the basin-wide database for PIT-tagged salmonids and thus increase what is known about smolt migration timing and behavior in the Columbia River system.

Permit 1124

The Idaho Department of Fish and Game (IDFG) is requesting a 5–year permit for seven study tasks that, among them, would annually take adult and juvenile threatened SR fall chinook salmon; adult and juvenile threatened spring/summer SR chinook salmon (natural and artificially propagated); and adult and juvenile endangered SR sockeye salmon in the Salmon and Clearwater Rivers in Idaho. The original Permit 1124 was in place for 5 years (63 FR 30199) with one amendment (67 FR 34909); it expired on December 31, 2002. It contained the same seven research tasks being requested under this permit application: Task 1 - General fish population inventory; Task 2 - Spring/summer chinook salmon natural production monitoring and evaluation; Task 3 - Spring/summer chinook salmon supplementation research; Task 4 - Redfish Lake, Pettit Lake, Alturas Lake kokanee/sockeye research; Task 5 - Salmon and steelhead fish health monitoring; Task 6 - Steelhead natural production monitoring and evaluation; and Task 7 - Steelhead supplementation research. Under these tasks, listed adult and juvenile salmon would be (a) observed/harassed during fish population and production monitoring surveys; (b) captured (using seines, trawls, traps, hook-and-line angling equipment, and electrofishing equipment) and anesthetized; (c) sampled for biological information and tissue samples, (d) PIT-tagged or tagged with radio transmitters or other identifiers, (e) and released. Some fish would die as a result of the research activities though the permit would include salvage and rescue operations as part of the allotted take (i.e., during some of the activities, listed fish would be collected and transported downriver to improve their survival). In addition, the IDFG is asking to lethally take a small number of juvenile SR sockeye and spring/summer chinook salmon during some of the research.

The research has many purposes and would benefit listed SR salmon in different ways. In general, the purpose of the research is to determine the distribution, abundance, and productivity of anadromous and resident fish stocks; measure the efficacy of harvest management strategies and the impact of proposed or existing habitat alteration projects; and monitor natural production levels, salmonid health, and the effectiveness of supplementation efforts. The research would benefit listed salmon by helping resource managers tailor land-altering activities (e.g., timber harvest, road building) to the needs of the fish; set harvest regimes so that they have minimal impacts on listed populations; prioritize projects in a way that gives maximum benefit to listed species; and design strategies and activities to help recover them.

Permit 1134

The Columbia River Inter Tribal Fish Commission (CRITFC) is requesting a 5–year permit covering five study projects that, among them, would annually take adult and juvenile threatened SR fall chinook salmon; adult and juvenile threatened SR spring/summer chinook salmon (natural and artificially propagated); and adult and juvenile threatened SR steelhead in the Snake River basin. The original permit was in place for 5 years (63 FR 30199) with one amendment (67 FR 43909); it expired on December 31, 2002. Over the years, there have been some changes in the research and they are reflected in this application (e.g., the aforementioned amendment and some reallocation of research activities and their associated

take to other permits), nonetheless, the projects proposed are largely continuations of ongoing research. They are: Project 1 Adult Spring/summer and Fall Chinook Salmon and Summer Steelhead Ground and Aerial Spawning Ground Surveys; Project 2 Cryopreservation of Spring/summer Chinook Salmon and Summer Steelhead Gametes; Project 3 Adult Chinook Salmon Abundance Monitoring Using Video Weirs, Acoustic Imaging, and PIT tag Detectors in the South Fork Salmon River; Project 4 Snorkel, Seine, Minnow Traps, and Electrofishing Surveys and Collection of Juvenile Chinook Salmon and Steelhead; and Project 5 Juvenile Anadromous Salmonid Emigration Studies Using Rotary Screw Traps. Under these projects, listed adult and juvenile salmon would be variously (a) observed/harassed during fish population and production monitoring surveys; (b) captured (using seines, trawls, traps, hook-and-line angling equipment, and electrofishing equipment) and anesthetized; (c) sampled for biological information and tissue samples, (d) PIT-tagged or tagged with other identifiers, (e) and released. The CRITFC does not intend to kill any of the fish being captured, but a small percentage may die as a result of the research activities.

The research has many purposes and would benefit listed salmon and steelhead in different ways. In general, the studies are part of ongoing efforts to monitor the status of listed species in the Snake River basin and to use that data to inform decisions about land- and fisheries management actions and to help prioritize and plan recovery measures for the listed species. The studies would continue to benefit listed species by generating population abundance estimates, allowing comparisons to be made between naturally reproducing populations and those being supplemented with hatchery fish, and helping preserve listed salmon and steelhead genetic diversity.

Permit 1152

The Oregon Department of Fish and Wildlife (ODFW) is requesting a 5–year permit covering six projects that, among them, would annually take juvenile and adult threatened SR spring/summer chinook salmon (natural and artificially propagated) and adult and juvenile threatened SR steelhead in Northeast Oregon. The original permit was in place for 5 years (63 FR 49336) with one modification (67 FR 34909); it expired on December 31, 2002. Over the years, there have been some changes in the research (e.g., the aforementioned modification) and they are reflected in this application, nonetheless, the projects proposed are largely continuations of ongoing research. They are: Project 1 Northeast Oregon Spring Chinook Salmon Spawning Ground Surveys; Project 2 Spring Chinook Salmon and Steelhead Life History in the Grande Ronde River Basin; Project 3 Residual hatchery Steelhead Monitoring in Northeast Oregon; Project 4 Passage and Irrigation Screening; Project 5 Bull Trout Migratory patterns, Population Structure, and Abundance in the Blue Mountains Province (does not target listed species but would indirectly take them); and Project 6 Fish Distribution and Abundance Monitoring in Northeast Oregon. Under these tasks, listed adult and juvenile salmon would be variously (a) observed/harassed during fish population and production monitoring surveys; (b) captured (using seines, trawls, traps, hook-and-line angling equipment, and electrofishing equipment) and anesthetized; (c) sampled for biological information and tissue samples, (d) PIT-tagged or tagged with radio transmitters or other identifiers, (e) and released. The ODFW does not intend to kill any of the fish being captured, but a small percentage may die as a result of the research activities.

The research has many purposes and would benefit listed salmon and steelhead in different ways. In general, the purpose of the proposed research is to gather information on the natural production, distribution, survival, resource and habitat use, and genetic and life history characteristics of listed chinook salmon and steelhead in Northeast Oregon. The research activities would provide ongoing benefits to listed salmon and steelhead by helping resource managers (a) guide recovery actions, (b) prioritize habitat protection and restoration projects, (c) monitor ongoing management activities, (d) evaluate supplementation efforts, and (d) provide effective screening on water diversions that might otherwise entrain, strand, and kill listed fish.

Permit 1290–Modification 1

The Northwest Fisheries Science Center (NWFSC), NMFS in Seattle, WA is requesting a modification to permit 1290 that would allow it to increase the number of fish taken in its research. Under the modification, the NWFSC would increase its annual take of juvenile threatened SR spring/summer chinook salmon (natural and artificially propagated); threatened SR fall chinook salmon; endangered UCR chinook salmon (natural and artificially propagated); threatened LCR chinook salmon; endangered UCR steelhead (natural and artificially propagated); and threatened MCR steelhead during the course of research being conducted in the Columbia River estuary. The NWFSC proposes to capture, handle, and release listed salmonids, and while most of the fish would be unharmed, some would die during the course of the research and a small number of them would be intentionally killed. Purse seines or beach seines would be the primary capture method. Captured fish would be anesthetized, identified, and measured.

The purpose of the research is to evaluate the importance of the Columbia River estuary to baitfish populations and salmonid marine survival, and the role of disease as a factor affecting survival of juvenile salmonids in the estuarine and marine environment. The research would benefit listed salmonids by contributing information on the extent to which baitfish populations and diseases affect the growth and survival of juvenile salmonids in the estuarine and early ocean environments.

Permit 1291 Modification 1

The United States Geological Survey (USGS) is requesting a modification to Permit 1291 that would allow it to use McNary Dam on the Columbia River as an alternate collection point for some of the fish used in their research. Under the modification, the USGS would annually take juvenile threatened SR spring/summer chinook salmon (natural and artificially propagated); threatened SR fall chinook salmon, endangered UCR chinook salmon (natural and artificially propagated); threatened LCR chinook salmon; threatened UWR chinook salmon; threatened LCR steelhead; threatened MCR steelhead; endangered UCR steelhead (natural and artificially propagated); threatened SR steelhead; and endangered SR sockeye salmon at up to three dam sites on the Columbia River. Under the modification, the listed juvenile fish would be either (1) captured by Smolt Monitoring Program (SMP) personnel at John Day Dam (and, if necessary at Bonneville and McNary Dams) handled, and released or (2) captured by SMP personnel and given to USGS personnel and implanted with radio transmitters, transported, held for as long as 24 hours, released, and tracked electronically. The USGS requests that SMP personnel be allowed to act as agents of the USGS under the proposed permit. The USGS does not intend to kill any of the fish being captured, but a small percentage may die as a result of the research activities.

The purpose of the research is to monitor (using radio telemetry) juvenile fish movement, distribution, behavior, and survival in the Columbia River. The research would benefit listed salmonids by providing information on spill effectiveness, forebay residence times, and guidance efficiency under various flow regimes that would allow Federal resource managers to adjust bypass/collection structures and thereby optimize downriver migrant survival at the hydropower projects.

Permit 1322 Modification 2

The NWFSC is requesting that NMFS modify Permit 1322 to increase the annual number of listed fish taken in its research. Under the modification, the NWFSC would increase its annual take of juvenile threatened SR spring/summer chinook salmon (natural and artificially propagated); threatened SR fall chinook salmon; endangered UCR chinook salmon (natural and artificially propagated); threatened LCR chinook salmon, threatened UWR chinook salmon, and threatened CR chum salmon while conducting research in the Columbia River estuary. The NWFSC proposes to capture, handle, and release listed salmonids, and while most of the fish would be unharmed, some would die during the course of the research and a small number of them would be intentionally killed. Purse seines, trap nets, and beach seines would be used to capture the fish. Captured fish would be anesthetized, identified, sampled for tissues, and measured. Some fish would be sacrificed to confirm species identification, catch composition, food habits, and timing of estuarine entry. The NWFSC is also requesting an increase in the number of fish that may unintentionally be killed during the research.

The purposes of the research are to (1) determine the presence and abundance of fall and spring chinook salmon, coho salmon, and chum salmon in the estuary and Lower Columbia River; (2) determine the relationship between juvenile salmon and Lower Columbia River estuarine habitat; and (3) obtain information about flow change, sediment input, and habitat availability for the development of a numerical model. The research would benefit listed fish by serving as a basis for estuarine restoration and preservation plans. The NWFSC requests authorization to transfer fish tissue samples to the University of Washington, College of Ocean and Fisheries, School of Fisheries and Aquatic Sciences; Oregon State University, Hatfield Marine Science Center; and Washington Department of Fish and Wildlife.

Permit 1376 Modification 1

The University of Washington (UW) is requesting that NMFS modify Permit 1376 to increase the number of threatened, juvenile and adult natural PS chinook salmon they can take annually during research conducted in Lakes Sammamish and Washington in Washington State. Permit 1376 was originally issued on July 31, 2002 (67 FR 17970). It authorized the UW to take threatened, juvenile natural PS chinook salmon in a study designed to illuminate food web interactions, identify sources of mortality, and determine the energetic requirements to sustain fish and zooplankton communities in each lake. The UW proposes to capture (using gillnets, trawls, hook-and-line, trot lines, minnow traps, beach seines, and backpack electrofishing equipment), anesthetize, handle, measure, weigh, examine the stomach contents using non-lethal evacuation, and release juvenile PS chinook salmon. The UW does not intend to kill any of the fish being captured, but a small number would die as a result of the research activities.

The study would help researchers identify and quantify factors limiting juvenile salmon (and other species') survival and growth. The increased take levels would help the UW gain more information on the prevalence and role of chinook salmon residualizing in this unique, lake-dominated watershed.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decision will not be made until after the end of the 30 day comment period. NMFS will publish notice of its final actions in the **Federal Register**.

Dated: March 28, 2003.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–7967 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092898B]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Receipt of an application to modify an existing scientific research/enhancement permit (1097) and request for comment.

SUMMARY: Notice is hereby given that NMFS has received an application for a permit modification from Cressey and Associates in El Cerrito, CA (1097). The modified permit would affect two Evolutionarily Significant Units (ESUs) of salmonids identified in the **SUPPLEMENTARY INFORMATION** section of this document. This document serves to notify the public of the availability of the permit modification application for review and comment before a final approval or disapproval is made by NMFS.

DATES: Written comments on the permit application must be received no later than 5 p.m. Daylight Savings Time on May 2, 2003.

ADDRESSES: Written comments on the modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review in the indicated office, by appointment: For permit 1097: Daniel Logan, Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404 6528 (ph: 707 575 6053, fax: 707 578 3435). Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 3226 (301 713 1401).

FOR FURTHER INFORMATION CONTACT: Daniel Logan at phone number 707–575–6053, or e-mail: *dan.logan@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531 1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2)

would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NMFS. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to the following two threatened salmonid ESUs: threatened Central California Coast coho salmon *O. kisutch* and threatened Central California Coast steelhead *O. mykiss*.

Modification Request Received

Cressey and Associates requests a modification to permit 1097 for takes of juvenile ESA-listed coho salmon and steelhead associated with studies monitoring the ecology of salmonids in Austin Creek, a tributary of the Russian River in Sonoma County, CA. Cressey and Associates has proposed using electrofishing and snorkel surveys. Presently, permit 1097 authorizes take of adult and juvenile Central California Coast coho salmon, Southern Oregon/ Northern California Coasts coho salmon, and Southern California steelhead associated with various scientific research projects in California. Without modification, permit 1097 expires June 30, 2003. This requested modification would add authorization for research activities in the Russian River watershed and extend the expiration of permit 1097 until June 30, 2008.

Dated: March 28, 2003.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–7968 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032803A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability and request for comment.

SUMMARY: The Puget Sound Treaty Tribes and the Washington Department of Fish and Wildlife submitted to NMFS, pursuant to the protective regulations promulgated for Puget Sound chinook salmon under the Endangered Species Act (ESA), a jointly developed Resource Management Plan (RMP). The RMP specifies the future management of commercial, recreational and tribal salmon fisheries potentially affecting listed Puget Sound chinook salmon from May 1, 2003, through April 30, 2004. This document serves to notify the public of the availability for comment of the proposed evaluation of the Secretary of Commerce (Secretary) as to how the RMP addresses the criteria in the ESA.

DATES: Written comments on the Secretary's proposed evaluation must be received at the appropriate address or fax number (see ADDRESSES) no later than 5 p.m. Pacific Daylight Time on April 17, 2003.

ADDRESSES: Written comments and requests for copies of the proposed evaluation should be addressed to Keith Schultz, Sustainable Fisheries Division, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115–0070. Comments may also be sent via fax to 206/526–6736. The document is also available on the internet at *http://www.nwr.noaa.gov/*. Comments will not be accepted if submitted via e-mail or the internet.

FOR FURTHER INFORMATION CONTACT: Susan Bishop, Puget Sound Team Leader, at phone number: 206/526–4587, or e-mail: *susan.bishop@noaa.gov*.

SUPPLEMENTARY INFORMATION: This notice is relevant to the Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU).

Background

The Puget Sound Treaty Tribes and the Washington Department of Fish and Wildlife have provided to NMFS a jointly developed Resource Management Plan for Puget Sound chinook salmon. The RMP encompasses fisheries within the area defined by the Puget Sound Chinook Salmon ESU, as well as the western Strait of Juan de Fuca, which is not within the ESU. Harvest objectives specified in the RMP account for fisheries-related mortality throughout the migratory range of Puget Sound chinook salmon from Oregon and Washington to Southeast Alaska. The RMP also includes implementation, monitoring and evaluation procedures designed to ensure fisheries are consistent with these objectives.

As required by 50 CFR 223.203(b)(6) of the ESA 4(d) rule (50 CFR 223.203), the Secretary must determine pursuant to 50 CFR 223.209 and pursuant to the government-to-government processes therein whether the RMP for Puget Sound chinook salmon would appreciably reduce the likelihood of survival and recovery of the Puget Sound chinook salmon and other affected threatened ESUs. The Secretary must consider how the RMP addresses the criteria in 50 CFR 223.203(b)(4) in making that determination.

Authority

Under section 4(d) of the ESA, 16 U.S.C. 1533(d), the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of the species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids or are governed by a program that adequately limits impacts on listed salmonids, and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to actions undertaken in compliance with a resource management plan developed jointly within the continuing jurisdiction of United States v. Washington by the Puget Sound Treaty Tribes and the State of Washington (joint plan) and determined by the Secretary to be in accordance with the provisions of 50 CFR 223.203(b)(6).

A condensed 15–day written comment period on the Secretary's proposed evaluation is necessary given the short time between the submission of the Resource Management Plan to NMFS on February 21, 2003, and the start of the fishing season on May 1, 2003.

Dated: March 28, 2003.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–7965 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030403A]

Marine Mammals; File No. 984–1587

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

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that Dr. Terrie Williams, Long Marine Lab, Institute of Marine Sciences, University of California at Santa Cruz, 100 Shaffer Road, Santa Cruz, CA 95060, has requested an amendment to scientific research Permit No. 984–1587–02.

DATES: Written or telefaxed comments must be received on or before May 2, 2003.

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

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018.

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

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

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Ruth Johnson, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 984–1587–02, issued on May 10, 2002 (67 FR 35102), is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 984–1587–02 authorizes the permit holder to examine the physiological responses of two adult male dolphins (*Tursiops truncatus*) and three adult female California sea lions (*Zalophus californianus*) during swimming and diving. Testing involves measuring locomotor, thermal, and maintenance costs using voluntary behaviors through training at Long Marine Laboratory. Types of take for dolphins and sea lions include open flow respirometry, swimming, and voluntary breath holding. For the female sea lions, mating with an adult male on temporary loan, ultrasound, blood, milk, saliva, fecal, and urine sampling is also authorized to monitor pregnancy and test the hypothesis that physiological adaptations for the marine environment result in elevated energetic costs in otariids compared to terrestrial mammals.

This amendment request is to supplement the current research program on otariid reproductive energetics with two pregnant adult female California sea lions, which are to be transferred to the pinniped facility at Long Marine Laboratory, University of California at Santa Cruz for short-term holding (up to 16 months). These additions will allow the Permit Holder to fulfill the intent of the original permit, which is to evaluate the energetics of pregnant and lactating sea lions. These steps are necessary due to the non-pregnant status of the three sea lions identified in the original permit. All animals will follow the research protocols of the original permit. Additional research requested includes 1) the measurement of assimilation efficiency by dietary manganese, and 2) inclusion of the offspring in non-intrusive metabolic trials.

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

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 20, 2003.

Stephen L. Leathery,

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

[FR Doc. 03–7961 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030603A]

Endangered Species; File No. 1375

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. Thomas J. Kwak, U.S. Geological Survey, North Carolina Cooperative Fish and Wildlife Research Unit, Box 7617, 201 David Clark Labs, North Carolina State University, Raleigh, NC 27695–7617 has been issued a permit to take shortnose sturgeon, *Acipenser brevirostrum*, for purposes of scientific research.

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

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376; and,

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432; phone (727) 570–5301; fax (727) 570–5320.

FOR FURTHER INFORMATION CONTACT: Jennifer Jefferies or Gene Nitta, (301) 713–2289.

SUPPLEMENTARY INFORMATION: On April 18, 2002, notice was published in the **Federal Register** (67 FR 19166) that a request for a scientific research permit to take shortnose sturgeon, had been submitted by the above-named Dr. Thomas J. Kwak. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Restoring the shornose sturgeon population in the Roanoke/Albemarle River system in North Carolina is being considered; however, habitat suitability

with respect to water quality is not known. This research study will deploy 1,000 hatchery-reared juvenile shortnose sturgeon in cages at 10 test sites within the Roanoke/Albemarle River system for 28 days. The fish will then be euthanized and their tissue analyzed for contaminants. The results of this study will provide needed information to determine if water quality is a limiting factor of the ecological success of shortnose sturgeon in this river system.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: March 24, 2003.

Stephen L. Leathery,

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

[FR Doc. 03–7962 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032703H]

Endangered Species; File No. 1190

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

ACTION: Receipt of application for modification.

SUMMARY: Notice is hereby given that NMFS Southwest Region, 501 West Ocean Blvd., Long Beach, CA 90802–4213, has requested a modification to scientific research Permit No. 1190.

DATES: Written or telefaxed comments must be received on or before May 2, 2003.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018; and

Protected Species Coordinator, Pacific Area Office, NMFS, 1601 Kapiolani Blvd., Rm. 1110, Honolulu, HI 96814–4700; phone (808)973–2935; fax (808)973–2941;

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

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

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Ruth Johnson, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 1190, issued on March 8, 1999, (64 FR 14432) and subsequently modified on September 21, 2000, (65 FR 58514) and February 20, 2001, (66 FR 14134), is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 1190 authorizes the permit holder to document and evaluate the incidental take of sea turtles by the Hawaiian pelagic longline fishery. Trained observers placed on fishery vessels are authorized to examine, measure, weigh, biopsy sample, and tag up to 40 green (*Chelonia mydas*), 100 leatherback (*Dermochelys coriacea*), 600 loggerhead (*Caretta caretta*), 40 hawksbill (*Eretmochelys imbricata*), and 100 olive ridley (*Lepidochelys olivacea*) sea turtles annually. Of the sampled turtles, 50 hard-shelled turtles may have a transmitter attached. The incidental capture of the sea turtles by the fishery is covered by an incidental take statement in a biological opinion on the fishery, not by the scientific research permit. Permit No. 1190 expires on March 31, 2004. The permit holder requests authorization to expand observer programs in order to monitor all pelagic longline fisheries governed by Fisheries Management Plan for Pelagic Fisheries of the Western Pacific. The modification would allow observers to sample sea turtles in the manner described above from fisheries beyond that in Hawaiian waters, such as those in American Samoa, the Territory of Guam, and the Commonwealth of the Northern Marianas Islands. The permit holder also requests authority to import sea turtle samples as necessary. There is no change in the number of sea turtles that will be sampled annually or the type of sampling, only the geographic region.

Dated: March 27, 2003.

Stephen L. Leathery,

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

[FR Doc. 03–7963 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031203B]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Receipt of application for scientific research permits (1414 and 1416) and request for comment.

SUMMARY: Notice is hereby given that NMFS has received an application for scientific research from East Bay Municipal Utility District (EBMUD) in Lodi, CA (1414) and Fishery Foundation of California (Fishery Foundation) in Fair Oaks, CA (1416). These permits would affect the Central Valley steelhead Evolutionarily Significant Unit (ESU) as identified in the **SUPPLEMENTARY INFORMATION** section. This document serves to notify the public of the availability of the permit applications for review and comment before a final approval or disapproval is made by NMFS.

DATES: Written comments on the permit applications must be received no later than 5 p.m. Pacific Standard Time on May 2, 2003.

ADDRESSES: Written comments on the permit application should be sent to the appropriate office. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review, by appointment, for permits 1414 and 1416: Protected Resources Division, NMFS, 650 Capitol Mall, Suite 8–300, Sacramento, CA 95814 (ph: 916–930–3600, fax: 916–930–3629). Documents

may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 3226 (301 713 1401).

FOR FURTHER INFORMATION CONTACT: Rosalie del Rosario at phone number 916–930–3600, or e-mail: *Rosalie.delRosario@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531 1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to the federally-listed threatened ESU Central Valley steelhead (*Oncorhynchus mykiss*).

New Applications Received

EBMUD requests a five-year permit to conduct monitoring and research of anadromous (Central Valley steelhead) and resident fishes in the Lower Mokelumne River. The goals of the project include measuring the success of the Lower Mokelumne River Restoration Program and determining if the modifications of the Lower Mokelumne River Project are appropriate for conserving fish and wildlife resources in the Lower Mokelumne River.

Fishery Foundation requests a one-year permit to monitor Central Valley steelhead in the Lower Calaveras River to determine how many adults reach spawning grounds above and how many juveniles migrate downstream of Bellota Weir.

Dated: March 28, 2003.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–7964 Filed 4–1–03; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Cancellation of Request for Public Comments Due to the Withdrawal of Commercial Availability Petition under the African Growth and Opportunity Act (AGOA)

March 28, 2003.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA).

ACTION: Cancellation of the request for public comments on the commercial availability petition from Crystal Apparel Limited of Hong Kong and Sinotex Mauritius Limited in Mauritius regarding certain light-and medium-weight dyed warp pile cotton velvet, for use in apparel articles.

SUMMARY: On March 28, 2003, the Chairman of CITA was notified by Sandler, Travis and Rosenberg, counsel for Crystal Apparel Limited of Hong Kong and Sinotex Mauritius Limited in Mauritius, of the withdrawal of the commercial availability request concerning certain light-and medium-weight dyed warp pile cotton velvet, for use in apparel articles, due to technical errors in the request. Consequently, the notice published in the **Federal Register** on March 28, 2003 (68 FR 15154) is cancelled.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.03–8146 Filed 3–31–03; 2:06 pm]

BILLING CODE 3510–DR–S

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 2, 2003.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

Dated: March 27, 2003.

John D. Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Extension of a currently approved collection.

Title: Application for State Grants for Improving Teacher Quality.

Frequency: Annually.

Affected Public: State, local, or tribal gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 11.

Burden Hours: 2200.

Abstract: This application package is essential for States to apply for new awards under the Teacher Quality

Enhancement Grants Program's State Grants component.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2230. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivan.reese@ed.gov.* Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and the collection activity requirements should be directed to Joe Schubart at his e-mail address *joe.schubart@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Office of Postsecondary Education

Type of Review: Extension of a currently approved collection.

Title: Teacher Quality Enhancement Grants: A Guide for the Preparation of Partnership Grant Applications for Improving Teacher Education.

Frequency: Annually.

Affected Public: Not-for-profit institutions (primary); businesses or other for-profit; State, local, or tribal gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 275.

Burden Hours: 25800.

Abstract: This application package is essential for Partnerships to apply for new awards under the Teacher Quality Enhancement Grants Program.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2249. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivan.reese@ed.gov.* Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joe Schubart at his e-mail address *joe.schubart@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Office of Postsecondary Education

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: Application Package for the Jacob K. Javits Fellowship Program (1890–0001) (JS).

Frequency: Annually.

Affected Public: Businesses or other for-profit (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 2000.

Burden Hours: 10000.

Abstract: These instructions and forms provide the U.S. Department of Education the information needed to select fellows for the Javits Program.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2246. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivan.reese@ed.gov.* Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joe Schubart at his e-mail address *joe.schubart@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 03–7859 Filed 4–1–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 2, 2003.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate

of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 27, 2003.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: National Assessment of Educational Progress, 2003–2004 Long Term Trend.

Frequency: Other: one-time.

Affected Public: Individuals or household (primary); State, local, or tribal gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 86487.

Burden Hours: 23240.

Abstract: This clearance request is for the background questions for the National Assessment of Educational Progress Long-Term Trend. These are a series of surveys that have been conducted since 1986. This assessment will be conducted in 2003/2004. Since bridging studies will be required to relate the existing format to the newly adopted format, some questionnaires will still consist of all the existing questions, thus all are being submitted for clearance. In these assessments, students 9, 13 and 17 years of age are assessed.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the Browse Pending Collections link and by clicking on link number 2250. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivian_reese@ed.gov.* Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Katrina Ingalls at her e-mail address *Katrina.ingalls@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 03–7860 Filed 4–1–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Correction notice/change of comment period.

SUMMARY: On March 27, 2003, the Department of Education published a 30-day public comment period notice in the **Federal Register** (page 14968, column 3) for the information collection, ''Electronic Debit Payment Option for Student Loans''. Comments were requested by March 26, 2003. Interested persons are invited to submit comments on or before May 2, 2003. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Joe Schubart at his e-mail address *Joe.Schubart@ed.gov.*

Dated: March 27, 2003.

John D. Tressler,

Leader, Regulatory Management Group, Office of the Chief Information Officer.

[FR Doc. 03–7861 Filed 4–1–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Advisory Committee on Student Financial Assistance; Meeting

AGENCY: Advisory Committee on Student Financial Assistance, Education.

ACTION: Notice of upcoming meetings.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Committee on Student Financial Assistance. Individuals who will need accommodations for a disability in order to attend the meeting (*i.e.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify Ms. Hope M. Gray at 202–219–2099 or via e-mail at *hope.gray@ed.gov* no later than Monday, April 14. 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. This notice also describes the functions of the Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES: Tuesday, April 22, 2003, beginning at 9 a.m. and ending at approximately 5 p.m.

ADDRESSES: The Washington Court Hotel on Capitol Hill, 525 New Jersey Avenue, NW., the Atrium Ballroom, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Dr. Brian K. Fitzgerald, Staff Director, Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC 20202–7582 (202) 219–2099.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student Financial Assistance is established under section 491 of the Higher Education Act (HEA) of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the Committee has been charged with providing technical expertise with regard to systems of need analysis and application forms, making recommendations that result in the maintenance of access to postsecondary education for low- and middle-income students; conducting a study of institutional lending in the Stafford Student Loan Program; assisting with activities related to the 1992 reauthorization of the Higher Education Act of 1965; conducting a three-year evaluation of the Ford Federal Direct Loan Program (FDLP) and the Federal Family Education Loan Program (FFELP) under the Omnibus Budget Reconciliation Act (OBRA) of 1993; and assisting Congress with the 1998 reauthorization of the Higher Education Act.

The congressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student assistance programs under title IV of the Higher Education Act. The Committee traditionally approaches its work from a set of fundamental goals; promoting access; ensuring program integrity; integrating delivery across the title IV programs; eliminating or avoiding program complexity; and minimizing burden on students and institutions.

The most important charge of the Advisory Committee is to make recommendations to Congress and the Secretary that will lead to the maintenance and enhancement of access to postsecondary education for low- and middle-income students. In addition to carrying out its ongoing statutory charges, the Committee dedicated itself to articulating the current state of access by developing two reports on the condition of access, Access Denied: Restoring the Nation's Commitment to Equal Educational Opportunity and Empty Promises: The Myth of College Access in America. The Committee will build upon the findings in its access reports and prepare the reauthorization of the Higher Education Act by conducting follow on research that will assist in formulating recommendations to Congress and the Secretary of Education on student financial aid issues.

The proposed agenda includes round table discussion sessions with nationally recognized scholars focusing on (a) key dimensions of the core access/persistence problem and effective solutions, (b) assuring adequate information, financial access, academic preparation, and simple applications, (c) lowering unmet need and assuring both enrollment and persistence, and (d) implications for reauthorization of the HEA. Space is limited and you are encouraged to register early if you plan to attend. You may register through Internet at *ADV.COMSFA@ed.gov or Tracy.Deanna.Jones@ed.gov.* Please include your name, title, affiliation, complete address (including internet and e-mail—if available), and telephone and fax numbers. If you are unable to register electronically, you may mail or fax your registration information to the Advisory Committee staff office at (202) 219–3032. Also, you may contact the Advisory Committee staff at (202) 219–2099. The registration deadline is Wednesday, April 16, 2003.

The Advisory Committee will meet in Washington, DC on Tuesday, April 22, 2003, from 9 a.m. until approximately 5 p.m.

Records are kept of all Committee proceedings, and are available for public inspection at the Office of the Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC from the hours of 9 a.m. to 5:30 p.m., weekdays, except Federal holidays.

Dated: March 27, 2003.

Dr. Brian K. Fitzgerald,

Staff Director, Advisory Committee on Student Financial Assistance.

[FR Doc. 03–7941 Filed 4–1–03; 8:45 am]

BILLING CODE 7000–01–M

DEPARTMENT OF ENERGY

Floodplain Statement of Findings for the Title Transfer of Parcel ED–1, Oak Ridge Reservation, Oak Ridge, Tennessee

AGENCY: Oak Ridge Operations, U.S. Department of Energy (DOE).

ACTION: Notice of floodplain statement of findings.

SUMMARY: This is a floodplain statement of findings prepared in accordance with 10 CFR part 1022, Compliance with floodplain/wetlands environmental review requirements. A floodplain assessment was conducted and incorporated in an environmental assessment (EA) addendum that evaluated the potential impacts of transferring title to the developable portions of Parcel ED–1 located on the Oak Ridge Reservation, Roane County, Tennessee. The floodplain assessment describes the possible effects, alternatives, and measures designed to avoid or minimize potential harm to the affected floodplain or its flood storage potential. DOE will endeavor to allow 15 days of public review after publication of the Statement of Findings before implementation of the Proposed Action.

FOR FURTHER INFORMATION CONTACT: Mr. David R. Allen, NEPA Compliance Officer, U.S. Department of Energy, Oak Ridge Operations Office, P.O. Box 2001, MS–SE–30–1, Oak Ridge, TN 37831, (865) 576–0411.

For Further Information On General DOE Floodplain/Wetlands Review Requirements, Contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: A Notice of Floodplain and Wetland Involvement was published in the **Federal Register** on June 20, 2002 (67 FR 41970) and a floodplain assessment was incorporated in the EA Addendum. DOE is proposing to transfer title to the developable portions of Parcel ED–1 to Horizon Center LLC for the continued development of an industrial/business park. Parcel ED–1 contains approximately 287 acres of the 100-year floodplain of East Fork Poplar Creek (EFPC). The portion of the EFPC floodplain within Parcel ED–1 is outside of the limits of the existing City of Oak Ridge Flood Insurance Rate Maps. Limited encroachment into the 100-year floodplain, which was covered under a U.S. Corps of Engineers Nationwide Permit (33 CFR part 330), has already occurred during construction activities associated with the initial development of Parcel ED–1 under the lease. No additional adverse direct or indirect impacts to the floodplain are expected except for potential minor encroachments into two small areas of the floodplain in the developable areas. These encroachments would be for construction of a parking area and road and bridge improvements. Alternatives to the proposed action that were considered included no action and mitigation (avoidance and minimization). The proposed action will conform to all applicable floodplain protection standards including regulation by the U.S. Army Corps of Engineers, Tennessee Department of Environment and Conservation, and if required, the Tennessee Valley Authority.

Mitigation of adverse impacts to the floodplain include minimizing the potentially impacted areas to the smallest amount practicable and implementing best management practices, such as sediment controls to reduce or prevent soil erosion and runoff and minimum grading requirements that reduce land disturbance on steep slopes adjacent to the floodplain and stream. The appropriate engineering studies will be completed and the appropriate permits obtained prior to any action in the floodplain. The amount of fill material potentially needed should not adversely impact the floodway or affect flooding conditions. Also, no critical actions, as defined in 10 CFR part 1022 will occur as a result of the proposed action.

Issued in Oak Ridge, Tennessee, on March 24, 2003.

James L. Elmore,

Alternate National Environmental Policy Act Compliance Officer.

[FR Doc. 03–7926 Filed 4–1–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Number DE–PS07–03ID14488]

Advanced Melting or Innovative Casting Processes for Metal Casting

AGENCY: Idaho Operations Office, DOE.

ACTION: Notice of availability of financial assistance solicitation.

SUMMARY: The U.S. Department of Energy (DOE), Idaho Operations Office (ID) is seeking applications for advanced melting or innovative casting processes that have the potential to significantly improve energy efficiency in the areas of metal melting and the casting process. DOE is very interested in funding innovative, cost effective ideas that will reduce energy consumption. Crosscutting ideas from other industries or ideas that have crosscutting applications are also strongly encouraged. Advanced aluminum remelting furnace concepts are also of interest in this solicitation. Proposals dealing with product development R&D will not be funded. Proposals must address energy efficiencies in metal casting manufacturing not in the end-use applications.

DATES: The issuance date of Solicitation Number DE–PS07–03ID14488 will be on or about March 31, 2003. The deadline for receipt of applications will be approximately on May 30, 2003.

ADDRESSES: The solicitation in its full text will be available on the Internet at the following URL address: *http://e-center.doe.gov.* The Industry Interactive Procurement System (IIPS) provides the medium for disseminating solicitations, receiving financial assistance applications and evaluating the applications in a paperless environment. Completed applications are required to be submitted via IIPS. An IIPS ''User Guide for Contractors'' can be obtained on the IIPS Homepage and then clicking on the ''Help'' button. Questions regarding the operation of IIPS may be e-mailed to the IIPS Help Desk at *IIPS_HelpDesk@e-center.doe.gov*

FOR FURTHER INFORMATION CONTACT: Seb Klein, Contract Specialist, *kleinsm@id.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE anticipates making 1 to 4 cooperative agreement(s) with duration of 3 years or less for these efforts. A minimum 50% non-federal cost share is required for research and development projects over the life of the project. First year cost share can be as low as 30% if subsequent years have sufficient cost share so that non-federal share totals at least 50%. However, it is important to note that in the event a multi-year project is not continued, then the awardee will be required to increase the cost share to meet the 50% requirement. The statutory authority for this program is the Federal Non-Nuclear Energy Research and Development Act of 1974 (Pub. L. 93–577). The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 81.086.

Issued in Idaho Falls on March 26, 2003.

Cheryl A. Thompson,

Acting Director, Procurement Services Division.

[FR Doc. 03–7925 Filed 4–1–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: proposed collection; comment request.

SUMMARY: The EIA is soliciting comments on the proposed Form EIA–902, ''Annual Geothermal Heat Pump Manufacturers Survey.''

DATES: Comments must be filed by June 2, 2003. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to James Holihan. To ensure receipt of the comments by the due date, submission by FAX to (202) 287–1946 or e-mail to *JHolihan@eia.doe.gov* is recommended. The mailing address is Office of Coal, Nuclear, Electric, and Alternate Fuels, EI–52, Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0650. Alternatively, Mr. Holihan may be contacted by telephone at (202) 287–1735.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of any forms and instructions should be directed to Mr. Holihan at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer-term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) under section 3507(a) of the Paperwork Reduction Act of 1995.

The Form EIA–902 collects information on shipments of geothermal heat pumps. The survey tracks shipments of the following three main types of geothermal heat pumps, as classified by the Air Conditioning & Refrigeration Institute (ARI), and the much smaller shipped volume of non-ARI rated systems. A brief description of the ARI-classified system is as follows:

ARI 320—Water-Source Heat Pumps (WSHP)—These systems are installed in commercial buildings, where a central chiller or boiler supplies chilled or heated water, respectively, to heat pumps installed in series. The heat pumps reject building heat to chilled water during the cooling season and, during the heating season, take heat from boiler water.

ARI 325—Ground Water-Source Heat Pumps (GWHP)—The GWHP is an open-Loop system in which ground water is drawn from an aquifer or other natural body of water into piping. At the heat pump, heat is drawn from or dumped to the water through a heat exchanger to the refrigerant in the heat pump. The heated or cooled water returns to its source.

ARI 330—Ground Source Closed-Loop Heat Pumps (GSHP)—A water or water/glycol (antifreeze) solution flows continuously through a closed loop of pipe buried underground. Ground heat is absorbed into or rejected from the solution flowing in the closed loop. At the heat pump, heat is drawn from or dumped to the closed loop solution via heat transfer through a heat exchanger, which passes heat to or removes heat from the refrigerant in the heat pump. Depending on the type of ground and land area, systems can either be installed horizontally or vertically.

Data are collected by model type, heat pump capacity, region of destination,

customer type, and economic sector. Respondents are all U.S. geothermal heat pump manufacturers.

II. Current Actions

EIA will be requesting a three-year extension of Office of Management and Budget approval to continue using Form EIA–902 through 2003.

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent to the Request for Information

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information to be collected?

B. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

C. Can the information be submitted by the due date?

D. Public reporting burden for this collection is estimated to average 4 hours per response. The estimated burden includes the total time necessary to provide the requested information. In your opinion, how accurate is this estimate?

E. The agency estimates that the only cost to a respondent is for the time it will take to complete the collection. Will a respondent incur any start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with the information collection?

F. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

G. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User of the Information To Be Collected

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information disseminated?

B. Is the information useful at the levels of detail to be collected?

C. For what purpose(s) would the information be used? Be specific.

D. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

Issued in Washington, DC, on March 26, 2003.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 03–7924 Filed 4–1–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–069]

ANR Pipeline Company; Notice of Negotiated Rate Filing

March 26, 2003.

Take notice that on March 20, 2003, ANR Pipeline Company (ANR), tendered for filing and approval an amendment to Rate Schedule ETS service agreement number 107887 between ANR and a subsidiary of We Energies, Wisconsin Electric Power Company (WEPCO).

ANR states that this amendment effectuates a change to the Primary Receipt and Delivery Points for the initial summer period (April 1, 2003—October 31, 2003) and a change to the Primary Delivery Point for the initial winter period (November 1, 2003—March 31, 2003) to accommodate the fact that the Guardian interconnect point is not yet in service. ANR requests that the Commission approve the amendment to go into effect on 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: April 1, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7878 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–417–001]

Colorado Interstate Gas Company; Notice of Compliance Filing

March 26, 2003.

Take notice that on March 21, 2003, Colorado Interstate Gas Company (CIG) tendered for filing as part its FERC Gas Tariff, the following tariff sheets, with an effective date of March 1, 2003:

First Revised Volume No. 1
- Twenty-Third Revised Sheet No. 10
- Ninth Revised Sheet No. 12
- Sixth Revised Sheet No. 225
- Third Revised Sheet No. 378
- Third Revised Sheet No. 379

Original Volume No. 2
- Ninth Revised Sheet No. 1
- Second Revised Sheet No. 68

CIG states these tariff sheets are being filed in compliance with the Commission's December 26, 2002 Order to implement the pro forma tariff provisions contained in CIG's July 1,

2002 gathering abandonment proceeding.

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: April 2, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7862 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP91–161–030]

Columbia Gas Transmission Corporation; Notice of Filing

March 26, 2003.

Take notice that on March 20, 2003, Columbia Gas Transmission Corporation (Columbia Gas) filed a report on the flow-back to customers of funds received from insurance carriers for environmental costs attributable to Columbia Gas' Docket No. RP91–161 settlement period.

Columbia Gas states that it allocated such recoveries among customers based on their fixed cost responsibility for services on the Columbia Gas system during the period December 1, 1991 through January 31, 1996, the period of the Docket No. RP91–161 settlement. Columbia Gas states further that it provided a copy of the report to all customers who received a share of the environmental insurance recoveries and all state commissions whose jurisdiction includes the location of any such recipient.

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. 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. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. 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: April 2, 3003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7876 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–408–051]

Columbia Gas Transmission Corporation; Notice of Filing

March 26, 2003.

Take notice that on March 20, 2003, Columbia Gas Transmission Corporation (Columbia Gas) filed a report on the flow-back to customers of funds received from insurance carriers for environmental costs attributable to Columbia Gas' Docket No. RP95–408 settlement period.

Columbia Gas states that it allocated such recoveries among customers based on terms of the Docket No. RP95–408 Phase II Settlement which state that customer allocations shall be based on customers' actual contributions to Remediation Program collections for the most recent February 1—January 31 period.

Columbia Gas states further that it provided a copy of the report to all customers who received a share of the environmental insurance recoveries and all state commissions whose jurisdiction includes the location of any such recipient.

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. 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. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. 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: April 2, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7877 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP91–160–030]

Columbia Gulf Transmission Company; Notice of Filing

March 26, 2003.

Take notice that on March 20, 2003, Columbia Gulf Transmission Company (Columbia Gulf) filed a report on the flow-back to customers of funds received from insurance carriers for environmental costs pursuant to Article I(A)(2)(d) of its Docket No. RP91–160 settlement.

Columbia Gulf states that it allocated such recoveries among customers based on their fixed cost responsibility for services rendered on the Columbia Gulf system during the period December 1, 199,1 through October 31, 1994, the period of the Docket No. RP91–160 settlement.

Columbia Gulf states further that it provided a copy of the report to all customers who received a share of the environmental insurance recoveries and all state commissions whose jurisdiction includes the location of any such recipient.

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. 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. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. 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: April 2, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7875 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–310–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

March 26, 2003.

Take notice that on March 21, 2003, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, effective April 1, 2003:

Fifty-Ninth Revised Sheet No. 8A
Fifty-First Revised Sheet No. 8A.01
Fifty-First Revised Sheet No. 8A.02
Ninth Revised Sheet No. 8A.04
Fifty-Fourth Revised Sheet No. 8B
Forty-Seventh Revised Sheet No. 8B.01
Fourth Revised Sheet No. 8B.02

FGT states that on February 28, 2003, in Docket No. RP03–268–000, FGT filed to establish a Base Fuel Reimbursement Charge Percentage (Base FRCP) of 3.49 % to become effective for the six-month Summer Period beginning April 1, 2003. FGT states that in the instant filing, it is filing a flex adjustment of (0.24%) to be effective April 1, 2003, which, when combined with the Base FRCP of 3.49% results in an Effective Fuel Reimbursement Charge Percentage of 3.25%. FGT states that this filing is necessary because it is currently experiencing lower fuel usage than will be recovered by the Base FRCP of 3.49%. FGT explains that decreasing the FRCP will reduce FGT's overrecovery of fuel and reduce the Unit Fuel Surcharge in the next Summer Period.

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: April 2, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7874 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–377–004]

Northern Border Pipeline Company; Notice of Negotiated Rates

March 26, 2003.

Take notice that on March 24, 2003, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, First Revised Sheet No. 99A, to become effective April 1, 2003.

Northern Border states that the purpose of this filing is to implement a negotiated rate agreement between Northern Border Pipeline Company and Nicor 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: April 7, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7870 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–398–003 and RP01–34–005]

Overthrust Pipeline Company; Notice of Tariff Filing

March 26, 2003.

Take notice that on March 24, 2003, Overthrust Pipeline Company (Overthrust) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A , the following tariff sheets, with an effective date of April 1, 2003:

Sub. Fourth Revised Sheet No. 58
Sub. Fourth Revised Sheet No. 78E
Sub. First Revised Sheet No. 78I
Substitute Original Sheet No. 78J
Substitute Original Sheet No. 78K

Overthrust states that the filing is being made in compliance with the Commission's Order on Rehearing and Compliance Filing issued March 4, 2003 (March Order), in Docket Nos. RP00–398–001, RP00–398–002, RP01–34–003 and RP01–34–041.

In the March Order, the Commission granted in part and denied in part Overthrust's request for rehearing and granted the motion for an extension of time, and accepted all but two tariff sheets effective April 1, 2003, with conditions.

The Commission, in the March Order, directed Overthrust to make revisions to its tariff sheets and file revised tariff sheets within 20 days of the date of issuance of the order with an effective date of April 1, 2003. This filing is tendered to comply with the Commission's March Order.

Overthrust states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

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: April 7, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7869 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–13–007]

Portland Natural Gas Transmission System; Notice of Compliance Filing

March 26, 2003.

Take notice that on March 21, 2003, Portland Natural Gas Transmission System (PNGTS) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Alternate Fourth Revised Sheet No. 100; and Alternate Second Revised Sheet No. 504, to become effective on March 1, 2003.

PNGTS states that the purpose of this filing is solely to correct the pagination on the referenced tariff sheets, in compliance with the Commission's March 13, 2003 Order in the above-captioned docket.

PNGTS states that copies of this filing are being served on all jurisdictional customers, applicable state commissions, and participants in Docket No. RP02–13–000.

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: April 2, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7871 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–237–001]

Transwestern Pipeline Company; Notice of Compliance Filing

March 26, 2003.

Take notice that on March 24, 2003, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective February 21, 2003:

Substitute Twentieth Revised Sheet No. 5B.05
Substitute First Revised Sheet No. 5B.13
Substitute Fourth Revised Sheet No. 5C

Transwestern states that on February 20, 2003, the Commission issued an Order Accepting Tariff Sheets Subject to Conditions in Docket No. RP03–237–000. In the Order, the Commission required Transwestern to make changes to the tariff sheets as part of the Commission approval. Transwestern states that the instant filing is made in compliance with the Commission order.

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: April 7, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7872 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–307–001]

Transwestern Pipeline Company; Notice of Compliance Filing

March 26, 2003.

Take notice that on March 21, 2003, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Fifth Revised Sheet No. 18, to become effective April 14, 2003.

Transwestern states that the instant filing is to correct a pagination error in a tariff sheet filed on March 18, 2003.

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: April 2, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7873 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No.CP03–33–000]

Wyckoff Gas Storage Company, LLC; Notice of Site Visit

March 26, 2003.

On April 15 through April 17, 2003, the Office of Energy Projects staff and representatives of Wyckoff Gas Storage Company, LLC (Wyckoff) will conduct a site visit of the Wyckoff Gas Storage Project in Steuben County, New York.

All interested parties may attend. Those planning to attend must provide their own transportation. Interested parties can meet staff on April 15, in the parking lot at the Radisson Hotel, 125 Denison Parkway East, Corning, New York. Staff will start on April 15 at about 1 p.m. Also, Mr. Edmond Knolle of Wyckoff can be contacted at telephone No. (713) 961–3204.

For further information, please contact the Office of External Affairs at (202) 502–8004.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7863 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–69–000, et al.]

FPL Energy Seabrook, LLC, et al.; Electric Rate and Corporate Filings

March 25, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. FPL Energy Seabrook, LLC and FPL Energy New England Transmission, LLC

[Docket No. EC03–69–000]

Take notice that on March 21, 2003, FPL Energy Seabrook, LLC and FPL Energy New England Transmission, LLC tendered for filing with the Federal Energy Regulatory Commission (Commission) pursuant to section 203 of the Federal Power Act a request for authorization to engage in an intra-corporate transfer of jurisdictional facilities whereby FPL Energy Seabrook, LLC will transfer its undivided interest in the interconnecting transmission facilities for Seabrook Station to its direct, wholly-owned subsidiary FPL Energy New England Transmission, LLC.

Comment Date: April 11, 2003.

2. Almagre Power Holdings, LLC, Mesquite Colorado HoldCo, L.L.C., Mesquite Investors, L.L.C.

[Docket No. EC03–70–000]

Take notice that on March 21, 2003, Almagre Power Holdings, LLC (Almagre), Mesquite Colorado HoldCo, L.L.C. (Mesquite Colorado) and Mesquite Investors, L.L.C. (Mesquite Investors) (jointly, Applicants) filed with the Federal Energy Regulatory Commission (Commission) an application pursuant to Section 203 of the Federal Power Act for authorization to effectuate a transfer of all of Mesquite Colorado's membership interests in Front Range Power Company, L.L.C. (Front Range) from Mesquite Colorado to Almagre. Applicants also requested expedited consideration of the Application and privileged treatment for certain exhibits pursuant to 18 CFR 33.9 and 388.112.

Comment Date: April 11, 2003.

3. Jamaica Bay Peaking Facility, LLC

[Docket No. EG03–49–000]

Take notice that on March 20, 2003 Jamaica Bay Peaking Facility, LLC (the Applicant), with its principal offices at 700 Universe Boulevard, Juno Beach, Florida 33408, filed with the Federal Energy Regulatory Commission (Commission) an application for a determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

The Applicant states that it is a Delaware corporation and is the owner and operator of a nominal 54 megawatt dual fuel (oil and gas) fired simple cycle peak electric generating facility (Facility) to be located in Far Rockaway, Queens County, New York. The Facility will sell energy, capacity, and ancillary services into the wholesale generation market.

Comment Date: April 15, 2003.

4. FPL Energy New England Transmission, LLC

[Docket No. EG03–50–000]

Take notice that on March 21, 2003, FPL Energy New England Transmission, LLC, c/o FPL Energy, LLC, 700 Universe Boulevard, Juno Beach, FL 33408, filed with the Federal Energy Regulatory

Commission (Commission) an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

The applicant states that it is a limited liability company that will engage directly or indirectly and exclusively in the business of owning and/or operating eligible facilities in the United States. The applicant proposes to own an undivided interest in the interconnecting transmission facilities of the Seabrook Nuclear Generating Station, an undivided interest of which is owned by the applicant's parent, FPL Energy Seabrook, LLC.

Comment Date: April 15, 2003.

5. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1420–003]

Take notice that on March 21, 2003, Oklahoma Gas and Electric Company (OGE) filed a Supplemental Status Report informing the Commission of recent developments with regard to OGE's efforts to join the Midwest ISO.

OGE states that a copy of the filing has been served on all parties to this proceeding, and on the Arkansas Public Service Commission and the Oklahoma Corporation Commission.

Comment Date: April 11, 2003.

6. ISO New England

[Docket No. ER02–2330–010]

Take notice that on March 20, 2003, ISO New England Inc., submitted a compliance filing providing a status report on the implementation of Standard Market Design in New England.

Comment Date: April 10, 2003.

7. ISO New England Inc.

[Docket No. ER02–2330–011]

Take notice that on March 20, 2003, ISO New England Inc. submitted a compliance report on its consideration of a Federal Energy Regulatory Commission (Commission) proposed scarcity premium proposal in response to the requirements of the Commission's Order dated December 20, 2002.

New England Inc., states that copies of said filing have been served upon all parties to this proceeding, and upon NEPOOL Participants.

Comment Date: April 10, 2003.

8. Northern Indiana Public Service Company

[Docket No. ER03–640–000]

Take notice that on March 21, 2003, Northern Indiana Public Service Company (Northern Indiana) filed a Service Agreement for Network Integration Transmission Service, a Network Operating Agreement, and Services Agreement with the Town of Argos, Indiana (Argos). Northern Indiana has requested an effective date of March 1, 2003.

Northern Indiana states that copies of this filing have been sent to Argos, the Indiana Utility Regulatory Commission, and the Indiana Office of Utility Consumer Counselor.

Comment Date: April 11, 2003.

9. Southern Company Services, Inc.

[Docket No. ER03–641–000]

Take notice that on March 21, 2003, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Operating Companies), tendered for Commission review information and replacement tariff sheets concerning the accrual of post-retirement benefits other than pensions as set forth in Statement of Financial Accounting Standard No. 106 by the Financial Accounting Standards Board in agreements and tariffs of the Operating Companies (jointly and individually). The following Commission approved rate schedules are affected:

Alabama Power—RateSchedule No. 145
Georgia Power—RateSchedule No. 803
Georgia Power—RateSchedule Nos. 824, 825 and 826
Georgia Power—RateSchedule Nos. 836, 837, and 838
Gulf Power—RateSchedule No. 82
Gulf Power—RateSchedule No. 84
Mississippi Power—RateSchedule No. 135
SoCos.—RateSchedule No. 15
SoCos.—RateSchedule No. 30
SoCos.—RateSchedule No. 33
SoCos.—RateSchedule No. 47
SoCos.—RateSchedule No. 51
SoCos.—RateSchedule No. 53
SoCos.—RateSchedule No. 59
SoCos.—RateSchedule No. 62
SoCos.—RateSchedule No. 70
SoCos.—RateSchedule No. 76
SoCos.—RateSchedule No. 77
SoCos—RateSchedule No. 93

Comment Date: April 11, 2003.

10. American Electric Power Service Corporation

[Docket No. ER03–642–000]

Take notice that on March 21, 2003, American Electric Power Service Corporation (AEPSC) on its own behalf and on behalf of AEP Texas Central Company (AEPTC), formerly Central Power and Light Company (CPL) submitted for filing to the Federal Energy Regulatory Commission (Commission) an interconnection agreement (Agreement) between CPL and the City of Brownsville, Texas (Brownsville) that includes a Facility Schedule No. 5 that provides for a new point of interconnection located at Brownsville's soon to be completed Palo Alto Substation. AEPSC states that no changes other than the addition of Facility Schedule No. 5 have been made to the interconnection agreement presently on file at the Commission that has been in effect since April 4, 2001. Additionally AEPSC has re-designated the Agreement to be a service agreement under the Open Access Transmission Service Tariff of the American Electric Power System whereby requiring it to cancel the interconnection agreement presently on file at the Commission that is designated as a CPL rate schedule.

AEPSC seeks an effective date of March 17, 2003 for the Agreement and the Notice of Cancellation. AEPSC seeks waiver of the Commission's notice requirements if the Palo Alto Substation is not energized on the expected date in June 2003. AEPSC states that it has served copies of the filing on Brownsville and the Public Utility Commission of Texas.

Comment Date: April 11, 2003.

11. New York Independent System Operator, Inc.

[Docket No.ER03–647–000]

Take notice that on March 21, 2003, the New York Independent System Operator, Inc. (NYISO) filed revisions to its ISO Market Administration and Control Area Services Tariff (the Services Tariff) to implement the ''ICAP Demand Curve''. The NYISO has requested that the Commission expedite its review of this filing to permit an effective date in less than sixty days. Accordingly, the NYISO has requested an effective date of May 21, 2003, or the date that the Commission issues an Order accepting the filing, whichever is earlier.

The NYISO states it has served a copy of this filing upon all parties that have executed service agreements under the NYISO's Open Access Transmission Tariff or the Services Tariff and upon the New York State Public Service Commission.

Comment Date: April 11, 2003.

12. ZWHC LLC

[Docket No. QF87–365–006]

Take notice that on March 20, 2003, ZWHC LLC (ZWHC) filed with the Federal Energy Regulatory Commission (Commission) an application for recertification of a facility as a

qualifying small power production facility pursuant to Section 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing. ZWHC states that the facility is a 18 MW wind energy generating facility in the Tehachapi Mountains, Kern County, California. ZWHC also states that the facility is interconnected with the Southern California Edison Company. ZWHC further states that recertification is sought to reflect a change in the upstream ownership of the Facility.

Comment Date: April 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 field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, 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. 03–7865 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03–39–000]

Kinder Morgan Interstate Gas Transmission, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Cheyenne Market Center Project and Request for Comments on Environmental Issues

March 26, 2003.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Cheyenne Market Center Project involving construction and operation of facilities by Kinder Morgan Interstate Gas Transmission, LLC (Kinder Morgan) in Cheyenne and Kimball Counties, Nebraska and Weld County, Colorado.[1] These facilities consist of four new compressor units, ten new injection/withdrawal wells, two new storage field pipelines, construction of a new compressor station, and certain auxiliary or appurtenant facilities. The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Kinder Morgan provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

[1] Kinder Morgan's application was filed with the Commission under Section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

Summary of the Proposed Project

Kinder Morgan is proposing to construct and operate certain storage and transportation facilities necessary to develop its proposed Cheyenne Market Center located in the vicinity of the Cheyenne Hub (Rockport) in Weld County, Colorado and the Huntsman Storage Facility located in Cheyenne County, Nebraska. The proposed project would create incremental storage capacity for up to 6,000,000 dekatherms (Dth), with an associated injection capability of about 38,400 Dth per day (Dthd) and an associated withdrawal deliverability of about 62,400 Dthd. The proposed project would provide customers with additional flexibility to store gas and utilize receipt and delivery points on short notice.

In order to create the capacity to perform the Cheyenne Market Center service, Kinder Morgan proposes to construct and operate the following facilities:

Compressor Facilities

- Rockport (Cheyenne Hub) Compressor Station—install two new addition 1,680-horsepower (hp) compressor units within the existing Rockport Compressor Station located in Weld County, Colorado.
- Kimball Junction Compressor Station—install two 1,151-hp compressor units at the existing Kimball Junction Interconnect located in Kimball County, Nebraska.
- Huntsman Compressor Station—install two new 3,550-hp compressor units adjacent to the existing Huntsman Compressor Station, and a central injection meter and a central withdrawal meter within the confines of the existing Huntsman Compressor Station located in Cheyenne County, Nebraska.

Injection/Withdrawal Wells

- Drill ten new injection/withdrawal wells at the existing Huntsman Storage Field located in Cheyenne County, Nebraska. The proposed well field design configuration is to drill these wells directionally (diverging directionally from a vertical well bore) from two new multiple wellhead surface location sites. Six wells would be drilled at Pad #1, located west and adjacent to the existing Huntsman Storage Field Well #9. Four wells would be drilled at Pad #2 in the northeast corner of the Huntsman Station.

Storage Field Lines

• Install about 2,000 feet of 12-inch-diameter pipeline loop [2] originating at the proposed multiple wellhead Pad #1 site and terminating at the existing Huntsman Compressor Station inlet header facilities. This new 12-inch-diameter pipeline would loop the existing 12-inch-diameter pipeline from Huntsman Storage Field Well #9 to the compressor station.

• Install about 1,800 feet of 8-inch-diameter pipeline loop originating at the proposed multiple wellhead Pad #2 site and terminating at the existing Huntsman Compressor Station inlet header facilities. This new 8-inch-diameter pipeline would start at Pad #2, tie into the existing 8-inch-diameter discharge pipeline at Huntsman Storage Field Well #23 and loop the existing 8-inch-diameter pipeline back to the compressor station.

Auxiliary Facilities

• Install computer-based supervisory type process control systems, a check meter and bi-directional flow control assembly, control valves, pigging and gas cleaning facilities, and an office building with septic system and water well.

The general location of Kinder Morgan's proposed facilities is shown on the map attached as appendix 1.

Land Requirements for Construction

Construction of Kinder Morgan's proposed facilities would require about 52.6 acres of land, including construction right-of-way for the storage field pipeline loops, and work areas needed at the compressor stations, the injection/withdrawal wells sites, and for pipe storage. The construction disturbance width for each storage field pipeline would be 75 feet and there would be no change to the unspecified use area for the operation of either of the looped storage field lines. Kinder Morgan indicates that about 11.9 acres of operational area would be maintained. Construction access would be via existing access roads.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and Soils
- Water Resources and Wetlands
- Vegetation and Wildlife
- Threatened and Endangered Species
- Socioeconomics
- Cultural Resources
- Land Use
- Reliability and Safety
- Air Quality and Noise

We will evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Kinder Morgan. This preliminary list of issues may be changed based on your comments and our analysis.

- Threatened and Endangered Species
  —Potential impact on six Federally-listed bird species.
  —Potential impact on two Federally-listed animal species.
  —Potential impact on two Federally-listed plant species.
- Air and Noise
  —Impacts to air quality from the proposed project.
  —Impacts on noise levels from the proposed compressor units at nearest noise sensitive areas.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send an original and two copies of your letter to: Magalie R. Salas, Secretary Federal Energy Regulatory Commission 888 First St., NE., Room 1A Washington, DC 20426;

• Label one copy of the comments for the attention of Gas 1, PJ–11.1;

• Reference Docket No. CP03–39–000; and

• Mail your comments so that they will be received in Washington, DC on or before April 27, 2003.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created by clicking on ''Login to File'' and then ''New User Account.''

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to

[2] A loop is a segment of pipeline that is installed adjacent to an existing pipeline and connected to it on both ends. The loop allows more gas to be moved through the pipeline system.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (*see* appendix 2).[4] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

This notice is being sent to individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. It is also being sent to all identified potential right-of-way grantors. By this notice we are also asking governmental agencies, especially those in appendix 3, to express their interest in becoming cooperating agencies for the preparation of the EA.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov)* using the FERRIS link. Click on the FERRIS link, enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance with FERRIS, the FERRIS helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov*. The FERRIS link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

[4] Interventions may also be filed electronically via the Internet in lieu of paper. *See* the previous discussion on filing comments electronically.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7864 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

March 26, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12442–000.

c. *Date filed:* February 6, 2003.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name and Location of Project:* The Kentucky L&D #2 Hydroelectric Project would be located on the Kentucky River in Henry County, Kentucky. The proposed project would utilize an existing dam administered by the U.S. Army Corps of Engineers.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant contact:* Mr. Raymond Helter, Universal Electric Power Corporation, 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

h. *FERC Contact:* Tom Papsidero, (202) 502–6002.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project, using the Corps' existing Kentucky Lock and Dam No. 2 and Reservoir, would consist of: (1) Six proposed 50-foot-long, 9-foot-diameter steel penstocks, (2) a proposed powerhouse containing six generating units with a combined installed capacity of 8.2 megawatts, (3) a proposed 200-foot-long, 14.7-kv transmission line, and (4) appurtenant facilities. The project would operate in a run-of-river mode and would have an average annual generation of 50 GWh.

k. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the applicant's address in item g above.

l. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The

term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing an original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

r. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7866 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To Prepare an Environmental Assessment, Conduct Scoping Meetings and Site Visit and Soliciting Scoping Comments

March 26, 2003.

Take notice that the following hydroelectric application has been filed with Commission and is available for public inspection:

a. *Type of Application:* New Major License.

b. *Project No.:* 2726–012.

c. *Date filed:* July 29, 2002.

d. *Applicant:* Idaho Power Company.

e. *Name of Project:* Upper and Lower Malad Hydroelectric Project.

f. *Location:* On the Malad River in the Town of Hagerman, Gooding County, Idaho.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Lewis Wardle, Relicensing Project Manager, Idaho Power Company, 1221 West Idaho Street, Boise, ID 83707, (208) 388–2964

i. *FERC Contact:* John Blair, (202) 502–6092, or *john.blair@FERC.gov*.

j. *Deadline for filing scoping comments:* June 7, 2003

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Scoping comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

k. This application is not ready for environmental analysis at this time.

l. *Description of the Project:* the project consists of (1) an upper diversion dam consisting of a gated spillway section 100 feet long and a flume section 123 long; (2) a concrete flume 4,635 feet long between the upper diversion dam and the upper intake structure; (3) the upper concrete intake structure 80.5 feet long and approximately 21 feet wide; (4) a steel penstock 10 feet in diameter and approximately 238 feet long connected to the upper powerhouse; (5) the upper reinforced concrete powerhouse containing one generating unit having an installed nameplate capacity of 8.27 megawatts; (6) a lower diversion dam consisting of a gated spillway section 163 feet long and a flume section 136 feet long; (7) a concrete flume 5,318 feet long between the lower diversion dam and the lower intake structure; (8) the lower concrete intake structure 85 feet long and approximately 23 feet wide; (9) a steel penstock 12 feet in diameter and approximately 301 feet long connected to the lower powerhouse; (10) the lower reinforced concrete powerhouse containing one generating unit having an installed capacity of 13.5 megawatts; and (11) other appurtenances.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

n. *Scoping Process*: The Commission intends to prepare an Environmental assessment (EA) on the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

FERC staff will conduct one agency scoping meeting and one public meeting. The agency scoping meeting will focus on resource agency and non-governmental organization (NGO) concerns, while the public scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that

should be analyzed in the EA. The times and locations of these meetings are as follows:

Public Scoping Meeting

Date: Tuesday, May 6, 2003.
Time: 7 p.m.–9 p.m.
Place: Hagerman Senior and Community Center.
Address: 140 East Lake, Hagerman, Idaho.

Agency Scoping Meeting

Date: Wednesday, May 7, 2003
Time: 9:30 a.m.–noon
Place: Idaho Power Company Headquarters Building
Address: 1221 West Idaho, Bosie, Idaho

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meeting 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 field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection at the address in item ''h'' above.

Site Visit

The Applicant and FERC staff will conduct a project site visit beginning at 1 p.m. on Tuesday, May 6, 2003. All interested individuals, organizations, and agencies are invited to attend. All participants should meet at Idaho Power's Hagerman Maintenance Shop located just south of the Malad River Bridge, off Highway 30 north of Hagerman. All participants are responsible for their own transportation to the site. RSVP Lewis Wardle, Idaho Power Company, at (208) 388–2964, if you plan to attend the site visit.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the project.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the EA.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7867 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos.477–024]

Notice of Intent To Prepare an Environmental Impact Statement and Soliciting Additional Scoping Comments

March 26, 2003.

Take notice that the following hydroelectric applications have been filed with Commission and are available for public inspection:

a. *Application Type:* Amendment of License, Surrender of License, Settlement Agreement and Decommissioning Plan.
b. *Project No.:* 477–024.
c. *Date Filed:* November 12, 2002.
d. *Applicant:* Portland General Electric Company (PGE).
e. *Name of Project:* Bull Run Hydroelectric Project.
f. *Location:* On the Sandy, Little Sandy, and Bull Run Rivers, near the Town of Sandy, Clackamas County, Oregon. The project is located on lands administered by the Forest Service (Mt. Hood National Forest) and the Bureau of Land Management.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r); Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.
h. *Applicant Contact:* Julie A. Keil, Director, Hydro Licensing and Water Rights, PGE, 121 SW Salmon Street, Portland, Oregon 97204, 503–464–8864.
i. *FERC Contact:* Alan Mitchnick, 202–502–6074; *alan.mitchnick@ferc.gov*.
j. *Deadline for filing additional scoping comments:* 30 days from date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Scoping comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

k. *Amendment Application:* PGE proposes to: (i) Extend the term of the license from November 16, 2004, to November 16, 2017; (ii) continue generation until removal of the Little Sandy dam in 2008; (iii) implement a program of geomorphological and water quality monitoring continuing until Marmot dam removal; (iv) continue operation of the fish ladder and sorting facility at Marmot dam until Marmot dam removal; and (v) modify the operation of the diversion canal at Marmot dam to provide protection of threatened fish species from November 2004 until November 2007.

Surrender Application: The Project works include: Marmot dam, located at River Mile (RM) 30 on the Sandy River; a 3.1-mile-long series of canals and tunnels leading from Marmot dam to the Little Sandy River just upstream of the Little Sandy diversion dam; the Little Sandy diversion dam, located at RM 1.7 on the Little Sandy River; a 2.8-mile-long box flume leading from the Little Sandy diversion dam to the manmade forebay, Roslyn Lake; two 1,200 foot penstocks; and a powerhouse containing four generators with a total capacity of 22 megawatts. The powerhouse discharges to the Bull Run River 1.5 miles above its confluence with the Sandy River at RM 18.4.

PGE proposes the complete removal of both Marmot and the Little Sandy diversion dams, starting in 2007, along with the dismantling of their associated water conveyance structures. In addition, Roslyn Lake would be drained, the powerhouse generating equipment would be disabled, and the powerhouse structure would be demolished. All PGE-owned lands within the existing project boundary would be conveyed to the Western

Rivers Conservancy once the license is surrendered and the project is removed, and used to protect and conserve fish and wildlife habitat, public access, and recreation opportunities in the Sandy River Basin. Project water rights would be relinquished and would revert to instream use.

l. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item g above.

m. *Scoping Process;* The Commission intends to prepare an Environmental Impact Statement (EIS) on the project in accordance with the National Environmental Policy Act. The EIS will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

PGE and Commission staff conducted scoping prior to PGE's preparation of a draft environmental assessment that was filed with the Commission as part of the surrender application. Scoping document 1 was issued on July 30, 1999, and scoping document 2 was issued on November 4, 1999. Scoping meetings were held on September 1, 1999. We are requesting comments on any additional issues or alternatives that should be analyzed in the EIS.

Magalie R. Salas,

Secretary.

[FR Doc. 03–7868 Filed 4–1–03; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OAR–2003–0015; FRL–7475–7]

Agency Information Collection Activities; Submission of EPA ICR No. 1696.04 (OMB No. 2060–0297) to OMB for Review and Approval; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Fuels and Fuel Additives—Health-Effects Research Protocols—40 CFR part 79, subpart F. This ICR describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before May 2, 2003.

ADDRESSES: Follow the detailed instructions in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Transportation and Regional Programs Division, Office of Transportation and Air Quality (6406J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–9303; fax number: (202) 565–2085; e-mail address: *caldwell.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On December 12, 2002 (67 FR 76399), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID No. OAR–2003–0015, which is available for public viewing at the Office of Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Office of Air and Radiation Docket is (202) 566–1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use EDOCKET to submit or view public comments, access the index listing of the contents of the 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 docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice, and according to the following detailed instructions: (1) Submit your comments to EPA online using EDOCKET (our preferred method), by e-mail to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, and (2) Mail your comments to OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public 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 EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, *see* EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *www.epa.gov/edocket.*

Title: Fuels and Fuel Additives—Health-Effects Research Protocols—40 CFR part 79, subpart F, (OMB Control Number 2060–0297, EPA ICR Number 1696.04). This is a request to renew an existing approved collection that is scheduled to expire on May 31, 2003. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: In accordance with the regulations at 40 CFR part 79, subparts A, B, C, and D, Registration of Fuels and Fuel Additives, manufacturers (including importers) of gasoline and diesel fuel, and manufacturers (including importers) of additives for gasoline or diesel fuel, are required to have their products registered by EPA prior to their introduction into commerce. Registration involves providing a chemical description of the fuel or additive, and certain technical, marketing, and health-effects information. The development of health-effects data, as required by 40 CFR part 79, subpart F, is the subject of this ICR. The information collection requirements for subparts A through D, and the supplemental notification requirement of subpart F (indicating how the manufacturer will satisfy the

research requirements) are covered by a separate ICR (EPA ICR Number 0309.10, OMB Control Number 2060–0150). The health-effects information will be used to determine if there are any products whose evaporative or combustion emissions pose an unreasonable risk to public health, thus meriting further investigation and potential regulation. This information is required for specific groups of fuels and additives as defined in the regulations. For example, all gasolines and gasoline additives which consist of only carbon, hydrogen, oxygen, nitrogen, and/or sulphur, and which involve a gasoline oxygen content of less than 1.5 weight percent, fall into a ''baseline'' group. Oxygenates, such as ethanol and methyl tertiary butyl ether (MTBE), when used in gasoline at oxygen levels of at least 1.5 weight percent, define separate ''nonbaseline'' groups for each oxygenate. Additives which contain elements other than carbon, hydrogen, oxygen, nitrogen, and/or sulphur fall into separate ''atypical'' groups. There are similar grouping requirements for diesel fuels and additives.

Manufacturers may perform the research independently or may join with other manufacturers to share in the costs for each applicable group. Several research consortiums (groups of manufacturers) have been formed. The largest consortium, organized by the American Petroleum Institute (API), represents most of the manufacturers of baseline and nonbaseline gasolines, diesel fuels, and additives. The research is structured into three tiers of requirements for each group. Tier 1 requires an emissions characterization and a literature search for information on the health effects of those emissions. Voluminous Tier 1 data were submitted by API and others in 1997. Tier 1 data were submitted for biodiesel and a water/diesel fuel emulsion in 1998 and 2000, respectively. Tier 2 requires short-term inhalation exposures of laboratory animals to emissions to screen for adverse health effects. Alternative Tier 2 testing can be required in lieu of the standard Tier 2 if EPA concludes that such testing would be more appropriate. The EPA reached that conclusion with respect to gasoline and gasoline-oxygenate blends, and alternative requirements have been established for the API consortium for baseline gasoline and six gasoline-oxygenate blends. A similar situation exists with the Ethyl Corporation and its manganese additive MMT, and alternative requirements have been established. The API submitted Tier 2 data for diesel in 1997. Tier 2 data were submitted for biodiesel and a water/diesel fuel emulsion in 2000 and 2002, respectively. Tier 3 provides for follow-up research, if necessary. No Tier 3 requirements have been established, and it is unlikely that any will be during the next three years. Thus, Tier 3 is not addressed in this ICR. Under section 211 of the Clean Air Act, (1) submission of the information is necessary for a manufacturer to obtain registration of a new fuel or additive, and thus be allowed to introduce that product into commerce, and (2) the information shall not be considered confidential.

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, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 15,175 hours per response. 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.

Respondents/Affected Entities: Manufacturers of Fuels and Fuel Additives.

Estimated Number of Respondents: 8.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 60,700.

Estimated Total Annual Cost: $6.8 million, includes $1.4 million annualized capital or O&M costs.

Changes in the Estimates: There is a decrease of 6,767 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is due to the incorrect allocation of hours to some of the capital/start-up costs and operating and maintenance costs in the previous ICR.

Dated: March 13, 2003.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 03–7971 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[RCRA–1999–0050, FRL–7475–8]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Part B Permit Application, Permit Modifications, and Special Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Part B Permit Application, Permit Modifications, and Special Permits, EPA ICR # 1573.10, OMB No. 2050–0009, expires on March 31, 2003. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 2, 2003.

ADDRESSES: Follow the detailed instructions in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: David Eberly, Office of Solid Waste (5303W), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8645, or by e-mail at *eberly.david@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID No. RCRA–1999–0050, which is available for public viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the RCRA Docket is (202) 566–0270. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use

EDOCKET to submit or view public comments, access the index listing of the contents of the 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 docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice, and according to the following detailed instructions: (1) Submit your comments to EPA online using EDOCKET (our preferred method), by email to the *rcra-docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, RCRA Docket, 5305T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) Mail your comments to OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public 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 EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET.

Title: Part B Permit Application, Permit Modifications, and Special Permits, OMB Control No. 2050–0009, EPA ICR No. 1573.10, expiring on March 31, 2003. This is a request for extension of a currently approved collection. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: Section 3005 of Subtitle C of RCRA requires treatment, storage or disposal (TSD) facilities to obtain a permit. To obtain the permit, the TSD must submit an application describing the facility's operation. There are two parts to the RCRA permit application—part A and part B. Part A defines the processes to be used for treatment, storage, and disposal of hazardous wastes; the design capacity of such processes; and the specific hazardous wastes to be handled at the facility. Part B requires detailed site specific information such as geologic, hydrologic, and engineering data. In the event that permit modifications are proposed by the applicant or EPA, modifications must conform to the requirements under sections 3004 and 3005.

This ICR provides a comprehensive discussion of the requirements for owner/operators of TSDFs submitting applications for a part B permit or permit modification. The information collections contained in this ICR are divided into three sections: demonstrations and exemptions from requirements (40 CFR part 264), contents of the part B application (40 CFR part 270), and permit modifications and special permits (40 CFR part 270).

Demonstrations and Exemptions From Requirements

40 CFR part 264 contains minimum standards for TSDFs consisting of both administrative and technical requirements. Owner/operators may obtain exemption from certain requirements by submitting demonstrations to EPA. In most cases, these demonstrations will be submitted along with the part B application. Section 264.90 allows owner/operators to submit a demonstration for exemption from the subpart F requirements regarding releases to the uppermost aquifer. In addition, owner/operators of tank systems, surface impoundments, waste piles, landfills, land treatment facilities and incinerators may apply for exemptions from certain technical requirements by submitting demonstrations under §§ 264.193, .221, .251, .272, .301 and .344, respectively.

Contents of the Part B Application 40 CFR part 270 contains requirements for owner/operators submitting a part B permit application. Section 270.1 allows owner/operators of certain facilities closing by removal or decontamination to petition for an exemption from post-closure permit requirements. Section 270.10 requires owner/operators of certain facilities to provide information on the potential for public exposure resulting from unit-related releases.

Part B of the permit application consists of the general and specific information requirements contained in §§ 270.14 through 270.29. These part B information requirements reflect the standards promulgated in 40 CFR part 264. Under § 270.14(a), owner/operators who can demonstrate that the information prescribed in part B cannot be provided to the extent required may receive case-by-case allowances from EPA.

General information requirements are outlined in § 270.14. Sections 270.14(b)(1)–(14) require owner/operators to provide information on compliance with general facility standards. Financial assurance information is required under §§ 270.15—.18. Section 270.14(b)(19) requires owner/operators to submit a topographical map, and § 270.14(b)(21) covers special requirements for owner/operators of land disposal facilities granted case-by-case extensions under § 268.5 or petitions under § 268.6. Information on ground-water quality and monitoring programs for land disposal facilities is discussed under §§ 270.14(c)(1)–(8). Section 270.14(d) establishes part B information requirements for solid waste management units.

In addition to the general part B information that must be submitted by all owner/operators of TSDFs, there are unique information requirements related to the type of unit for which the owner/operator is seeking a permit. The requirements under §§ 270.15–.21 and .23 address specific requirements for the following types of units: containers, tank systems, surface impoundments, waste piles, incinerators, land treatment units, landfills, boilers and industrial furnaces, and miscellaneous units. Sections 270.24 and 270.25 apply to facilities with process vents or equipment subject to the requirements of 40 CFR parts 264/265, subparts AA and BB, respectively. Section 270.26 applies to facilities with drip pads subject to the requirements of 40 CFR parts 264/265, subpart W.

Some owner/operators may also be required to submit a schedule of compliance leading to compliance with RCRA and regulations as part of their application. The requirements for schedules of compliance are contained in § 270.33.

Permit Modifications and Special Permits

Sections 270.40 through 270.42 address the requirements for permit modifications. Section 270.40 applies to owner/operators transferring ownership or operational control of a facility. These owner/operators must submit Class 1 permit modifications as well as a written agreement containing specific transfer information. Requirements for owner/operators submitting permit modifications at the request of the Agency are contained in § 270.41. Requirements for Class 1, 2, and 3 permit modifications submitted at the

request of the permittee are contained in § 270.42(a)–(c). Section 270.42(d) allows permittees to request that the Agency determine the classification for a specific modification. Sections 270.42(e) and (g) discuss requirements for temporary authorization and permit modifications for newly regulated wastes and units, respectively.

In 40 CFR part 264, subpart S, EPA promulgated regulations for corrective action management units (CAMUs). 40 CFR 264.552(d) requires owner/operators to prepare and submit information that enables EPA to designate a CAMU.

Requirements for permit renewal are contained in §§ 270.50 and 270.51. In order to renew an expiring permit, owner/operators must submit an application containing the information required under § 270.14 and the applicable sections of §§ 270.15 through 270.29.

Sections 270.60 and 270.62 through 270.65 address the requirements associated with special types of permits. These include permits by rule (§ 270.60); hazardous waste incinerator permits (§ 270.62); permits for land treatment demonstrations using field test or laboratory analyses (§ 270.63); interim permits for UIC wells (§ 270.64); and research, development and demonstration permits (§ 270.65).

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. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on July 23, 1999 (64 FR 39986); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 165 hours per response. 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.

Respondents/Affected Entities: Business.

Estimated Number of Respondents: 74.

Frequency of Response: Occasional.

Estimated Total Annual Hour Burden: 12,209 hours.

Estimated Total Annualized Capital, Operating/Maintenance Cost Burden: $2,468,000.

Changes in the Estimates: There is a decrease of 165,523 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This is due to a lower number of affected facilities.

Dated: March 25, 2003.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 03–7972 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0085; FRL–7290–2]

Product Registration Maintenance Fees; Renewal of Pesticide Information Collection Activities and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) this notice announces that EPA is seeking public comment on the following Information Collection Request (ICR): Product Registration Maintenance Fees (EPA ICR No. 1214.06, OMB Control No. 2070–0100). This is a request to renew an existing ICR that is currently approved and due to expire January 31, 2004. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket ID number OPP–2003–0085, must be received on or before June 2, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Nancy Vogel, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6475; fax number: (703) 305–5884; e-mail address: *vogel.nancy@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you are an individual or entity engaged in activities related to the registration of a pesticide product. Potentially affected entities may include, but are not limited to:

- Pesticide and other agricultural chemical manufacturing (NAICS 325320), e.g., Pesticide registrants.

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 above 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 the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Copies of this Document and Other Related Information?

A. Docket

EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0085. 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.

B. 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 II.A. 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.

III. How Can I Respond to this Action?

A. 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 III.B. 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–2003–0085. 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–2003–0085. 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 III.A. 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–2003–0085.

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–2003–0085. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit II.A.

B. 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**.

C. What Should I Consider when 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 collection 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.

D. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

IV. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: Product Registration Maintenance Fees.

ICR numbers: EPA ICR No. 1214.06, OMB Control No. 2070–0100.

ICR status: This ICR is a renewal of an existing ICR that is currently approved by OMB and is due to expire January 31, 2004.

Abstract: This information collection will enable EPA to collect registration maintenance fees from pesticide registrants as required by law. Each affected firm is required to complete the filing form and submit their fee payment by January 15 of each year. Annually, the Agency provides registrants a list of the registered products currently registered with the Agency. Registrants are provided the opportunity to review the list, determine its accuracy, and pay the appropriate maintenance fee. The list of products has space identified for marking those products to be supported and those products that are to be canceled. The registrants are also instructed to identify any products on the list which are to be canceled or have been transferred to another company, and to add to the list any products which the company believes to be registered that are not on the Agency provided list. The failure to pay the required fee for a product will result in cancellation of that product.

V. What are EPA's Burden and Cost Estimates for this ICR?

Under the PRA, ''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. For this collection it 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.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this ICR is estimated to be 1,858 hours. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: Pesticide registrants.

Estimated total number of potential respondents: 1,977.

Frequency of response: Annual.

Estimated total/average number of responses for each respondent: 1.

Estimated total annual burden hours: 1,858.

Estimated total annual burden costs: $188,210.40.

VI. Are There Changes in the Estimates from the Last Approval?

Total respondent costs associated with this program rose from $177,870.69 to $188,210.40. Changes to total costs associated with this program are due to the increase in labor rates, reflecting the most current estimates.

VII. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: March 25, 2003.

Susan B. Hazen,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 03–7976 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0001; FRL–7298–5]

Request for Nominations to the National Pollution Prevention and Toxics Advisory Committee (NPPTAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for nominations.

SUMMARY: EPA is inviting nominations of qualified candidates to consider for appointment to the National Pollution Prevention and Toxics Advisory Committee (NPPTAC or Committee). The purpose of NPPTAC will be to provide advice and recommendations to EPA regarding the overall policy and operations of the programs of the Office of Pollution Prevention and Toxics (OPPT).

DATES: Nominations will be accepted until 5 p.m. on May 2, 2003.

ADDRESSES: Nominations may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To protect personal information from disclosure to the public do not submit nominations materials to the NPPTAC Docket or through any online electronic commenting system.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Mary Hanley, Designated Federal Official, Environmental Assistance Division (7401M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone (202) 564–9891, fax (202) 564–0575; e-mail address: npptac.oppt@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of particular interest to those persons who have an interest in or may be required to manage pollution prevention and toxics programs, or individuals or groups concerned with children's health, animal welfare, or other members of the general public. Since various individuals or groups may 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 this action, please consult the contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

Information about the Office of Pollution Prevention and Toxic Substances (OPPTS), and OPPTS related programs is available from http://www.epa.gov/opptintr/.

EPA has established an official public docket for the NPPTAC under docket identification (ID) number OPPT–2002–0001. The official public docket consists of the documents related to the activities of the committee and any public comments received. 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. To protect personal information from disclosure to the public do not submit nominations materials in response to this Notice to the docket or through any online electronic commenting system. Instead, follow the instructions listed under Unit I.C.

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 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.

2. *In person*. 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.

3. *By mail*. You may obtain copies of this document and other related documents from the technical contact person listed under **FOR FURTHER INFORMATION CONTACT**.

C. How Can I Nominate Potential Members to this Committee?

You may nominate qualified persons for membership to this Committee electronically, by mail, or in person. Nominations for membership should be submitted by the nominating organization, and must include a curriculum vitae of the nominee detailing his or her specific area of relevant expertise, as described below in Unit I.D., and a designation of the type of organization the candidate represents according to Unit II.C.

To protect personal information from disclosure to the public do not submit nominations materials to the NPPTAC Docket or through any online electronic commenting system. Submit your nomination, marked ''Attention NPPTAC Nominations'' by one of these methods:

1. *Electronically*: npptac.oppt@epa.gov.

2. *By mail*: Environmental Protection Agency, Confidental Business Information (CBIC), Mail Code 7407M, 1200 Pennsylvania Ave, NW., Washington DC, 20460.

3. *By courier*: Environmental Protection Agency, Confidential Business Information Center (CBIC), EPA East Building, Room 6428, 1201 Constitution Ave., Washington, DC 20004–3302, contact phone numbers: 202–564–8930 and 202–564–8940. The room at which submissions are accepted is only open until 4 p.m. If a courier service comes after that time the service will be turned away. Non-uniformed (bicycle, etc.) couriers will be met at the 1201 Constitution Ave. entrance by CBIC personnel. Uniformed couriers are admitted to deliver directly to the CBIC.

D. What Should I Consider When Making Nominations?

Potential candidates should have demonstrated leadership experience with environmental or public health policy, or issues, or research associated with chemicals, pollution prevention, human health, or the environment in State, national or international arenas.

Types of expertise might include:

- Chemistry
- Pollution prevention

- Toxicology
- Ecology
- Environmental science
- Risk assessment
- Risk communication
- Risk management
- Public health
- Environmental policy
- Environmental justice
- Socio-economic analysis
- Public health policy
- Animal welfare

Candidates with interdisciplinary training or experience are strongly encouraged to apply.

In addition, Committee candidates should be willing to:

- Commit to attend three meetings per year for 2 years, most of them in Washington, DC.
- Constructively assess OPPT programs and work collaboratively with fellow committee members to help OPPT be responsive to the needs of the affected public, non-governmental organizations, industry organizations, and State, Tribal, and local governments.
- Serve also on a subcommittee or working group, as needed.

Also, nominees not selected for the Committee may be considered for membership on subcommittees or working groups.

When making your nomination, please classify the candidate with respect to the types of organizations represented in Unit II.C. and identify the types of experience of the candidate according to the list above, including interdisciplinary training or experience.

II. Background

A. Introduction

EPA's OPPT is entrusted with the responsibility of ensuring that chemicals made available for sale and use in the United States do not pose any unreasonable risks to human health or to the environment. In addition, OPPT promotes pollution prevention as the national policy for controlling industrial pollution at its source.

OPPT focuses on the following four components: Promoting pollution prevention as the guiding principle for controlling industrial pollution; promoting safer chemicals through a combination of regulatory and voluntary efforts; promoting risk reduction to minimize exposure to existing substances such as lead, asbestos, mercury, perfluorooctyl sulfonate (PFOS), and promoting public understanding of risks by providing understandable, accessible, and complete information on chemical risks to the broadest audience possible.

While there are both formal and informal mechanisms in place to involve the public in OPPT decision-making activities, NPPTAC will bring together a broad cross-section of knowledgeable individuals from organizations representing diverse views to discuss regulatory, policy, and implementation issues. Dialogue with outside groups is essential if OPPT is to be responsive to the needs of the affected public; non-governmental organizations; industry organizations; and State, Tribal, and local governments.

B. Committee Purpose

NPPTAC is being established under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 (Public Law 92–463), and copies of the Committee Charter have been filed with the appropriate committees of Congress and the Library of Congress. NPPTAC will provide advice and recommendations to the Agency regarding the overall policy and operations of OPPT programs. NPPTAC shall hold meetings, analyze issues, conduct reviews, produce reports, make necessary recommendations, and undertake other activities necessary to meet its responsibilities. The objectives of this Committee are to provide advice and recommendations to EPA in areas such as:

1. *Risk assessment/management.* Policies for implementation of regulatory and voluntary programs that are intended to identify, reduce, or eliminate potentially unreasonable risks. This may include such issues as gathering information and data relevant to the assessment of risks, including hazard and exposure information related to a particular chemical substance, as well as methods for evaluating, managing, and reducing potential risks. This would include policies for implementation of OPPT programs such as the High Production Volume (HPV) Challenge Program, the Voluntary Children's Health Testing Chemical Evaluation Program (VCCEP), and the Chemical Right-to-Know (ChemRTK) Initiative, as well as the establishment of policies to guide national program chemicals risk management activities for chemicals such as asbestos, lead, polychlorinated biphenyls, PFOS, and mercury.

2. *Risk communication.* Means to promote the public's right to know about chemicals in their communities, including risk communication and access to Agency information systems.

3. *Pollution prevention.* Policies to guide the chemical pollution prevention priorities and multimedia activities, including OPPT programs such as the Persistent Bioaccumulative and Toxic Initiative (PBTI), Green Chemistry, and the Design for the Environment (DfE) Program.

4. *Coordination.* EPA's framework for integrating its TSCA and pollution prevention programs with other EPA and other Federal, State, Tribal, and local government programs, and coordinating with non-governmental organizations, such as public health organizations, environmental justice organizations, children's advocates, animal welfare groups, industry, environmental organizations, and international groups, to ensure full input into the decision-making.

5. *Other issues as identified by EPA related to policies and the implementation of related programs within OPPT.* The Committee's activities will include efforts to provide advice on regulatory and non-regulatory approaches, develop options and, where appropriate, more clearly define critical policy and technical issues.

C. Composition and Organization

1. *Membership.* The Committee will be composed of approximately 15 members. EPA will have a balanced representation of members in terms of the points of view represented and the scope of activities of NPPTAC. An EPA employee will act as the Designated Federal Official (DFO) who will be responsible for providing the necessary staffing, operations, and support for the Committee.

The Agency is seeking qualified senior-level decision-makers from diverse sectors throughout the United States to be considered for membership on the Committee. The Agency is seeking representation from among the type of organizations listed below. Please indicate in your submittal the sector with which your nomination is most closely associated:

- State and local government agency.
- Federally recognized Tribe.
- Public health or environmental professional.
- Chemical manufacturer and/or user.
- Non-governmental organization, such as environmental group, environmental justice organization, children's advocate, and animal welfare organization.
- Other non-governmental entity, as deemed appropriate.

Establishing a balance and diversity of experience, knowledge, and judgement in membership is an important consideration in the selection of members.

In addition, the Committee will have up to approximately 15 technical advisors who will be Federal employees or national experts that will provide technical advice to the Committee. Technical advisors for the Committee may include representatives from the Occupational Safety and Health Administration (OSHA), Consumer Product Safety Commission (CPSC), and such additional officials of the U.S. Government who might be necessary for the Committee to carry out its functions.

2. *Subcommittees and workgroups.* Subcommittees and workgroups may be established on an as-needed basis consisting of Committee members, or supplemented with individuals qualified in the area of the subcommittee or workgroup.

3. *Meetings and public involvement.* All Committee meetings will be called, announced, and held in accordance with FACA requirements, including public notice of meetings in the **Federal Register**, open meetings, and an opportunity for interested persons to file comments before or after meetings, or to make statements during the public meetings to the extent time permits.

List of Subjects

Environmental protection, Chemicals, Chemical health and safety, Pollution prevention, National Pollution Prevention and Toxics Advisory Committee.

Dated: March 25, 2003.

Susan B. Hazen,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 03–7978 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0089; FRL–7297–5]

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–2003–0089, must be received on or before May 2, 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: Adam Heyward, Product Manager 34, Antimicrobials Division (7510C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–6422; e-mail address: heyward.adam@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–2003–0089. 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.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

copyrighted material, will be available in the public docket.

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

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number 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–2003–0089. 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–2003–0089. 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–2003–0089.

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–2003–0089. 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*: 7969–ENG. *Applicant*: BASF Corporation, P.O. Box 13528, 26 Davis Drive, Research Triangle Park NC 27709–3528. *Product Name*: Fenpropimorph. Manufacture Use Product. *Active ingredient*:

Fenpropimorph: cis-4-(3-(4-(1,1dimethylethyl)phenyl-2-methylpropyl)-2,6-dimethylmorpholine at 96.00%.*Proposed classification/Use*: None. For manufacturing use only in formulating end-use wood preservative products.

2. *File Symbol:* 71406–U. *Applicant*: BASF Corp. *Product Name*: WOLSIN FL-35. *Active ingredient*: Fenpropimorph: cis-4-(3-(4-(1,1dimethylethyl)phenyl-2-methylpropyl)-2,6-dimethylmorpholine at 5.4%. *Proposed classification/Use*: None. A wood preservative for control of sapstain, mold, and decay of freshly cut lumber and wood products during storage and transit.

3. *File Symbol*: 1624–REI. *Applicant*: U.S. Borax, Inc., 26877 Tourney Road, Valencia, CA 91355–1847. *Product Name*: XPI-255. *Active ingredient*: Calcium hexaborate tetrahydrate at 100%. *Proposed classification/Use*: None. For use as a biocide fungicide/preservative additive in the manufacturing of wood composite products.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: March 14, 2003.

Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 03–7802 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0101; FRL–7299–5]

Carbaryl; Availability of Revised Risk Assessments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of the revised risk assessments and related documents for the carbamate pesticide, carbaryl. In addition, this notice starts a 60–day public participation period during which the public is encouraged to submit risk management ideas or proposals. These actions are in response to a joint initiative between EPA and the U.S. Department of Agriculture (USDA) to increase transparency in the tolerance reassessment process for pesticides.

DATES: Comments, identified by docket ID number OPP–2003–0101, must be received by EPA on or before June 2, 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: Anthony Britten, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8179; e-mail address: *britten.anthony@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the revised risk assessments and submitting risk management comments on carbaryl, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. As such, the Agency has not attempted to specifically describe all the entities potentially 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–2003–0101. 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.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will

be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number 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–2003–0101. 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–2003–0101. 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 following 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–2003–0101.

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–2003–0101. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed, except in accordance with procedures set forth in 40 CFR part 2. 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 version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What Action is EPA Taking in this Notice?

EPA is making available for public viewing the revised risk assessments and related documents for the carbamate chemical, carbaryl. These documents have been developed as part of the public participation process that EPA and USDA are now using for involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). A goal of the public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of assessments and risk management decisions. EPA and USDA began implementing this process in August 1998, to increase transparency and opportunities for stakeholder consultation. The documents being released to the public through this notice provide information on the revisions that were made to the carbaryl preliminary risk assessments, which were released to the public August 28, 2002 (67 FR 55233) (FRL–7194–2), through a notice in the **Federal Register**.

In addition, this notice starts a 60–day public participation period during which the public is encouraged to submit risk management proposals or otherwise comment on risk management for carbaryl. The Agency is providing an opportunity, through this notice, for interested parties to provide written risk management proposals or ideas to the Agency on carbaryl. Such comments and proposals could address ideas about how to manage dietary, residential, occupational, or ecological risks on specific carbaryl use sites or crops across the U.S. or in a particular geographic region of the country. To address dietary risk, for example, commenters may choose to discuss the feasibility of lower application rates, increasing the time interval between application and harvest (''pre-harvest intervals'') modifications in use, or suggest alternative measures to reduce residues contributing to dietary exposure. For residential risk, commenters may suggest lowering application rates, modification in use, or other measures to reduce exposures to homeowners. For occupational risks, commenters may suggest personal protective equipment or technologies to reduce exposure to workers and pesticide handlers. For ecological risks, commenters may suggest ways to reduce environmental exposure, for example, exposure to birds, fish, mammals, and other non-target organisms. All comments and proposals must be received by EPA on or before June 2, 2003 at the addresses given under Unit I. Comments and proposals will become part of the Agency record for carbaryl.

On February 24, 2003, EPA received from Bayer CropScience, the technical registrant for carbaryl, a submission titled ''Evaluation of Potential Aggregate Human Health Risks Associated with Agricultural and Consumer Uses of Carbaryl.'' In this submission, Bayer estimates the potential aggregate human health risks associated with dietary (food) and residential exposures to carbaryl. Bayer conducted the analysis using the Cumulative and Aggregate Risk Evaluation System (CARES), version 1.3., which is a software model that provides a probabilistic assessment of human health risks. The software has been reviewed by the FIFRA Science Advisory Panel (SAP), and was found to be an acceptable model for assessing aggregate risks. EPA is currently reviewing the carbaryl-specific CARES assessment submitted by the registrant.

EPA did not receive this submission in time to completely or comprehensively review it prior to publishing this notice, but is releasing the Agency's revised human health risk assessment for carbaryl now to allow time for public comment before June 30, 2003, which is the court-ordered deadline for EPA to make a reregistration eligibility decision for carbaryl. Also, to allow as much time as possible for the public to comment on the registrant's submission, EPA has placed it in the official public docket for carbaryl and briefly discussed it in EPA's revised human health risk assessment.

Depending on the results of the Agency's full review of the registrant's submission and comments received from the public, EPA might further amend, at some future time, its revised human health risk assessment for carbaryl, particularly aggregate risks from food, drinking water, and residential exposures. Bayer's current submission does not include a dietary drinking water component in its aggregate assessment of carbaryl's human health risks, but the registrant has informed the Agency that this information will be submitted shortly, and EPA will also endeavor to make this information publically available as quickly as possible. However, because this information will not be received until later. EPA does not believe it will be able to provide an analysis of this information during the comment period.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: March 26, 2003.

Lois Ann Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 03–7982 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0249; FRL–7296–8]

Diuron; Availability of Risk Assessments; Tolerance Reassessment Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of risk assessments that were developed as part of EPA's process for making pesticide Reregistration Eligibility Decisions (REDs) and tolerance reassessments consistent with the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996. These risk assessments are the human health and environmental fate and effects risk assessments and related documents for diuron. In addition, EPA is announcing the availability of the tolerance reassessment decision for diuron. This notice also starts a 60–day public comment period for the risk assessments and tolerance reassessment decision documents. By allowing access and opportunity for comment on the risk assessments and tolerance reassessment documents, EPA is seeking to strengthen stakeholder involvement and help ensure decisions made under FQPA are transparent and based on the best available information.

DATES: Comments, identified by the docket ID number OPP–2002–0249, must be received on or before June 2, 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: Diane Isbell, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number (703) 308–8154; e-mail address: *isbell.diane@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the risk assessments for diuron, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. Since other entities also may 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–2002–0249. 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.

II. How Can I Respond to this Action?

A. 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–2002–0249. 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–2002–0249. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number OPP–2002–0249.

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–2002–0249. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

B. 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**.

C. 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 proposed rule or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

III. What Action is the Agency Taking?

EPA is making available to the public the risk assessments that have been developed as part of the Agency's interim public participation process for tolerance reassessment and reregistration. During the next 60 days, EPA will accept comments on the human health and environmental fate and effects risk assessments and other related documents for diuron, available in the individual pesticide docket.

In addition, EPA has reassessed the risks associated with current and proposed food uses of the pesticide diuron, including the 81 existing tolerances, and reached a tolerance reassessment and interim risk management decision. The Agency is issuing for comment the resulting Tolerance Reassessment Decision for diuron, known as a TRED, as well as the summary, overview, and risk assessment documents. It should be noted that for diuron, a RED document will be issued in 2003. The diuron RED will address any possible risk to workers and the environment and list any further risk mitigation and confirmatory data needs. During the next 60 days, EPA will accept comments on the TRED. All comments received during the next 60 days will be considered by the Agency. If any comments significantly affect the Agency's decision, EPA will acknowledge and address them in the final RED document. In the absence of substantive comments, the tolerance reassessment decisions reflected in this TRED will be considered final.

EPA must review tolerances and tolerance exemptions that were in effect when FQPA was enacted in August 1996, to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the tolerances and exemptions included in the TRED.

Although some potential risks of concern have been identified, EPA is able to make a determination of reasonable certainty of no harm for diuron, based on further characterization of these risks, the registrant's commitment to mitigation measures designed to reduce exposure to diuron and its metabolites in drinking water and the development of data to confirm that the mitigation measures are adequate. Each risk of potential concern, related to the tolerance reassessment, with its characterization and the mitigation designed to address the concern is discussed in the tolerance reassessment document. It should be noted that when the Agency evaluates the ecological and worker risks during the development of the RED later in 2003, additional risk mitigation may be necessary.

Included in the public version of the official record are the Agency's risk assessments and related documents for diuron. As additional comments, reviews, and risk assessment modifications become available, these will also be docketed. The diuron risk assessments reflect only the work and analysis conducted as of the time they were produced and it is appropriate that, as new information becomes available and/or additional analyses are performed, the conclusions they contain may change.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: March 14, 2003.

Betty Shackelford,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 03–7979 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0091; FRL–7297–3]

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–2003–0091, must be received on or before May 2, 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: Adam Heyward, Product Manager 34, Antimicrobials Registration Division (7510C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–6422; e-mail address: *heyward.adam@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–2003–0091. 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.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

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

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number 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–2003–0091. 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–2003–0091. 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–2003–0091.

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–2003–0091. 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:* 75269–R. *Applicant*: Keller and Heckman LLP., 1001 G St., NW., Suite 500 West, Washington, DC 20001, U.S. Agent for Rutgers Organic GmbH, Sandhofer Strasse, Postfach 31 01 60, D–68305 Mannheim, Germany. *Product Name*: Polymeric Betaine Technical Grade Active Ingredient Wood Preservative. *Active ingredient*: Didecyl-*bis*(2-hydroxyethyl) ammonium borate at 56.7%. *Proposed classification/Use*: None. For manufacturing use only in formulating end-use wood preservative products.

2. *File Symbol*: 75269–E. *Applicant*: Keller and Heckman LLP. *Product Name*: Impralit KDS. *Active ingredient*: Didecyl-*bis*(2-hydroxyethyl) ammonium borate at 5.54%. *Proposed classification/Use*: None. For vacuum-pressure treatment of wood to protect against insects, rot, and fungal decay.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: March 14, 2003.

Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 03–7801 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0351; FRL–7286–1]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing an active ingredient involving a changed use pattern 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–2002–0351, must be received on or before May 2, 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: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8715; e-mail address: *mendelsohn.mike@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 a 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 code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide

for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in unit II of this notice. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2002–0351. 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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C. How and To Whom Do I Submit Comments?

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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–2002–0351. 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–2002–0351. 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–2002–0351.

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–2002–0351. 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 an active ingredient involving a changed use pattern 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.

Product Containing an Active Ingredient Involving a Changed Use Pattern

File symbol: 524–LUL. *Applicant*: Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198. *Product name*: YieldGard Plus Corn. *Product type*: Plant-incorporated protectant insecticide. *Active ingredients*: *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (Vector ZMIR13L) in corn and *Bacillus thuringiensis* Cry1Ab protein and the genetic material necessary for its production in corn. *Proposed classification/Use*: None. YieldGard Plus Corn has claims for protection against leaf and stalk damage caused by lepidopteran insects and root damage caused by corn rootworms (*Diabrotica spp*.)

The resulting hybrids were developed via conventional breeding techniques by crossing an inbred line of corn containing event MON 810 to an inbred line of corn containing event MON 863.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: March 21, 2003.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 03–7980 Filed 4–1–03; 8:45am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0146; FRL–7297–6]

Tebuthiuron; 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 tebuthiuron including the Tebuthiuron Overview, Tebuthiuron Summary, Tebuthiuron Decision Document (TRED), and supporting risk assessment documents. EPA has reassessed the 15 tolerances, or legal limits, for residues of tebuthiuron 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–2002–0146, must be received on or before May 2, 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–2002–0146 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Wilhelmena Livingston, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8025; e-mail address: *livingston.wilhelmena@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 person 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–2002–0146. 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–2002–0146. 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–2002–0146. 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–2002–0146.

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–2002–0146. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Handle CBI That I Want to Submit 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.

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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 constitutes and announces the availability of the TRED for tebuthiuron. 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, tebuthiuron 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 this TRED as a final document with a 30–day comment period. All comments will be considered by the Agency. If any comment significantly affects a TRED, EPA will amend the TRED by publishing the amendment in the **Federal Register**.

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 on 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: March 19, 2003.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 03–7981 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0097; FRL–7298–7]

Thiamethoxam; 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–2003–0097, must be received on or before May 2, 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: Dani Daniel, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5409; e-mail address: *daniel.dani@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 agricultureal producer, food manufacturer, or pesticide manufactuer. 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. *EPA Docket*. EPA has established an official public docket for this action under docket ID number OPP–2003–0097. 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–2003–0097. 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–2003–0097. 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–2003–0097.

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–2003–0097. 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?

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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. 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 24, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner's summary of the pesticide petitions is printed below as required by FFDCA section 408(d)(3). The summary of the petitions was prepared by Interregional Research Project 4 (IR-4) and represents the view of the petitioners. 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 4 (IR-4)

Syngenta Crop Ptotection Inc.

PP 2E6505, 2E6363, 2E6508, 3E6524, 1E6349, 9F5051 and 0F6142

This notice is a summary of pesticide petitions proposing the establishment/amendment of a regulation for residues of thiamethoxam and its metabolite in or on coffee (imported), pecans, leafy vegetable crop group, head and stem brassica subgroup, leafy brassica subgroup, succulent beans, stone fruit crop group, sunflower seed, peppermint tops and spearmint tops. This summary was prepared by the petitioners.

EPA has received seven pesticide petitions; four from Interregional Research Project 4 (IR-4), 681 U.S. Highway #1 South, North Brunswick, NJ 08902–3390, PP 2E6505, 2E6363, 2E6508 and 3E6524 and three from Syngenta Crop Protection Inc., P.O. Box 18300, Greensboro, NC 27419–8300, PP 0F6142, 1E6349, and 9F5051 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR 180.565 by establishing a tolerance for residues of the insecticide thiamethoxam [3-(chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine] (CAS Reg. No. 153719–23–4) and its metabolite N-(2-chloro-thiazol-5-ylmethyl)-N'-methyl -N'-nitro-guanidine) in or on the agricultural commodities:

A. IR-4 Petitions

l. PP 2E6505 proposes to establish tolerances for stone fruits, group 12 at 0.5 ppm.

2. PP 2E6363 proposes to establish tolerances for peppermint and spearmint, tops at 4.0 ppm.

3. PP 2E6508 proposes to establish tolerances for beans, succulent at 0.02 ppm.

4. PP 3E6524 proposes to establish tolerances for sunflower, seed at 0.02 ppm.

B. Syngenta Petitions

5. PP 0F6142 proposes to establish tolerances for pecans at 0.02 ppm.

6. PP 9F5051 proposes to establish tolerances for:

- Leafy vegetables, group 4 at 2.0 ppm
- Head and stem brassica vegetables, subgroup 5A at 1.0 ppm.
- Leafy brassica vegetables, subgroup 5B at 2.0 ppm.

7. PP 1E6349 proposes to establish tolerances for imported green and roasted coffee beans and instant coffee at 0.05 ppm.

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.

A. Residue Chemistry

1. *Plant metabolism.* The primary metabolic pathways of thiamethoxam in plants (corn, rice, pears, and cucumbers) were similar to those described for animals, with certain extensions of the pathway in plants. Parent compound and CGA–322704 were the major residues in all crops. The metabolism of thiamethoxam in plants and animals is understood for the purposes of the proposed tolerances. Parent thiamethoxam and the metabolite, CGA–322704, are the residues of concern for tolerance setting purposes.

2. *Analytical method.* Syngenta Crop Protection Inc. has submitted practical analytical methodology for detecting and measuring levels of thiamethoxam in or on raw agricultural commodities. The method is based on crop specific cleanup procedures and determination by liquid chromatography with either ultraviolet (UV) or mass spectroscopy (MS) detection. The limit of detection (LOD) for each analyte of this method is 1.25 nanogram (ng) injected for samples analyzed by UV and 0.25 ng injected for samples analyzed by MS, and the limit of quantitation (LOQ) is 0.005 ppm for milk and juices and 0.01 ppm for all other substrates.

3. *Magnitude of residues.* IR-4 has submitted complete residue data for thiamethoxam on succulent beans, sunflower seed, peppermint and spearmint tops and stone fruits. Syngenta has submitted complete residue data for the proposed imported coffee, pecan, leafy vegetable, head and stem brassica vegetables, leafy brassica vegetables. Details of the Syngenta residue data on these crops were provided in previously published Notices of Filing.

B. Toxicological Profile

1. *Acute toxicity.* The acute oral LD_{50} for thiamethoxam in the rat is 1,563 milligrams/kilogram body weight (mg/kg bwt). The acute dermal LD_{50} of thiamethoxam is >2000 mg/kg bwt. Thiamethoxam is non-toxic at atmospheric concentrations of 3.72 mg/L. Thiamethoxam is minimally irritating to the eye, non-irritating to skin and is not a dermal sensitizer.

In an acute neurotoxicity screening study in rats (OPPTS Harmonized Guideline 870.6200), the no observed aderse affect level (NOAEL) was 100 mg/kg/day with a NOAEL of 500 mg/kg/day based on drooped palpebral closure, decrease in rectal temperature and locomotor activity and increase in forelimb grip strength (males only). At higher dose levels, mortality, abnormal body tone, ptosis, impaired respiration, tremors, longer latency to first step in the open field, crouched over posture, gait impairment, hypo-arousal, decreased number of rears, uncoordinated landing during the righting reflex test, slight lacrimation (females only) and higher mean average input stimulus value in the auditory startle response test (males only).

2. *Genotoxicty.* In gene mutation studies with *S. typhimurium* and *E. coli* (OPPTS Harmonized Guidelines, 870.5100 and 870.5265), there was no evidence of gene mutation when tested up to 5,000 µg/plate and there was no evidence of cytotoxicity.

In a gene mutation study with chinese hamster V79 cells at hypoxanthine guanine phophoribosyl transferase (HGPRT) focus (OPPTS Harmonized Guideline 870.5300) there was no evidence of a gene mutation when tested up to the solubility limit.

In a CHO cell cytogenetics study (OPPTS Harmonized Guideline 870.5375) there was no evidence of chromosomal aberrations when tested up to cytotoxic or solubility limit concentrations.

An *in vivo* mouse bone marrow micronucleus study (OPPTS Harmonized Guideline 870.5395) was negative when tested up to levels of toxicity in whole animals; however, there was no evidence of target cell cytotoxicity. An unscheduled DNA synthesis (UDS) assay (OPPTS Harmonized Guideline 870.5550) was negative when tested up to precipitating concentrations.

3. *Reproductive and developmental toxicity.* A prenatal developmental study in the rat (OPPTS Harmonized Guideline 870.3700) resulted in maternal and developmental NOAELs of 30 mg/kg/day and 200 mg/kg/day, respectively. The maternal lowest observed adverse effect level (LOAEL) is 200 mg/kg/day based on decreased body weight, body weight gain and food consumption. The developmental LOAEL was 750 mg/kg/day based on decreased fetal body weight and an increased incidence of skeletal anomalies.

A prenatal developmental study in the rabbit (OPPTS Harmonized Guideline 870.3700) resulted in maternal and developmental NOAELs of 50 mg/kg/day. The maternal and developmental LOAEL is 150 mg/kg/day. The maternal LOAEL is based on maternal deaths, hemorrhagic discharge, decreased body weight and food intake during the dosing period. The developmental LOAEL is based on decreased fetal body weights, increased incidence of post-implantation loss and a slight increase in the incidence of a few skeletal anomolies/variations.

In a reproduction and fertility effects study in rats (OPPTS Harmonized Guideline 870.3800), the parental/systemic NOAEL is 1.84 (males), 202.06 (females) mg/kg/day; the reproductive NOAEL is 0.61 (males), 202.06 (females) mg/kg/day and the offspring NOAEL is 61.25 (males), 79.20 (females) mg/kg/day. The parental/systemic LOAEL is 61.25 (males), not determined (females) mg/kg/day based on increased incidence of hyaline change in renal tubules in F0 and F1 males. The reproductive LOAEL is 1.84 (males), not determined (females) mg/kg/day based on increased incidence and severity of tubular atrophy observed in testes of the F1 generation males. The offspring LOAEL is 158.32 (males), 202.06 (females) mg/kg/day based on reduced body weight gain during the lactation period in all litters.

4. *Subchronic toxicity.* A 90–day oral toxicity study in rats (OPPTS Harmonized Guideline 870.3100) resulted in a NOAEL of 1.74 males and 92.5 (females) mg/kg/day. The LOAEL is 17.64 (male) and 182.1 (female) mg/kg/day based on increased incidence of hyaline change of renal tubules epithelium (males), fatty change in adrenal gland of females, liver changes in females, all at the LOAEL.

A 90–day oral toxicity study in mice (OPPTS Harmonized Guideline 870.3100) resulted in an NOAEL of 1.41 (males) and 19.2 (females) mg/kg/day. The LOAEL was 14.3 (male) and 231 (female) mg/kg/day based on increased incidence of hepatocellular hypertrophy. At higher dose levels: Decrease in body weight and body weight gain, necrosis of individual hepatocytes, pigmentation of Kupffer cells, and lymphocytic infiltration of the

liver in both sexes; slight hematologic effects and decreased absolute and relative kidney weights in males; and ovarian atrophy, decreased ovary and spleen weights and increased liver weights in females.

In a 90–day oral toxicity study in dogs (OPPTS Harmonized Guideline 870.3150), the NOAEL is 8.23 (males) and 9.27 (females) mg/kg/day. The LOAEL is 32.0 (male) and 33.9 (female) mg/kg/day based on slightly prolonged prothrombin times and decreased plasma albumin and A/G ration (both sexes); decreased calcium levels and ovary weights and delayed maturation in the ovaries (female); decreased cholesterol and phospholipid levels, testis weights, spermatogenesis, and spermatic giant cells in testes (male).

In a 28–day dermal study in rats (OPPTS Harmonized Guideline 870.3200), the NOAEL was 250 (male) and 60 (female) mg/kg/day. The LOAEL was 1,000 (male) and 250 (female) mg/kg/day based on increased plasma glucose, triglyceride levels, and alkaline phosphatase activity and inflammatory cell infiltration in the liver and necrosis if single hepatocytes in females and hyaline change in renal tubules and a very slight reduction in body weight in males. At higher dose levels in females, chronic tubular lesions in the kidneys and inflammatory cell infiltration in the adrenal cortex were observed.

In a subchronic neurotoxicity screening study in rats (OPPTS Harmonized Guideline 870.6200) the NOAEL was 95.4 (male) and 216.4 (female) mg/kg/day, both at highest dose tested. The LOAEL was not determined. No treatment related observations at any dose level. LOAEL was not achieved. May not have been tested at sufficiently high dose levels; however, a new study is not required because the weight of the evidence from other toxicity studies indicates no evidence of concern.

5. *Chronic toxicity*. In a chronic toxicity study in dogs (OPPTS Harmonized Guideline 870.4100) the NOAEL was 4.05 (male) and 4.49 (female) mg/kg/day. The LOAEL was 21.0 (male) and 24.6 (female) mg/kg/day based on increase of creatinine in both sexes, transient decrease in food consumption in females, and occasional increase in urea levels, decrease in ALT, and atrophy of seminiferous tubules in males.

In a mouse carcinogenicity study (OPPTS Harmonized Guideline 870.4200), the NOAEL was 2.63 (male) and 3.68 (female) mg/kg/day. The LOAEL was 63.8 (male) and 87.6 (female) mg/kg/day based on hepatocyte hypertrophy, single cell necrosis, inflammatory cell infiltration, pigment deposition, foci of cellualr alteration, hyperplasia of kupffer cells and increased mitotic activity, also an increase in the incidence of hepatocellular adenoma (both sexes). At higher doses, there was an increase in the incidence of hepatocelluar adenocarcinoma (both sexes) and the number of animals with multiple tumors, evidence of carcinogenicity.

In a combined chronic caricinogenicity study in rats (OPPTS Harmonized Guideline 870.4300) the NOAEL was 21.0 (male) and 50.3 (female) mg/kg/day. The LOAEL was 63.0 (male) and 255 (female) mg/kg/day based on increased incidence of lymphocytic infiltration of the renal pelvis and chronic nephropathy in males and decreased body weight gain, slight increase in the severity of hemosiderosis of the spleen, foci of cellular alteration in liver and chronic tubular lesions in kidney in females. No evidence of carcinogenicity.

In a hepatic cell proliferation study in mice, the NOAEL was 16 (male) and 20 (female) mg/kg/day. The LOAEL was 72 (male) and 87 (female) mg/kg/day based on proliferative activity of hepatocytes. At higher dose levels, increases in absolute and relative liver weights, speckled liver, heptocellular glycogenesis/fatty change, heptocellular necrosis, apoptosis and pigmentation were observed.

In a 28–day feeding study to assess replicative DNA synthesis in the male rat, the NOAEL was 711 mg/kg/day. The LOAEL was not established. Immunohistochemical staining of liver sections from control and high dose animals for proliferating cell nuclear antigen gave no indication for a treatment related increase in the fraction of DNA syntesizing hepatocytes in S-phase. CGA–293343 did not stimulate hepatocyte cell proliferation in male rats.

In a special study to assess liver biochemistry in the mouse, the NOAEL was 17 (male) and 92 (female) mg/kg/day. The LOAEL was 74 (male), 92 (female) mg/kg/day based on marginal to slight increases in absolute and relative liver weights, a slight increase in the microsomal protein content of the livers, moderate increases in the cytochrome P450 content, slight to moderate increases in the activity of several microsomal enzymes, slight to moderate induction of cytosolic glutathionw S-transfersase activity. Treatment did not affect peroxisomal fatty acid B-oxidation.

6. *Animal metabolism*. The metabolism of thiamethoxam in rats and livestock animals is adequately understood. The residues of concern have been determined to be parent thiamethoxam and its metabolite N-(2-chloro-thiazol-5-ylmethyl)-N'methyl-N-nitro-guanidine.

7. *Metabolite toxicology*. For risk assessment purposes, residues of the metabolite corrected for molecular weight are considered to be toxicologically equivalent to parent thiamethoxam.

C. Aggregate Exposure

1. *Dietary exposure*. Permanent tolerances have been established (40 CFR 180.565) for the combined residues of the insecticide thiamethoxam, 3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine and its metabolite N-(2-chloro-thiazol-5-ylmethyl)-N'-methyl-N-nitro-guanidine, in or on a variety of raw agricultural commodities levels ranging from 0.02 parts per million (ppm) to 1.5 ppm (including barley, canola, corn, cotton, sorghum, wheat, cucurbit vegetables, fruiting vegetables, pome fruits, tuberous and corm vegetables and livestock commodities).

Pending tolerances include coffee (imported), grapes, raisins, grape juice, pecans, sunflower seed, stone fruits, succulent beans, peppermint and spearmint tops, head and stem brassica, leafy brassica greens and leafy vegetables.

Tier III chronic and Tier I acute dietary exposure evaluations were made using the Dietary Exposure Evaluation Model (DEEM™), version 7.76 from Exponent. All processing factors were taken from the EPA assessment of August 28, 2000 (DP Barcode D268606, PC Code 060109). These assessment results include all current tolerances and the proposed tolerances on stone fruit, mint, succulent beans, sunflower seed, pecans, leafy vegetables, leafy brassica vegetables, brassica head and stem vegetables and imported coffee.

For the Tier I acute assessment, the proposed tolerance residues for these commodities (stone fruit, 0.5 ppm; mint, 4.0 ppm; succulent beans, 0.02 ppm; sunflower seed, 0.02 ppm; pecans, 0.02 ppm; leafy vegetables, 2.0 ppm; leafy brassica vegetables, 2.0 ppm; brassica head and stem vegetables, 1.0 ppm; and imported coffee, 0.05 ppm) were used along with the published tolerances for all other commodities. One hundred percent of crop treated was assumed for all commodities in the acute assessment.

In the chronic assessments, residue values for secondary animal commodities, pome fruits, ginger, turmeric, peppers, potatoes, wheat and barley were taken from the EPA assessment of August 28, 2000 which

uses average field trial residue data with ½ LOQ substitutions for all non-detectable residues. In addition, a residue value of 0.011 ppm (½ LOQ) and a percent crop treated value of 6.6% were used for all corn commodities. For the remaining registered and the proposed commodities listed above, the following residue data was used in the DEEM™: Cucurbit, leafy and brassica vegetables and tomatoes - average field trial residues from soil-only application residue studies; stone fruits, mint, succulent beans, sunflower seed, and coffee - average field trial residue data with ½ LOQ substitutions for non-detectable residues; and pecans - the proposed tolerance.

In regard to the cucurbit vegetables and tomatoes, the current tolerances are based upon soil and foliar uses; however, Syngenta is currently limiting the use of thiamethoxam in these crops to soil only applications - thus, the refinement in DEEM™ inputs described above. Likewise, the proposed tolerances on leafy vegetables, leafy brassica vegetables and head and stem brassica vegetables are based upon soil and foliar applications of thiamethoxam; however, Syngenta is currently pursuing only the soil application use - thus, the refinement of DEEM inputs described above. Syngenta will pursue foliar applications for these crops at a later date; therefore, the proposed and current tolerances on these crops remain based upon soil and foliar applications.

All consumption data for these assessments was taken from the USDA's Continuing Survey of Food Intake by Individuals (CSFII) with the 1994–96 consumption data base and the supplemental CSFII children's survey (1998) consumption data base. For the chronic assessments, the following percent of crop treated values were used for the proposed uses: Coffee, 16.7%; sunflower, 15%; mint, 10%; leaf lettuce, 24.6%; head lettuce, 32%; spinach and cress, 15.6%; all other leafy vegetables, 19.4%; broccoli, 26.2%, cabbage, 15.3%; all other brassica vegetables 17.2%; beans, 20%; stone fruits, 15%; and pecans, 100%. A percent crop treated value of 5% was used for apples and a value of 6.6% was used for all corn commodities. All other percent of crop treated values were taken from the August 28, 2000 EPA assessment.

i. *Food.* For the purposes of assessing the potential dietary exposure under the proposed tolerances, Syngenta Crop Protection has estimated aggregate exposure from all crops for which tolerances are established or proposed. The Tier I acute assessment utilized tolerance values and 100% of crop treated values. The Tier III chronic assessments utilized the residue and percent of crop treated values described above.

a. *Acute exposure.* An acute reference dose of 0.10 mg/kg bwt/day for all population subgroups was based on a NOAEL of 100 mg/kg bwt/day from an acute neurotoxicity study in rats and an uncertainty factor of 100X (100X for combined interspecies and intraspecies variability). An additional Food Quality Protection Act (FQPA) safety factor of 10X was applied to all population subgroups due to the absence of a developmental neurotoxicity study. For the purpose of aggregate risk assessment, the exposure value was expressed in terms of margin of exposure (MOE). The MOE was calculated by dividing the NOAEL by the exposure for each population subgroup. In addition, exposure was expressed as a percent of the acute reference dose (%aRfD). Acute exposure to the most exposed subpopulation (children 1–6 years old) resulted in a MOE of 6,452 (15.5% of the aRfD of 0.10 mg/kg/ bwt/day) at the 95th percentile of exposure. Since the benchmark MOE for this assessment was 1,000, and since EPA generally has no concern for exposures below 100% of the aRfD, Syngenta believes that there is a reasonable certainty that no harm will result from acute dietary (food) exposure to residues arising from the current and proposed uses for thiamethoxam chronic exposure.

b. *Chronic exposure.* The chronic reference dose (cRfD) for thiamethoxam is 0.0006 mg/kg/ bwt/day for all population subgroups and is based on a NOAEL of 0.6 mg/kg/bwt/day from a two generation rat reproduction study. An uncertainty factor of 100X (for combined interspecies and intraspecies variability) and an additional FQPA safety factor of 10X was applied due to evidence of increased susceptibility to young rats following prenatal/postnatal exposure. Exposure was expressed as MOE and percent of the reference dose (%RfD). Chronic exposure to the most exposed subpopulation (non-nursing infants) resulted in a MOE of 11,538 (8.6% of the cRfD of 0.0006 mg/kg/bw/day). Since the benchmark MOE for this assessment was 1,000 and since EPA generally has no concern for exposures below 100% of the RfD, Syngenta believes that there is a reasonable certainty that no harm will result from chronic dietary (food) exposure to residues arising from the current and proposed uses for thiamethoxam.

c. *Lifetime exposure.* The Q* value for thiamethoxam is 0.0377 $(mg/kg/day)^{-1}$ and is based on benign and malignant heptocellular tumors in mice in an 18–month carcinogenicity study. Lifetime exposure to the U.S. population resulted in a lifetime risk of 8.17×10^{-7} which represents 81.7% of EPA's lifetime risk limit of 1.0×10^{-6}.

ii. *Drinking water.* EPA used the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW, which predicts pesticide concentrations in ground water. None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern. Based on the SCI-GROW and PRZM/EXAMS models, EPA calculated that estimated environmental concentrations of thiamethoxam at the highest use rate (0.125 lb a.i./acre) are 1.9 parts per billion (ppb) for acute and chronic exposure to ground water and 11.4 ppb and 0.77 ppb for acute and chronic exposure, respectively, to surface water. Based on field and laboratory data as well as on going prospective ground water monitoring studies, Syngenta believes that the potential exposure to ground water is much lower than that predicted by the conservative SCI-GROW model.

Preliminary results from the prospective ground water monitoring studies have indicated no detections of thiamethoxam in ground water. EPA determined estimated environmental concentrations (EECs) are used for comparison to Drinking Water Levels of Comparison (DWLOC).

a. *Acute drinking water risk.* Acute DWLOCs were calculated based on an acute populated adjusted dose (aPAD) of 0.1 mg/kg/day. For the acute assessment, the children (1–6 yrs) subpopulation generated the lowest acute DWLOC of approximately 845 ppb. EPA has determined that the surface water acute EEC is 11.4 ppb and the ground water EEC is 1.9 ppb. Since the surface water value is greater than the ground water value, the surface water value will be used for comparison purposes and will protect for any concerns for ground water concentrations. Since the acute DWLOC of 845 ppb is considerably higher than the acute EEC of 11.4 ppb, Syngenta believes that EPA should not have a concern for acute risk to either surface or ground water.

b. *Chronic drinking water risk.* Chronic DWLOCs were calculated based on a cPAD of 0.0006 mg/kg/day. For the chronic assessment, the non-nursing infants subpopulation generated the lowest chronic DWLOC of approximately 5.5 ppb. EPA has determined that the surface water chronic EEC is 0.77 ppb and the ground water EEC is 1.9 ppb. Since the ground water value is greater than the surface water value, the ground water value will be used for comparison purposes and will protect for any concerns for surface water concentrations. Since the chronic DWLOC of 5.5 ppb is higher than the chronic EEC of 1.9 ppb, Syngenta believes that EPA should not have a concern for chronic risk to either surface or ground water.

c. *Lifetime drinking water risk.* Based on currently registered and proposed uses for thiamethoxam, Syngenta has determined a DWLOC of 2.0 ppb. At the currently registered maximum use rate of 0.125 lbs. a.i. per acre per growing season, EPA has used the SCI-GROW model to predict a ground water EEC of 1.9 ppb. Thus, the ground water EEC is below the lifetime DWLOC for the general population. The Agency used a screening level model designed to estimate pesticide concentrations in shallow ground water. A number of factors demonstrate that the actual lifetime exposure through drinking water will be less than the lifetime DWLOC. These reasons are as follows:

- Thiamethoxam is a systemic pesticide. EPA's Tier I ground water model assumes that all of the product that is applied to the crop is available for run off. Syngenta has submitted data to show that a percentage (15–25%) of the product is absorbed by the plant, resulting in that much less product available to leach into ground water. Although, data submitted is on only two crops (beans and cucumbers), it is likely that the total amount of thiamethoxam available for ground water leaching is less than the amount EPA uses as a model input.
- Although, the Agency model is based on aerobic soil half lives, EPA's lifetime risk assessment is for lifetime exposure. Data indicate the anaerobic aquatic half-life for thiamethoxam is shorter than the aerobic soil half-life and longer than the aerobic aquatic half-life. Although, EPA is unable to predict, with a high degree of certainty, what happens to thiamethoxam ground water over time, this does provide some support for the expectation that concentrations in ground water will decline between annual applications.
- Shallow ground water modeling is not the perfect model for representing all drinking water from ground water sources. It is likely to be an over estimate of most drinking water concentrations, which tend to originate from deeper sources. EPA's experience is that the model is reasonably accurate for shallow drinking water, but it is less accurate for estimating concentrations in drinking water from deeper sources.
- The Agency has established conditions of registration for the previous uses that include two prospective ground water studies and a retrospective monitoring study, so that the reasonable certainty of no harm finding will be sustained. Preliminary results have indicated no detections of thiamethoxam in ground water.
- The dietary food risk is based on residue data derived from the average of field trials, which were performed at a higher application rate than what was accepted by EPA. It is not unusual in the Agency's experience for field trial data to be an order of magnitude above actual monitoring. Since thiamethoxam has only recently been registered, actual monitoring data are not yet available. It is likely that the actual risk contribution from food will be much lower than current data indicate, which would result in a larger lifetime DWLOC. Syngenta expects that this refined lifetime DWLOC would be larger than the EECs for the proposed uses. Based on the previous points, Syngenta does not expect that the general population would be exposed to levels exceeding the lifetime DWLOC.

2. *Non-dietary exposure.* Thiamethoxam is not currently registered for use on any sites that would result in residential exposure.

D. Cumulative Effects

The potential for cumulative effects of thiamethoxam and other substances that have a common mechanism of toxicity has also been considered. Thiamethoxam belongs to a new pesticide chemical class known as the neonicotinoids. There is no reliable information to indicate that toxic effects produced by thiamethoxam would be cumulative with those of any other chemical including another pesticide. Therefore, Syngenta believes it is appropriate to consider only the potential risks of thiamethoxam in an aggregate risk assessment.

E. Safety Determination

Syngenta concludes, as described above, that there is reasonable certainty that no harm to the U.S. population will result from aggregate acute or chronic dietary exposure to thiamethoxam residues including the proposed commodities.

F. International Tolerances

There are no codex MRLs established for residues of thiamethoxam.

[FR Doc. 03–7803 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0102; FRL–7299–6]

Fludioxonil; Notice of Filing Pesticide Petitions 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–2003–0102, must be received on or before May 2, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I.C. 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. 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. 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. 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–2003–0102. 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–2003–0102. 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–2003–0102. 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–2003–0102.

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–2003–0102. 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 25, 2003.

Debra Edwards,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petitions

The petitioner's summary of the pesticide petitions is printed below as required by FFDCA section 408(d)(3). The summary of the petitions was prepared by the petitioner and represents the views 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. The Interregional Research Project Number 4 (IR-4) prepared and submitted the pesticide petitions to EPA on behalf of Syngenta Crop Protection, Inc., the registrant.

Interregional Research Project Number 4

PP 2E6486, 2E6462, 3E6526, and 2E6448

EPA has received pesticide petitions 2E6486, 2E6462, 3E6526, and 2E6448, from the IR-4 Project, Center for Minor Crop Pest Management, 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 Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR 180.516 by establishing tolerances for residues of fludioxonil, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-H-pyrrole-3-carbonitrile, in or on the following raw agricultural commodities:

1. *PP 2E6486* proposes tolerances as follows:

- Brassica, head and stem subgroup 5a at 1.5 parts per million (ppm).
- Brassica, leafy greens subgroup 5b at 9.0 ppm.
- Turnip, greens at 9.0 ppm.

2. *PP 2E6462* proposes a tolerance for carrot at 0.5 ppm.

3. *PP 3E6526* proposes a tolerance for herb subgroup 19a at 33.0 ppm.

4. *PP 2E6448* proposes a tolerance for the following:

- Longan at 2.0 ppm.
- Lychee at 2.0 ppm.
- Pulasan at 2.0 ppm.
- Rambutan at 2.0 ppm.
- Spanish lime at 2.0 ppm.

Pending PP 3E6526 proposes a tolerance for herb subgroup 19a at 33.0 ppm. A tolerance currently exist for fludioxonil on herbs and spices at 0.02 ppm (40 CFR 180.516). This notice proposes amending 40 CFR 180.516 as follows:

1. Delete existing herbs and spices tolerance of 0.02 ppm and establish a seperate herb subgroup 19a tolerance at 33.0 ppm.

2. Establish a seperate spice subgroup 19b tolerance at 0.02 ppm.

As the result of this proposed amendment, the pending herb subgroup 19a tolerance at 33.0 ppm precludes the need for the existing herbs tolerance of 0.02 ppm. Moreover, the existing spices tolerance of 0.02 ppm is changed to spice subgroup 19b at 0.02 ppm.

Additional data may be needed before EPA rules on the petitions. Syngenta Crop Protection, Inc., Greensboro, NC 27409 is the manufacturer of the chemical pesticide, fludioxinil. Syngenta prepared and submitted the following summary of information, data, and arguments in support of the pesticide petitions. This summary does not necessarily reflect the findings of EPA.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of fludioxonil is adequately understood for the purpose of the proposed tolerances.

2. *Analytical method*. Syngenta has developed and validated analytical methodology for enforcement purposes. This method (Syngenta Crop Protection

Method AG-597B) has passed an Agency petition method validation for several commodities and is currently the enforcement method for fludioxonil. This method has also been forwarded to the Food and Drug Administration for inclusion into PAM II. An extensive data base of method validation data using this method on various crop commodities is available.

3. *Magnitude of residues*. Complete residue data for Brassica, head and stem (subgroup 5e.c.), Brassica leafy greens (subgroup 5e.c.), turnip, greens, herb (subgroup 19e.c.), and lychee, longan, rambutan, pulasan, and Spanish lime have been submitted. The requested tolerances are adequately supported by field research data.

B. Toxicological Profile

An assessment of toxic effects caused by fludioxonil is discussed in Unit III.A. and Unit III.B. of the **Federal Register** of August 2, 2002 (67 FR 50354) (FRL–7188–7).

1. *Animal metabolism*. The metabolism of fludioxonil in rats is adequately understood.

2. *Metabolite toxicology*. The residues of concern for tolerance setting purposes is fludioxonil, the parent compound. Consequently, there is no additional concern for toxicity of metabolites.

3. *Endocrine disruption*. Fludioxonil does not belong to a class of chemicals known for having adverse effects on the endocrine system. No estrogenic effects have been observed in the various short-term and long-term studies conducted with various mammalian species.

C. Aggregate Exposure

1. *Dietary exposure*. A Tier III acute and chronic dietary exposure evaluation was made using the Dietary Exposure Evaluation Model (DEEM™), version 7.76 from exponent. Empirically derived processing studies for apple juice (0.09X), apple pomace (6.77X), and grape juice (0.36X) were used in these assessments. The apple juice processing factor was used as a surrogate for pear juice and all other processing factors used DEEM™ defaults. All consumption data for these assessments were taken from the U.S. Department Agriculture (USDA) Continuing Survey of Food Intake by Individuals (CSFII) with the 1994–96 consumption data base and the Supplemental CSFII children's survey (1998) consumption data base. These exposure assessments included all registered uses and uses proposed in this submission: Brassica, head and stem (subgroup 5e.c.), Brassica, leafy greens (subgroup 5e.c.), turnip, greens, carrot, herbs (subgroup 19e.c.), lychee, longan, and Spanish lime. Secondary residues in animal commodities were estimated based on theoretical worst-case, yet nutritionally adequate animal diets and transfer information from feeding studies.

i. *Food*. For the purposes of assessing the potential dietary exposure under the proposed tolerances, Syngenta Crop Protection has estimated aggregate exposure from all crops for which tolerances are established or proposed. These assessments utilized residue data from field trials where fludioxonil was applied at the maximum intended use rate and samples were harvested at the minimum pre-harvest interval (PHI) to obtain maximum residues. Percent of crop treated (PCT) values were estimated based upon economic, pest and competitive pressures. The values used in these assessments were: All seed treatment uses, 100%; apricots and pistachios, 10%; cherries, 16%; nectarines, 49%; onions, 9%; peaches, 22%; plums, 25%; other stone fruit, 20%; strawberries, 42%; watercress, 95%; berries, 13%; salal, 13%; herbs, 80%; crop group 5e.c. and 5e.c., carrots, and lychee, turnips and longan 10%.

ii. *Acute exposure*. An acute reference dose (aRfD) of 1.0 milligram/kilogram body weight (mg/kg/bwt) day for the females 13–50 years subpopulation only was based on a no observed adverse effect level (NOAEL) of 100 mg/kg/bwt day from a rat teratology study and an uncertainty factor of 100X. No additional FQPA safety factor was applied. For the purpose of aggregate risk assessment, the exposure value was expressed in terms of margin of exposure (MOE) which was calculated by dividing the NOAEL by the exposure for each population subgroup. In addition, exposure was expressed as a percent of the aRfD. Acute exposure to the females 13–50 years subpopulation resulted in a MOE of 9,933 (1.01%) of the aRfD of the 1.0 mg/kg bwt/day. Since the benchmark MOE for the assessment was 100 and since EPA generally has no concern for exposures below 100% of the RfD, Syngenta believes that there is a reasonable certainty that no harm will result from dietary (food) exposure to residues arising from the current and proposed uses for fludioxonil.

iii. *Chronic exposure*. The chronic reference dose (cRfD) for fludioxonil is 0.033 mg/kg bwt/day and is based on a 1–year study in dogs with a NOAEL of 3.3 mg/kg bwt/day and an Uncertainty Factor (UF) of 100X. No additional Food Quality Protection Act (FQPA) safety factor was applied. The fludioxonil Tier III chronic dietary exposure assessment was based upon residue field trial results. For the purpose of aggregate risk assessment, the exposure values were expressed in terms of MOE which was calculated by dividing the NOAEL by the exposure for each population subgroup. In addition, exposure was expressed as a percent of the RfD. Chronic exposure to the most exposed subpopulation (children 1 and 2 years old) resulted in a MOE of 2,668 (3.75%) of the cRfD of 0.033 mg/kg bwt/day. Since the benchmark MOE for this assessment was 100 and since EPA generally has no concern for exposures below 100% of the RfD, Syngenta believes that there is a reasonable certainty that no harm will result from dietary (food) exposure to residues arising from the current and proposed uses for fludioxonil.

iv. *Drinking water*. Another potential source of exposure of the general population to residues of fludioxonil are residues in drinking water. Fludioxonil rapidly degrades via photolysis on the soil surface and in water. The half-lives are 1 day and 10 days, respectively. This potential for rapid degradation reduces the potential for ground water or surface water exposure. Fludioxonil soil/solution partition coefficients vary from 991 to 2,440 indicating a relatively high affinity for binding to soil. Estimated Environmental Concentrations (EECs) of fludioxonil in drinking water were determined for the highest use rate of fludioxonil (turfgrass use). Sceening Concentration in Ground Water (SCI-GROW) (Version 2.2) was used to determine acute and chronic ECCs in ground water and FQPA Index Reservior Screening Tool (FIRST) (Version 1.0) was used to determine acute and chronic estimated environmental concentrations in surface water. Based on the model outputs, the ECCs of fludioxonil are 0.174 parts per billion (ppb) for acute and chronic exposure to ground water and 70 ppb and 33 ppb for acute and chronic exposure, respectively, to surface water. Acute Drinking Water Levels of Comparison (DWLOC) were calculated based on an acute Populated Adjusted Dose (aPAD) of 1 mg/kg/day. For the acute assessment, the females (13–50 years) subpopulation generated an acute DWLOC of approximately 30,000 ppb. Thus, the acute DWLOC of 30,000 ppb is considerably higher than the acute EEC of 70 ppb. Chronic DWLOC were calculated based on a cRfD of 0.033 mg/kg/day. For the chronic assessment, the children 1 and 2 years old subpopulation generated the lowest chronic DWLOC of approximately 320 ppb. Thus, the chronic DWLOC of 320 ppb is considerably higher than the chronic EEC of 33 ppb.

2. *Non-dietary exposure*. There is a potential residential post-application exposure to adults and children entering residential areas treated with fludioxonil. Since the Agency did not select a short-term endpoint for dermal exposure, only intermediate dermal exposures were considered. Based on the residential use pattern, Syngenta believes that no long-term post-application residential exposure is expected.

3. *Chronic aggregate exposure*. Based on the completeness and reliability of the toxicity data supporting these petitions, Syngenta believes that there is a reasonable certainty that no harm will result from aggregate exposure to residues arising from all current and proposed fludioxonil uses, including anticipated dietary exposure from food, water, and all other types of non-occupational exposures.

D. Cumulative Effects

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA does not have, at this time, available data to determine whether fludioxonil has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. For the purposes of this tolerance action, EPA has not assumed that fludioxonil has a common mechanism of toxicity with other substances.

E. Safety Determination

The chronic dietary exposure analysis (food only) showed that exposure from all established and proposed fludioxonil uses would be 3.75% of the cRfD for the most sensitive subpopulation, children 1 and 2 years old. Additionally, for females 13–50 years old, the acute dietary exposure analysis (food only) showed that exposure from all established and proposed fludioxonil uses would be 1.01% of the aPAD. EPA has determined that reliable data support using the standard MOE and uncertainty factor (100 for combined interspecies and intraspecies variability) for fludioxonil and that an additional safety factor of 10 is not necessary to be protective of infants and children.

Acute DWLOCs were calculated based on an aPAD of 1 mg/kg/day. For the acute assessment, the females (13–50 years) subpopulation generated an acute DWLOC of approximately 30,000 ppb. The acute EEC of 70 ppb is considerably less than 30,000 ppb. For the chronic assessment, the children 1 and 2 years old subpopulation generated the lowest chronic DWLOC of approximately 320 ppb. Thus, the chronic DWLOC of 320 ppb is considerably higher than the chronic EEC of 33 ppb. Syngenta has considered the potential aggregate exposure from food, water and non-occupational exposure routes and concluded that aggregate exposure is not expected to exceed 100% of the cRfD and that there is a reasonable certainty that no harm will result to infants and children from the aggregate exposure to fludioxonil.

F. International Tolerances

There are no Codex maximum residue levels established for fludioxonil.

[FR Doc. 03–7977 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0352; FRL–7286–2]

Experimental Use Permit; Receipt of Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application 524–EUP–OA from Monsanto Company requesting an experimental use permit (EUP) for the *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (vector ZMIR39) in corn. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments, identified by docket ID number OPP–2002–0352, must be received on or before May 2, 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: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8715; e-mail address: *mendelsohn.mike@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are interested in agricultural biotechnology 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–2002–0352. 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.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

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

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number 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–2002–0352. 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–2002–0352. 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–2002–0352.

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–2002–0352. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

Monsanto has applied to test *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (vector ZMIR39) in corn on 829 acres in 2003 and 2,299 acres in 2004 in Alabama, California, Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Virginia, and Wisconsin for breeding and observation nursery, inbred seed increase production, line per se and hybrid yield, insect efficacy, product characterization and performance/labeling, insect resistance management, non-target organism and benefit, seed treatment, swine growth and feed efficiency, dairy cattle feed efficiency, beef cattle growth and feed efficiency, and cattle grazing feed efficiency trials. This plant-incorporated protectant is being tested against corn rootworm species. The tolerance exemption under 40 CFR 180.1214 applies to this plant-incorporated protectant. A tolerance exemption in 40 CFR part 180 applies to the associated marker gene and its product, which the Agency considers a plant-incorporated protectant inert ingredient.

III. What Action is the Agency Taking?

Following the review of the Monsanto Company application and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

IV. What is the Agency's Authority for Taking this Action?

The specific legal authority for EPA to take this action is under FIFRA section 5.

List of Subjects

Environmental protection, Experimental use permits.

Dated: March 21, 2003.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 03–7975 Filed 4–1–03; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

March 27, 2003.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 2, 2003. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at Judith-*B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0168.

Title: Section 43.43, Reports of Proposed Changes in Depreciation Rates.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 10.

Estimated Time Per Response: 6,000 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Total Annual Burden: 40,000 hours.

Total Annual Cost: N/A.

Needs and Uses: The Commission streamlined its depreciation prescription process by permitting summary filings and eliminating the prescription of depreciation rates for incumbent Local Exchange Carrier's (LECs), expanding the prescribed range for the digital switching plant account, and eliminating the theoretical reserve study requirement for mid-sized incumbent LECs. The Commission also established a waiver process whereby price cap incumbent LECs can free themselves of depreciation regulation. The Commission is submitting this information collection to OMB without any changes since the last approval and is seeking a three year clearance.

OMB Control No.: 3060–0233.

Title: Part 36, Separations.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and state, local or tribal government.

Number of Respondents: 1,500 respondents; 5,600 responses.

Estimated Time Per Response: 2–22 hours.

Frequency of Response: On occasion, annual and quarterly reporting requirements and third party disclosure requirement.

Total Annual Burden: 157,125 hours.

Total Annual Cost: N/A.

Needs and Uses: In order to all determination of the study areas that are entitled to an expense adjustment, and

the wire centers that are entitled to support, each incumbent LEC must provide certain data to the National Exchange Carrier Association (NECA) annually and/or quarterly. State or local telephone companies who want to participate in the federal assistance program must make certain informational showings to demonstrate eligibility. The Commission is submitting this information collection to OMB without any changes since the last approval and is seeking a three year clearance.

OMB Control No.: 3060–0410.

Title: Forecast of Investment Usage Report and Actual Usage of Investment Report.

Form Nos.: FCC Forms 495A and 495B.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 150 respondents; 300 responses.

Estimated Time Per Response: 40 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 12,000 hours.

Total Annual Cost: N/A.

Needs and Uses: The Forecast of Investment Usage and Actual Usage of Investment Reports are needed to detect and correct forecast errors that could lead to significant misallocation of network plant between regulated and non-regulated activities. The Commission's purpose is to protect the regulated ratepayer from subsidizing the non-regulated activities of rate regulated telephone companies. The Commission is submitting this information collection to OMB without any changes since the last approval and is seeking a three year clearance.

OMB Control No.: 3060–0931.

Title: Maritime Mobile Service Identity (MMSI).

Form Nos.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, federal government.

Number of Respondents: 2,000.

Estimated Time Per Response: .50 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement.

Total Annual Burden: 1,000 hours.

Total Annual Cost: N/A.

Needs and Uses: This information collection is necessary to require owners of marine VHF radios with Digital Selective Calling (DSC) capability to register information such as name, address, type of vessel with a private entity issuing marine mobile service identities (MMSI). The information would be used by search and rescue personnel to identify vessels in distress and to select the proper rescue units and search methods. The information is used by the private entities to maintain a database used to provide information about the vessel owner in distress using marine VHF radios with DSC capability. If the collection were not conducted, the U.S. Coast Guard would not have access to this information which would increase the time needed to complete a search and rescue operation. The Commission is submitting this information collection to OMB without any changes since the last approval and is seeking a three year clearance.

OMB Control No.: 3060–0936.

Title: Sections 95.1215, Disclosure Policies and 95.1217, Labeling Requirements.

Form Nos.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents: 20.

Estimated Time Per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 20 hours.

Total Annual Cost: N/A.

Needs and Uses: The information collections contained in sections 95.1215 and 95.1217 require manufacturers of transmitters for the Medical Implant Communications Service (MICS) to include with each transmitting device a statement regarding harmful interference and to label the device in a conspicuous location on the device. The requirements will allow use of potential life-saving medical technology without causing interference to other users of the 402–405 MHz band. The Commission is submitting this information collection to OMB without any changes since the last approval and is seeking a three year clearance.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–7881 Filed 4–1–03; 8:45 am]

BILLING CODE 6712–01–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.: 011648–007.

Title: APL/Crowley/Lykes/MLL Space Charter and Sailing Agreement.

Parties: American President Lines, Ltd., APL Co. PTE Ltd., Crowley Liner Service, Inc., Lykes Lines Limited, LLC, TMM Lines Limited, LLC.

Synopsis: The subject agreement modification adds Honduras to the Gulf/Caribbean portion of the agreement and expands the Gulf/East Coast of South America portion of the agreement to include the Atlantic Coast of Florida and Trinidad and Tobago. It also adds language to Article 5.2(a) stating that APL will not use slots within its allocation to move cargo to or from Puerto Cortes or Gulfport.

Agreement No.: 011847.

Title: The Pacific Gulf Express Agreement.

Parties: CMA CGM, S.A., P&O Nedlloyd Limited, P&O Nedlloyd B.V.

Synopsis: The agreement establishes a vessel-sharing and sailing agreement between the parties for the purpose of operating a weekly direct service between the U.S. Gulf and inland and coastal point served via such ports on the one hand and ports in the West Coast of Mexico, Panama, Jamaica and ports in the Japan/Hong Kong range (including the People's Republic of China and South Korea), including inland and Coastal points.

By Order of the Federal Maritime Commission.

Theodore A. Zook,

Assistant Secretary.

[FR Doc. 03–7958 Filed 4–1–03; 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:

ITS International Container Lines Inc., 99 W. Hawthornie Ave., Suite 216, Valley Stream, NY 11580, Officers: Philip Lam, President (Qualifying Individual), Joseph Lam, Vice President.

Dynasty Freight Consolidator Inc., 100 North Hill Drive, #50, Brisbane, CA 94005, Officer: Hung Cheung Ng, President (Qualifying Individual).

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

TGAX Logistics (USA) LLC, 182–16 149th Rd., Rm. 238, Springfield Garden, NY 11413, Officers: Bosco L. Man, Vice President (Qualifying Individual), Robert Mooney, President.

Boom U.S.A., Inc. dba B.G. Logistics, 2227 NW 79th Avenue, Miami, FL 33122, Officers: Julian Scattolini, Director (Qualifying Individual), Andres Nunez Sorensen, President.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

LCL Cargo Services, Inc., 8501 NW 17th Street, Miami, FL 33126, Officer: Ron Sonbeek, President (Qualifying Individual).

Inlogix Corp. dba Inlogix, Lot 6 Monterrey Avenue, Geoconsult Bldg., San Juan PR 00920, Officers: Lemuel Toledo Gonzalez, General Manager (Qualifying Individual), Pedro Toledo, Vice President.

Dated: March 28, 2003.

Theodore A. Zook,

Assistant Secretary.

[FR Doc. 03–7959 Filed 4–1–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

[File No. 022 3053]

The Laser Vision Institute, LLC; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 25, 2003.

ADDRESSES: Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments filed in electronic form should be directed to: *consentagreement@ftc.gov,* as prescribed below.

FOR FURTHER INFORMATION CONTACT: Matthew Daynard, FTC, Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2805.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission's rules of practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC home page (for March 26, 2003), on the World Wide Web, at *http://www.ftc.gov/os/2003/03/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If a comment contains nonpublic information, it must be filed in paper form, and the first page of the document must be clearly labeled ''confidential.'' Comments that do not contain any nonpublic information may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to email messages directed to the following email box: *consentagreement@ftc.gov.* Such comments will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice, 16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from The Laser Vision Institute, LLC and its principals, Marco Musa, Max Musa, and Marc'Andrea Musa (collectively, ''LVI'').

The proposed consent order has been placed on the public record for 30 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves alleged misleading representations about LASIK (laser assisted in situ keratomileusis) refractive surgery services designed to improve the focusing power of the eye by permanently changing the shape of the cornea (the clear covering of the front of the eye), thereby reducing patients' dependence on eyeglasses and contact lenses.

The complaint alleges that LVI failed to substantiate claims that its LASIK surgery services: (1) Eliminate the need for glasses and contacts for life; (2) eliminate the need for reading glasses; and (3) eliminate the need for bifocals. Among other reasons, the complaint alleges that LASIK surgery does not eliminate most peoples' need for reading glasses.

According to the FTC complaint, LVI falsely claimed that consumers will receive a free consultation that determines their candidacy for LASIK. In fact, the complaint alleges that consumers receive a free, initial meeting with an LVI representative during which consumers receive a quoted price for the procedure based on their prescription and other desired services, and are required to pay a $300 deposit before the risks and limitations of LASIK are disclosed to them and their candidacy is determined by a health care professional at a future time. The $300 deposit is non-refundable if, after the consultation, consumers elect not to undergo the procedure. Consumers are refunded $200 of the deposit if they are later rejected as medical candidates.

The proposed consent order contains provisions designed to prevent LVI from engaging in similar acts and practices in the future.

Part I of the order prohibits claims that LASIK surgery services or any other refractive surgery services: (1) Eliminate the need for glasses and contacts for life; (2) eliminate the need for reading glasses; or (3) eliminate the need for bifocals, unless the claims are substantiated by competent and reliable scientific evidence. ''Refractive surgery services'' are defined as any surgical procedure designed to improve the focusing power of the eye by permanently changing the shape of the cornea.

Part II of the order requires that future claims about the benefits, performance, efficacy, or safety of any refractive surgery service be substantiated by competent and reliable scientific evidence.

Part III of the order prohibits LVI from misrepresenting: (1) That consumers will receive a free consultation that determines their candidacy for LASIK or any other refractive surgery services; (2) the cost to consumers to have their candidacy for refractive surgery services determined; or (3) the information consumers will receive during a consultation for refractive surgery services.

Part IV of the order permits device claims approved by the FDA under any new medical device application.

Parts V and VI of the order require LVI to keep copies of relevant advertisements and materials substantiating claims made in the advertisements, and provide copies of the order to certain of its personnel.

Part VII of the order requires the corporate respondent to notify the Commission of changes in corporate structure.

Part VIII of the order requires the individual respondents to notify the Commission of their employment status in the eye care industry.

Part IX of the order requires LVI to file compliance reports with the Commission, and Part X provides that the order will terminate after 20 years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 03–7931 Filed 4–1–03; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 022 3098]

LCA-Vision, Inc. d/b/a LasikPlus; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 25, 2003.

ADDRESSES: Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments filed in electronic form should be directed to: *consentagreement@ftc.gov,* as prescribed below.

FOR FURTHER INFORMATION CONTACT: Matthew Daynard, FTC, Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–3291.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission's rules of practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 26, 2003), on the World Wide Web, at ''*http://www.ftc.gov/os/2003/03/index.htm.*'' A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If a comment contains nonpublic information, it must be filed in paper form, and the first page of the document must be clearly labeled ''confidential.'' Comments that do not contain any nonpublic information may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to e-mail messages directed to the following e-mail box: *consentagreement@ftc.gov.* Such comments will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice, 16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from LCA-Vision, Inc. d/b/a LasikPlus (''LCA'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves allegedly misleading representations about LASIK (laser assisted in situ keratomileusis) refractive surgery services designed to improve the focusing power of the eye by permanently changing the shape of the cornea (the clear covering of the front of the eye), thereby reducing patients' dependence on eyeglasses and contact lenses.

According to the FTC complaint, LCA failed to have substantiation for the claims that its LASIK surgery services: (1) Eliminate the need for glasses and contacts for life; and (2) pose significantly less risk to patients' eye health than wearing glasses or contacts. Among other reasons, LASIK surgery does not eliminate most peoples' need for reading glasses, and the relative risks of LASIK surgery and wearing contact lenses over time are not readily comparable. The complaint further alleges that LCA did not have substantiation for its claim that its LASIK surgery services eliminate the risk of glare and haloing, a starburst effect around lights at night, that can be caused by the LASIK procedure.

The proposed consent order contains provisions designed to prevent LCA

from engaging in similar acts and practices in the future.

Part I of the order prohibits claims that LASIK surgery services or any other refractive surgery services: (1) Eliminate the need for glasses and contacts for life; (2) pose significantly less risk to patients' eye health than wearing glasses or contacts; or (3) eliminate the risk of glare and haloing, unless the claims are substantiated by competent and reliable scientific evidence. ''Refractive surgery services'' are defined as any surgical procedure designed to improve the focusing power of the eye by permanently changing the shape of the cornea.

Part II of the order requires that future claims about the benefits, performance, efficacy, or safety of any refractive surgery service be substantiated by competent and reliable scientific evidence.

Part III of the order permits device claims approved by the FDA under any new medical device application.

Parts IV, V, VI, and VII of the order require LCA to keep copies of relevant advertisements and materials substantiating claims made in the advertisements, to provide copies of the order to certain of its personnel, to notify the Commission of changes in corporate structure, and to file compliance reports with the Commission. Part VIII provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 03–7930 Filed 4–1–03; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR); Automation of Medical Standard Form 88

AGENCY: Office of Communications, GSA.

ACTION: Guideline on automating medical standard forms.

BACKGROUND: The Interagency Committee on Medical Records (ICMR) is aware of numerous activities using computer-generated medical forms, many of which are not mirror-like images of the genuine paper Standard/Optional form. With GSA's approval to ICMR eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The committee proposes to set required fields standards and that activities developing computer-generated versions adhere to the required fields but not necessarily to the image. The ICMR plans to review medical Standard/Optional forms which are commonly used and/or commonly computer-generated. We will identify those fields which are required, those (if any) which are optional, and the required format (if necessary). Activities may not add or delete data elements that would change the meaning of the form. This would require written approval from the ICMR. Using the process by which overprints are approved for paper Standard/Optional forms, activities may add other data entry elements to those required by the committee. With this decision, activities at the local or headquarters level should be able to develop electronic versions which meet the committee's requirements. This guideline controls the ''image'' or required fields but not the actual data entered into the field.

SUMMARY: With GSA's approval, the Interagency Committee of Medical Records (ICMR) eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted any exception. The following fields must appear on the electronic version of the following form:

ELECTRONIC ELEMENTS FOR SF 88

Item	Placement*
Report of Medical Examination	Top of form.
Standard Form 88 (Rev. 8/2001) (Form ID)	Bottom right corner of form.
Data Entry Fields:	
1. Date of Exam	
2. Last Name	
2. First Name	
2. Middle Name	
3. Identification Number	
4. Grade of Position	
4. Component of Position	
5. Home Address (Number, street or RDFD, city or town, state and ZIP code)	
6. Emergency Contact (Name)	
6. Emergency Contact (address)	
7. Date of Birth	
8. Age	
9. Sex—Female (Checkbox)	
9. Sex—Male (Checkbox)	
10. Relationship of Contact	
11. Place of Birth	
12. Agency	
13. Organization Unit	
14a. Total Years Government Service—Military	
14b. Total Years Government Service—Civilian	
15. Name of Examining Facility or Examiner	
15. Address of Examining Facility or Examiner	
16. Rating or Specialty of Examiner	
17. Purpose of Examination	
18. Clinical Evaluation—Check each item in appropriate columns; enter ''NE'' if not evaluated	Above below listed items
a. Head, Face, Neck and Scalp—Normal (Checkbox)	

ELECTRONIC ELEMENTS FOR SF 88—Continued

Item	Placement*
a. Head, Face, Neck and Scalp—Abnormal (Checkbox)	
b. Ears-General (Internal Canals) (auditory acuity under item 39)—Normal (Checkbox)	
b. Ears-General (Internal Canals) (auditory acuity under item 28t)—Abnormal (Checkbox)	
c. Drums (Perforations)—Normal (Checkbox)	
c. Drums (Perforations)—Abnormal (Checkbox)	
d. Nose—Normal (Checkbox)	
d. Nose—Abnormal (Checkbox)	
e. Sinuses—Normal (Checkbox)	
e. Sinuses—Abnormal (Checkbox)	
f. Mouth and Throat—Normal (Checkbox)	
f. Mouth and Throat—Abnormal (Checkbox)	
g. Eyes—General (Visual accuity and refraction under item 28li–28s)—Normal (Checkbox)	
g. Eyes—General (Visual accuity and refraction under item 28li–28s)—Abnormal (Checkbox)	
h. Ophtalmoscopic—Normal (Checkbox)	
h. Ophtalmoscopic—Abnormal (Checkbox)	
i. Pupils (Equality and reaction)—Normal (Checkbox)	
i. Pupils (Equality and reaction)—Abnormal (Checkbox)	
j. Ocular Motility (Associated parallel movements nystagmus)—Normal (Checkbox)	
j. Ocular Motility (Associated parallel movements nystagmus)—Abnormal (Checkbox)	
k. Lungs and Chest—Normal (Checkbox)	
k. Lungs and Chest—Abnormal (Checkbox)	
l. Heart (Thrust, size, rhythm, sounds)—Normal (Checkbox)	
l. Heart (Thrust, size, rhythm, sounds)—Abnormal (Checkbox)	
m. Vascular System—Normal (Checkbox)	
m. Vascular System—Abnormal (Checkbox)	
n. Abdomen and Viscera (Include hernia)—Normal (Checkbox)	
n. Abdomen and Viscera (Include hernia)—Abnormal (Checkbox)	
o. Prostate (Over 40 or clinically indicated)—Normal (Checkbox)	
o. Prostate (Over 40 or clinically indicated)—Abnormal (Checkbox)	
p. Testicular—Normal (Checkbox)	
p. Testicular—Abnormal (Checkbox)	
q. Anus and Rectum (Hemorrhoids, Fistulae) (Hemocult Results)—Normal (Checkbox)	
q. Anus and Rectum (Hemorrhoids, Fistulae) (Hemocult Results)—Abnormal (Checkbox)	
r. Endocrine System—Normal (Checkbox)	
r. Endocrine System—Abnormal (Checkbox)	
s. G–U System—Normal (Checkbox)	
s. G–U System—Abnormal (Checkbox)	
t. Upper Extremities (Strength, range of motion)—Normal (checkbox)	
t. Upper Extremities (Strength, range of motion)—Abnormal (Checkbox)	
u. Feet—Normal (Checkbox)	
u. Feet—Abnormal (Checkbox)	
v. Lower Extremities (Except feet) (Strength, range of motion)—Normal (Checkbox)	
v. Lower Extremities (Except feet) (Strength, range of motion)—Abnormal (Checkbox)	
w. Spine, Other Musculoskeletal—Normal (Checkbox)	
w. Spine, Other Musculoskeletal—Abnormal (Checkbox)	
x. Identifying Body Marks, scars, Tattoos (Explain in Notes)—Normal (Checkbox)	
x. Identifying Body Marks, scars, Tattoos (Explain in Notes)—Abnormal (Checkbox)	
y. Skin, Lymphatics—Normal (Checkbox)	
y. Skin, Lymphatics—Abnormal (Checkbox)	
z. Neurologic (Equilibrium tests under item 28t)—Normal (Checkbox)	
z. Neurologic (Equilibrium tests under item 28t)—Abnormal (Checkbox)	
aa. Psychiatric (Specify any personality deviation)—Normal (Checkbox)	
aa. Psychiatric (Specify any personality deviation)—Abnormal (Checkbox)	
bb. Breasts—Normal (Checkbox)	
bb. Breasts—Abnormal (Checkbox)	
cc. Pelvic (Females only)—Normal (Checkbox)	
cc. Pelvic (Females only)—Abnormal (Checkbox)	
19. Notes (Describe every abnormality in detail. Enter pertinent item number before each comment. Continue in item 29 and use additional sheets if necessary)	
20. Dental—Acceptable (Checkbox)	
20. Dental—Not Acceptable (Checkbox)	
20. Dental—Not Acceptable (if checked, explain)	
20. Dental—Dental Examination not done by Dental Officer	
21. Remarks and Additional Dental Defects and Diseases	
22. Test Results (Copies of results are preferred as attachments)	Above below listed items.
22a. Urinalysis—Specific Gravity	
22a. Urine Albumin	
22a. Urine Sugar	
22b. Syphilis Serology (Specify test used and results)	
22c. EKG	
22d. Blood Type and RH Factor	

ELECTRONIC ELEMENTS FOR SF 88—Continued

Item	Placement*
22e. Chest X-Ray or PPD (Place, date, film number and result)	
22f. Other Tests	
23. Relationship to Sponsor	
24a. Sponsor's Name—Last	
24b. Sponsor's Name—First	
24c. Sponsor's Name—MI	
24c. Sponsor's ID Number (SSN or Other)	
25. Depart./Service	
26. Hospital or Medical Facility	
27. Records Maintained At	
Last Name—First Name—Middle Name	Top of back page.
Identification Number	Top of back page.
Number of Sheets Attached	Top of back page.
28. Measurements and Other Findings	Above below listed items.
28a. Height	
28b. Weight	
28c. Color Hair	
28d. Color Eyes	
28e. Build—Slender (Checkbox)	
28e. Build—Medium (Checkbox)	
28e. Build—Heavy (Checkbox)	
28e. Build—Obese (Checkbox)	
28f. Temperature	
28g(1). Blood Pressure (Arm at heart level)—Sitting—Sys.	
28g(1). Blood Pressure (Arm at heart level)—Sitting—Dias.	
28g(2). Blood Pressure (Arm at heart level)—Recumbent—Sys.	
28g(2). Blood Pressure (Arm at heart level)—Recumbent—Dias.	
28g(3). Blood Pressure (Arm at heart level)—Standing (5 minutes)—Sys.	
28g(3). Blood Pressure (Arm at heart level)—Standing (5 minutes)—Dias.	
28h(1). Pulse (Arm at heart level)—Sitting	
28h(2). Pulse (Arm at heart level)—Recumbent	
28h(3). Pulse (Arm at heart level)—Standing—3 minutes	
28h(4). Pulse (Arm at heart level)—After Exercise	
28h(5). Pulse (Arm at heart level)—2 minutes after exercise	
28i(1). Distant Vision—Right 20/ (number)	
28i(1). Distant Vision—Right—Corrected to 20/ (number)	
28i(2). Distant Vision—Left 20/ (number)	
28i(2). Distant Vision—Left Corrected to 20/ (number)	
28j(1). Refraction—Right—By	
28j(1). Refraction—Right—S	
28j(1). Refraction—Right—CX	
28j(2). Refraction—Left—By	
28j(2). Refraction—Left—S	
28j(2). Refraction—Left—CX	
28k(1). Near Vision—Right (Number)	
28k(1). Near Vision—Right—Corrected To (Number)	
28k(1). Near Vision—Right—By (Number)	
28k(2). Near Vision—Left (Number)	
28k(2). Near Vision—Left—Corrected To (Number)	
28k(2). Near Vision—Left—By (Number)	
28l(1). Heterophoria (Specify Distance)—ESO	
28l(2). Heterophoria (Specify Distance)—EXO	
28l(3). Heterophoria (Specify Distance)—RH	
28l(4). Heterophoria (Specify Distance)—LH	
28l(5). Heterophoria (Specify Distance)—Prism Division	
28l(6). Heterophoria (Specify Distance)—Prism Conv. Ct.	
28l(7). Heterophoria (Specify Distance)—PC	
28l(8). Heterophoria (Specify Distance)—PD	
28m(1). Accommodation—Right	
28m(2). Accommodation—Left	
28n(1). Field of Vision—Right	
28n(2). Field of Vision—Left	
28o. Color Vision (Test used and result)	
28p. Night Vision (Test used and result)	
28q(1). Depth Perception (Test used and score)—Uncorrected	
28q(2). Depth Perception (Test used and score)—Corrected	
28r. Red Lens Test	
28s(1). Intraocular Tension—Right	
28s(2). Intraocular Tension—Left	
28t. Audiometer—Right Ear—500–512	
28t. Audiometer—Right Ear—1000–1024	

ELECTRONIC ELEMENTS FOR SF 88—Continued

Item	Placement*
28t. Audiometer—Right Ear—2000–2048	
28t. Audiometer—Right Ear—3000–3096	
28t. Audiometer—Right Ear—4000–4096	
28t. Audiometer—Right Ear—6000–6144	
28t. Audiometer—Left Ear—500–512	
28t. Audiometer—Left Ear—100–1024	
28t. Audiometer—Left Ear—2000–2048	
28t. Audiometer—Left Ear—3000–3096	
28t. Audiometer—Left Ear—4000–4096	
28t. Audiometer—Left Ear—6000–6144	
28u. Psychological and Psychomotor (Tests used and score)	
29. Notes (Continued) and Significant or Interval History	
30. Summary of Defects and Diagnoses (List diagnoses with item numbers)	
31. Recommendations—Further Specialist Examinations Indicated (Specify)	
32. Physical Profile—P	
32. Physical Profile—U	
32. Physical Profile—L	
32. Physical Profile—H	
32. Physical Profile—E	
32. Physical Profile—S	
33. Examinee—Is Qualified for (Checkbox)	
33. Examinee—Is Qualified for Explanation	
33. Examinee—Is Not Qualified for (Checkbox)	
33. Examinee—Is Not Qualified for Explanation	
34. Physical Category—A	
34. Physical Category—B	
34. Physical Category—C	
34. Physical Category—E	
35. If Not Qualified, List Disqualifying Defects by Item Number	
36. Typed or Printed Name of Physician	
36. Signature of Physician	
37. Typed or Printed Name of Physician	
37. Signature of Physician	
38. Typed or Printed Name of Dentist or Physician (Indicate which)	
38. Signature of Dentist or Physician	
39. Typed or Printed Name of Reviewing Officer or Approving Authority	
39. Signature of Reviewing Officer or Approving Authority	

*If no specific placement, data element may be in any order.

FOR FURTHER INFORMATION CONTACT: CDR Katherine Ciacco Palatianos, Indian Health Service, Department of Health and Human Services, Rockville, MD 20857 or e-mail at *kciacco@hqe.ihs.gov.*

Dated: March 21, 2003.

Katherine Ciacco Palatianos,

Chairperson, Interagency Committee on Medical Records.

[FR Doc. 03–7927 Filed 4–1–03; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0354]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; The Evaluation of Long-Term Antibiotic Drug Therapy for Persons Involved in Anthrax Remediation Activities

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the information collection provisions by May 2, 2003.

ADDRESSES: OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be electronically mailed to *sshapiro@omb.eop.gov* or faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Stuart Shapiro, Desk Officer for FDA, FAX: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

The Evaluation of Long-Term Antibiotic Drug Therapy for Persons Involved in Anthrax Remediation Activities—(OMB Control Number 0910–0494)—Extension

Due to a terrorist event during the fall of 2001, approximately 1,200 decontamination workers were placed on long-term antibiotic therapy to protect them from environmental anthrax spores. Through the services of a contractor the FDA is currently administering a survey to all 1,200 decontamination workers to collect important health information pertaining to long term use of antibiotics. This information is critical to the agency's mission in protecting the public health and failure of the FDA to adequately follow up on these workers will reduce the agency's ability to apply lessons learned from the current situation to provide guidance during future public health emergencies should they occur. This could result, not only, in the loss of time and dollars but also in the loss of life if patients stop taking their medicines because they think the drug therapy is responsible for a health problem when in fact it is not. This type of population is likely to never be available for assessment again until a future terrorist event occurs. It would be unacceptable for FDA not to obtain drug experience information from this group to assist in any future public health response to a terrorist attack.

FDA is requesting an extension of the OMB approval of a survey to help FDA's Center for Drug Evaluation and Research evaluate the long-term antibiotic drug therapy in persons involved in anthrax remediation activities. The reason for the extension is to allow for more time to complete the survey, which has been delayed for two reasons. The first reason relates to the delays in cleaning up some of the contaminated sites. Primarily the cleanup of the Brentwood Post Office in Washington, DC, which accounts for approximately 400 of the decontamination workers, was delayed. The clean up at Brentwood is almost complete and it is anticipated that final medical examinations of the Brentwood cleanup workers can begin in earnest in the February/March 2003 timeframe. Once the final medical examination is completed then Market Facts, the contractor hired to conduct the survey, can begin to administer the questionnaire to these workers. The second reason is the result of having to obtain authorization from approximately 35 subcontractor firms (who employed the decontamination workers) to release contact information on the remediation workers. To date, only contact information for approximately 300 workers has been released and further efforts are on going to obtain permission to release the remaining information. The medical service subcontractor is working diligently to obtain the necessary authorizations.

In the **Federal Register** of January 17, 2003 (68 FR 2561), the agency requested comments on the proposed collections of information. The agency received no comments to the notice.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Type of Survey	No. of Respondents	Annual Frequency/ Response	Total Annual Responses	Hours per Response	Total Hours
Telephone	1,200	1	1,200	.25	300
Total					300

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated annual reporting burden is based on the Centers for Disease Control and Prevention's administration, in 2001 and 2002, of a similar questionnaire to individuals who were exposed to anthrax spores dispersed during a terrorist event.

Dated: March 26, 2003.

William K. Hubbard,

Associate Commissioner for Policy and Planning.

[FR Doc. 03–7821 Filed 4–1–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0435]

International Conference on Harmonisation; Guidance on Electronic Common Technical Document Specification; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance entitled ''M2 eCTD: Electronic Common Technical Document Specification.'' The guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The guidance defines the means for industry-to-agency transfer of regulatory information that will facilitate the creation, review, life cycle management, and archiving of the electronic submission. The guidance is intended to assist industry in transferring electronically their marketing applications for human drug and biological products to a regulatory authority.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or 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, 301–827–3844, FAX 888–CBERFAX. Send two self-addressed adhesive labels to assist the office in processing your requests. 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/dockets/ecomments. Requests and comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: *Regarding the guidance*: Robert Yetter, Center for Biologics Evaluation and

Research (HFM–25), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0373, or Timothy M. Mahoney, Center for Drug Evaluation and Research (HFD–73), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3540.

Regarding the ICH: Janet Showalter, Office of International Programs (HFG–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0865.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health, Labour, and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, Health Canada's Health Products and Food Branch, and the European Free Trade Area.

In accordance with FDA's good guidance practices (GGPs) regulation (21 CFR 10.115), this document is being called a guidance, rather than a guideline.

To facilitate the process of making ICH guidances available to the public, the agency has changed its procedure for publishing ICH guidances. As of April 2000, we no longer include the text of ICH guidances in the **Federal Register**. Instead, we publish a notice in the **Federal Register** announcing the availability of an ICH guidance. The ICH guidance is be placed in the docket and can be obtained through regular agency sources (see **ADDRESSES**). Draft guidances are left in the original ICH format. The final guidance is reformatted to conform to the GGP style before publication.

In the **Federal Register** of June 14, 2002 (67 FR 40948), FDA announced the availability of a second draft guidance entitled ''Electronic Common Technical Document Specification.'' The notice gave interested persons an opportunity to submit comments by August 1, 2002.

After consideration of the comments received and revisions to the guidance, a final draft of the guidance was submitted to the ICH Steering Committee and endorsed by the three participating regulatory agencies in September 2002.

The eCTD guidance describes the recommended method for industry-to-agency electronic transfer of marketing applications for human drug and biological products. The guidance defines the means for industry-to-agency transfer of regulatory information that will facilitate the creation, review, life cycle management, and archiving of the electronic submission. The guidance is intended to assist industry in transferring their marketing applications for human drug and biological products to a regulatory authority. The guidance includes the following changes:

- The Document Type Definition (DTD) and specificaton version numbers were harmonized to 3.0.
- Throughout the guidance, references to Common Technical Document (CTD) sections were updated to reflect the current CTD specifications.
- Path names in Appendix 4 were abbreviated to avoid exceeding maximum path character limits.
- The Glossary of Terms was updated.
- Technical errors discovered during testing were corrected.

This guidance 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 requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments on the guidance at any time. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The 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

Persons with access to the Internet may obtain the document at http://www.fda.gov/ohrms/dockets/default.htm, http://www.fda.gov/cder/guidance/index.htm, or http://www.fda.gov/cber/publications.htm.

Dated: March 25, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 03–7818 Filed 4–1–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02E–0150]

Determination of Regulatory Review Period for Purposes of Patent Extension; GYNECARE INTERGEL

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for GYNECARE INTERGEL and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: Submit written comments and petitions 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*.

FOR FURTHER INFORMATION CONTACT: Claudia Grillo, Office of Regulatory Policy (HFD–013), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3460.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device GYNECARE INTERGEL. GYNECARE INTERGEL is indicated for use in patients undergoing open, conservative gynecologic surgery as an adjunct to good surgical technique to reduce postsurgical adhesions. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for GYNECARE INTERGEL (U.S. Patent No. 5,532,221) from Lifecore Medical, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 31, 2001, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of GYNECARE INTERGEL represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for GYNECARE INTERGEL is 2,438 days. Of this time, 1,453 days occurred during the testing phase of the regulatory review period, while 985 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun*: March 17, 1995. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) for human tests to begin became effective March 17, 1995.

2. *The date an application was initially submitted with respect to the device under section 515 of the act (21 U.S.C. 360e)*: March 8, 1999. The applicant claims March 5, 1999, as the date the premarket approval application (PMA) FOR GYNECARE INTERGEL (PMA P990015) was initially submitted. However, FDA records indicate that PMA P990015 was submitted on March 8, 1999.

3. *The date the application was approved*: November 16, 2001. FDA has verified the applicant's claim that PMA P990015 was approved on November 16, 2001.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 867 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments and ask for a redetermination by June 2, 2003. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by Septemebr 29, 2003. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 6, 2003.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 03–7819 Filed 4–1–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02E–0147]

Determination of Regulatory Review Period for Purposes of Patent Extension; OP–1 IMPLANT

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for OP–1 IMPLANT and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: Submit written comments and petitions 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*.

FOR FURTHER INFORMATION CONTACT: Claudia Grillo, Office of Regulatory Policy (HFD–013), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3460.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices,

the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device OP–1 IMPLANT. OP–1 IMPLANT is indicated for use as an alternative to the patient's own bone (autograft) in recalcitrant long bone nonunions where autograft is unfeasible and alternative treatments have failed. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for OP–1 IMPLANT (U.S. Patent No. 5,258,494) from Stryker Corp., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 31, 2001, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of OP–1 IMPLANT represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for OP–1 IMPLANT is 3,627 days. Of this time, 3,485 days occurred during the testing phase of the regulatory review period, while 142 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun*: November 14, 1991. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) for human tests to begin became effective November 14, 1991.

2. *The date the application was initially submitted with respect to the device under section 515 of the act (21 U.S.C. 360e)*: May 29, 2001. The applicant claims May 25, 2001, as the date the premarket approval application (PMA) for OP–1 IMPLANT (PMA HO10002/A01) was initially submitted. However, FDA records indicate that PMA HO10002/A01 was submitted on May 29, 2001.

3. *The date the application was approved*: October 17, 2001. FDA has verified the applicant's claim that PMA HO10002/A01 was approved on October 17, 2001.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,837 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may by submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments and ask for a redetermination by June 2, 2003. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 29, 2003. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 7, 2003.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 03–7820 Filed 4–1–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 03D–0111]

Draft Guidance for Federal Agencies and State and Local Governments; Potassium Iodide Shelf Life Extension; 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 Federal agencies and State and local governments entitled ''Potassium Iodide Shelf Life Extension.'' This document is intended to provide guidance to Federal agencies and to State and local governments on testing to extend the shelf life of stockpiled potassium iodide (KI) tablets. The draft guidance discusses FDA recommendations on the requisite testing for KI tablet shelf life extensions, the qualifications of laboratories suitable to conduct the tests, and issues regarding notification of holders of stockpiled KI tablets as well as end users about changes to batch shelf life once testing has been successfully conducted.

DATES: Submit written or electronic comments on the draft guidance by June 2, 2003. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of this draft guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the 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 electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Richard Adams, Center for Drug Evaluation and Research (HFD–643), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–5849.

SUPPLEMENTARY INFORMATION:

I. Background

In November 2001, FDA provided guidance on the safe and effective use of KI tablets as an adjunct to other public health protective measures in the event that radioactive iodine is released into the environment (66 FR 64046, December 11, 2001). The guidance entitled ''Potassium Iodide as a Thyroid Blocking Agent in Radiation Emergencies'' updated FDA's 1982 recommendations for the use of KI tablets to reduce the risk of thyroid cancer in radiation emergencies involving the release of radioactive iodine. The recommendations in that guidance addressed KI dosage and the projected radiation exposure at which the drug should be used. In April 2002, FDA issued another guidance, ''Frequently Asked Questions on Potassium Iodide (KI).'' Additional information was provided for emergency pediatric dosing in ''Home Preparation Procedure for Emergency Administration of Potassium Iodide Tablets to Infants and Small Children,'' updated on July 3, 2002.

This draft guidance entitled ''Potassium Iodide Shelf Life Extension,'' is intended to provide Federal agencies and State and local governments information on testing to extend the shelf life of stockpiled potassium iodide (KI) tablets. The agency has developed this document in response to several State inquiries on this topic. This draft guidance discusses FDA recommendations on the requisite testing for such shelf life extensions, the qualifications of laboratories suitable to conduct the tests, and issues regarding notification of holders of stockpiled KI tablets as well as end users about changes to batch shelf life once testing has been successfully conducted.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent 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 applicable statues and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments on the draft guidance. Two copies of any mailed comments are to be submitted, except that individuals may submit one 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 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 document at either *http://www.fda.gov/cder/guidance/index.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: March 25, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 03–7817 Filed 4–1–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Planned Grant Award to Hawaii County's Office of the Mayor

AGENCY: Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Availability of grant funds to Hawaii County's Office of the Mayor.

SUMMARY: This notice is to inform the public that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) intends to award approximately $300,000 (total costs) per year for 3 years to Hawaii County's Office of the Mayor. The first year's award will be made in fiscal year 2003 if the application is scored by the initial review group and concurred with by the CSAT National Advisory Council.

Hawaii County's Office of the Mayor has been selected to receive a single source award due to the devastating impact that crystal methamphetamine, also known as ''ice,'' abuse has had on the youth of Hawaii. The effects of this problem on children on the Island of Hawaii are profound, with some of the highest rates of drug use among youth in the State of Hawaii. According to the 2000 Hawaii Student Alcohol, Tobacco and other Drug Use Study conducted by the Department of Health, Alcohol and Drug Abuse Division, 10.6 percent of Hawaii County high school seniors answered in the affirmative to ''frequent drug use—more than 20 times in the past 30 days,'' compared to just 5.6 percent statewide. This study reports that the State of Hawaii has the highest use of ''ice'' by 12th graders in the Nation and that Hawaii County has the highest use of ''ice'' in the State. Findings further reveal that Hawaii County has one-third more 8th graders and one-third more 10th graders using ''ice'' than the rest of the State. There are currently no residential or intensive outpatient treatment services available on the Big Island and State resources are able to provide substance abuse treatment to only 1,500 youth. This funding will address the serious health and public safety threat that ''ice'' has on the Hawaii County youth by supporting the expansion of adolescent methamphetamine abuse treatment services to a full continuum of care.

Authority: The grant award will be made under the authority of section 509 of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance number is 93.243.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl Gallagher, Project Officer, CSAT, SAMHSA, Rockwall II, 7th Floor, 5600 Fishers Lane, Rockville, MD 20857; telephone: (301) 443–7259; e-mail *cgallagh@samhsa.gov.*

Dated: March 25, 2003.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 03–7822 Filed 4–1–03; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Citizenship and Immigration Services

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: 30-Day notice of information collection under review: Checklist for on-site review of schools; OMB–35.

The Department of Homeland Security, Bureau of Citizenship and Immigration Services (BCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously approved by OMB under emergency review proceedings on September 13, 2002 and the agency was granted temporary approval.

The BCIS intends to request an extension of this information collection. Therefore, the purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 2, 2003.

This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, 725 17th Street, NW., Room 10235, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Checklist for On-Site Review of Schools.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* No Agency Form Number; File No. OMB–35, Bureau of Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The data is used by the agency when conducting on-site visits at schools that submitted certification applications in SEVIS after the preliminary enrollment period.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10,000 responses at 65 (1.083) minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 10,830 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202–514–3291, Director, Regulations and Forms Services Division, Bureau of Citizenship and Immigration Services, Department of Homeland Security, Room 4304, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

Dated: March 27, 2003.

Richard A. Sloan,

Department Clearance Officer, United States Department of Homeland Security, Bureau of Citizenship and Immigration Services.

[FR Doc. 03–7893 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG 2003–14779]

Collection of Information Under Review by Office of Management and Budget (OMB): OMB Control Numbers 1625–0070, 1625–0047, 1625–0077, and 1625–0084

AGENCY: Coast Guard, DHS.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Coast Guard intends to seek the approval of OMB for the renewal of four information Collection Requests (ICRs). The ICRs comprise (1) Vessel Identification System, (2) Vital System Automation, (3) Security of Passenger Vessels and Passenger Terminals, and (4) Audit Reports under the International Safety Management Code. Before submitting the ICRs to OMB, the Coast Guard is inviting comments on them as described below.

DATES: Comments must reach the Coast Guard on or before June 2, 2003.

ADDRESSES: To make sure that your comments and related material do not enter the docket [USCG 2003–14779] more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Facility at 202–493–2251.

(4) Electronically through the Web site for the Docket Management System at *http://dms.dot.gov*.

The Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov*.

Copies of the complete ICRs are available through this docket on the Internet at *http://dms.dot.gov*, and also from Commandant (G–CIM–2), U.S. Coast Guard Headquarters, room 6106 (Attn: Barbara Davis), 2100 Second Street SW., Washington, DC 20593–0001. The telephone number is 202–267–2326.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; or Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

Request for Comments

The Coast Guard encourages interested persons to submit comments. Persons submitting comments should include their names and addresses, identify this document [USCG 2003–14779], and give the reasons for the comments. Please submit all comments and attachments in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes.

Information Collection Requests

1. *Title:* Vessel Identification System.
OMB Control Number: 1625–0070.

Summary: The Coast Guard must establish a nationwide vessel-identification system (VIS) and centralize certain vessel-documentation functions. VIS provides participating States and territories with access to data on vessels numbered by States and territories. Participation in it is voluntary.

Need: 46 U.S.C. 12501 mandates the establishment of a VIS. 33 CFR Part 187 prescribes the requirements of VIS.

Respondents: Governments of States and territories.

Frequency: Daily.

Burden: The estimated burden is 6,045 hours a year.

2. *Title*: Vital System Automation.

OMB Control Number: 1625–0047.

Summary: This collection pertains to the vital-system automation on commercial vessels that is necessary to protect personnel and property on board U.S.-flag vessels.

Need: 46 U.S.C. 3306 authorizes the Coast Guard to promulgate rules for the safety of personnel and property on board vessels. Various sections within parts 52, 56, 58, 62, 110, 111, and 113 of Title 46 of the Code of Federal Regulations contain these rules.

Respondents: Designers, manufacturers, and owners of vessels and shipyards.

Frequency: On occasion.

Burden: The estimated burden is 57,375 hours a year.

3. *Title*: Security of Passenger Vessels and Passenger Terminals.

OMB Control Number: 1625–0077.

Summary: The purpose of rules on the security of passenger vessels and passenger terminals is to deter or mitigate the results of terrorism and other unlawful acts against these vessels and terminals. The rules should reduce the likelihood of such acts and should reduce the damage to property and injury to persons, if such acts occur.

Need: 33 U.S.C. 1231 authorizes the Coast Guard to issue rules for the safety of ports and waterways. 33 CFR Parts 120 and 128 contain these rules.

Respondents: Owners, operators, and charterers of passenger vessels and passenger terminals.

Frequency: On occasion.

Burden: The estimated burden is 3,549 hours a year.

4. *Title*: Audit Reports under the International Safety Management Code.

OMB Control Number: 1625–0084.

Summary: This information helps to determine whether U.S. vessels, subject to SOLAS 74, engaged in international trade, are in compliance with that treaty. Organizations recognized by the Coast Guard conduct ongoing audits of vessels' and companies' safety-management-systems.

Need: 46 U.S.C. 3203 authorizes the Coast Guard to prescribe rules regarding safety-management systems. 33 CFR part 96 contains the rules for those systems and hence the safe operation of vessels.

Respondents: Owners and operators of vessels, and organizations authorized to issue certificates of compliance with the ISM Code for the United States.

Frequency: On occasion.

Burden: The estimated burden is 8,440 hours a year.

Dated: March 25, 2003.

Clifford I. Pearson,

Director of Information and Technology.

[FR Doc. 03–7995 Filed 4–1–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2003–14790]

National Offshore Safety Advisory Committee; charter renewal

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Secretary of Transportation renewed the charter for the National Offshore Safety Advisory Committee (NOSAC) for 2 years from January 17, 2003 until January 17, 2005. This charter was renewed before the Coast Guard moved to the Department of Homeland Security under the Homeland Security Act of 2002. NOSAC is a Federal advisory committee under 5 U.S.C. App. 2. It advises the Coast Guard on safety, security and environmental protection issues relating to the offshore mineral and energy industries.

ADDRESSES: You may request a copy of the charter by writing to Commandant (G–MSO), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling 202–267–0214; or by faxing 202–267–4570. This notice and the charter are available on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Captain Michael Brown, Executive Director of NOSAC, or Mr. Jim Magill, Assistant to the Executive Director, telephone 202–267–1082, fax 202–267–4570.

Dated: March 26, 2003.

Joseph J. Angelo,

Director of Standards, Marine Safety, Security and Environmental Protection.

[FR Doc. 03–7994 Filed 4–1–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public, state, local, or tribal governments and other Federal agencies to take this opportunity to comment on the proposed collection of information. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments on the Application for Community Disaster Loan.

SUPPLEMENTARY INFORMATION: The Community Disaster Loan (CDL) Program is authorized by section 417 of the Disaster Relief Act of 1974 (Pub. L. 93–288), as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Pub. L. 100–707), and implemented by FEMA regulation 44 CFR, subpart K, Community Disaster Loans, Section 206.364. The CDL Program offers loans to local governments that have suffered a substantial loss of tax or other revenues as a result of a major disaster or emergency and demonstrates a need for Federal financial assistance in order to perform their governmental functions. The loan must be justified on the basis of need and be based on the actual and projected expenses, as a result of the disaster, for the fiscal year in which the disaster occurred and the three succeeding fiscal years.

Collection of Information

Title: Application for Community Disaster Loan .

Type of Information Collection: Reinstatement, without change, of a previously approved collection for which approval has expired.

OMB Number: 3067–0034.

Form Number: FEMA Form 90–7.

Abstract: The local government may submit an Application for Community Disaster Loan through the Governor's Authorized Representative. The loan must be justified on the basis of need and be based on the actual and

projected expenses, as a result of a major disaster declaration, for the fiscal year in which the disaster occurred and for the 3 succeeding fiscal years.

Affected Public: State, Local, or Tribal Governments.

Estimated Total Annual Burden Hours: 30.

Number of Respondents: 5.

Frequency of Response: On occasion.

Hour Burden Per Response: 6 hours.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Gerry Miederhoff at (202) 646–3683 for additional information regarding this information collection. You may contact Ms. Anderson for copies of the proposed information collection at (202) 646–2625, facsimile number (202) 646–3347, or by e-mail at *InformationCollections@fema.gov.*

Dated: March 26, 2003.

Vernon Adler,

Acting Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–7789 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed collection of information. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the Mortgage Portfolio Protection Program (MPPP) that is a mechanism used by lending institutions, mortgage servicing companies, and others servicing mortgage loan portfolios to bring their mortgage loan portfolios into compliance with the flood insurance purchase requirements of the Flood Disaster Protection Act of 1973.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) authorized by Public Law 90–448 (1968) and expanded by Public Law 93–234 (1973) provides Federally backed flood insurance for existing buildings exposed to flood risk. In accordance with Public Law 93–234, the purchase of flood insurance is mandatory when Federal and Federally related financial assistance is being provided for acquisition or construction of buildings located or to be located within FEMA identified special flood hazard areas of communities which are participating in the program.

Collection of Information

Title: Mortgage Portfolio Protection Program (MPPP).

Type of Information Collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: The Mortgage Portfolio Protection Program (MPPP) is a mechanism used by lending institutions, mortgage servicing companies, and others servicing mortgage loan portfolios to bring their mortgage loan portfolios into compliance with the flood insurance purchase requirements of the Flood Disaster Protection Act of 1973. Implementation of the various requirements of the MPPP should result in mortgagors, following receipt of notification of the need for flood insurance, showing evidence of such a policy or purchasing the necessary coverage through their local insurance agent or appropriate Write Your Own (WYO) Company. It is intended that flood insurance policies be written under the MPPP only as a last resort, and only on mortgages whose mortgagors have failed to respond to the various notifications required by the program. The requirements of the MPPP are contained in FEMA regulation 44 CFR 62.23(l).

Affected Public: Individuals and households; businesses or other for-profit; not-for-profit institutions; farms; small businesses or organizations; Federal agencies or employees; and State, local or tribal governments.

Estimated Total Annual Burden Hours: 6,093 hours.

Respondents	Number of respondents (A)	Frequency of response (B)	Hours per response (minutes) (C)	Annual burden hours (A × B × C)
Lenders	250	As required	30	125
Mortgagors	11,936	One-time	30	5,968
Total	12,186			6,093

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of

the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Neil Furst, Mitigation Division, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate at (202) 646–3428 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625, facsimile number (202) 646–3347, or e-mail address at *InformationCollections@fema.gov.*

Dated: March 26, 2003.

Vernon Adler,

Acting Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–7790 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed revised information collection. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A), this notice seeks comments concerning the revised application for Crisis Counseling Immediate Services Program assistance under Section 416 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act), Public Law 93–288, as amended. The Immediate Services application has been revised to reduce the paperwork burden on the State applicant.

SUPPLEMENTARY INFORMATION: Section 416 of the Act authorizes the President to provide financial assistance to state and local governments for professional counseling services to victims of major disasters in order to relieve mental health problems caused or aggravated by a major disaster or its aftermath. FEMA regulation 44 CFR part 206, subpart F, section 206.171 implements the provisions of the Act.

Collection of Information

Title: Crisis Counseling Assistance and Training Program—Immediate Services Program and Reporting.

Type of Information Collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

OMB Number: 3067–0166.

Form Numbers: Standard Form 424 Request for Federal Assistance.

FEMA Form (TBD)—Immediate Services Program Application

Abstract: The Immediate Services Program provides funding in response to a State request for the period immediately following a Presidentially declared disaster, and includes community outreach, consultation and public education and counseling techniques. The program is available for a limited period of time not to exceed 60 days, unless an application for regular program funding is submitted. FEMA provides funds in the form of a Federal grant through the State emergency management office to the State Mental Health Authority or other mental health organization designated by the Governor to provide crisis-counseling services to the Presidentially declared communities. Once the application has been approved and a grant is awarded, the State applicant must provide quarterly progress and financial reports to FEMA.

Affected Public: State, local or tribal government.

Estimated Total Annual Burden Hours: 1360.

FEMA form	Number of respondents (A)	Frequency of response (B)	Average hours per response (C)	Annual burden hours (A × B × C)
SF 424 and Immediate Services Program Application	17	2	40	1360
Total	17	2	40	1360

Estimated Cost: $38,448.

Comments:

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of

Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Victoria Childs, Program Specialist, Community and Family Services Branch, Recovery Division, Readiness, Response and Recovery Directorate, (202) 646–3844 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at (202) 646–2625, facsimile number (202) 646–3347, or email address: *informationcollection@fema.gov.*

Dated: March 26, 2003.

Vernon Adler,

Acting Division Director, Information Resource Management Division, Information Technology Services Directorate.

[FR Doc. 03–7791 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed new information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the application process for Citizen Corps affiliate programs and organizations.

SUPPLEMENTARY INFORMATION: Citizen Corps, an initiative launched by President George W. Bush in January 2002, has a mission to harness the power of every individual through education, training, and volunteer service to make communities safer, stronger, and better prepared for the threats of terrorism, crime, public health issues, and disasters of all kinds. In order to fulfill its mission, Citizen Corps Councils will coordinate service and training activities at the state, local, and tribal levels. The Citizen Corps Individual Registration form asks those interested in participating in Citizen Corps for their fields of interest and expertise, as well as geographical location, in order to allow Citizen Corps Council personnel to better plan and coordinate activities.

Collection of Information

Title: Citizen Corps Individual Volunteer Registration.

Type of Information Collection: Existing collection in use without an OMB control number.

OMB Number: 1660–New.

Abstract: Citizen Corps requests information from individuals who would like to support the Citizen Corps program as volunteers. The requested information will allow Citizen Corps to group potential volunteers by their fields of interest and expertise, as well as by their geographical location. This information will be used primarily by local Citizen Corps Councils in order for them to plan and coordinate activities.

Affected Public: Individuals or households.

Estimated Total Annual Burden Hours: 3333 hours.

Number of Respondents: 40,000.

Frequency of Response: One-Time.

Hour Burden Per Response: 5 minutes.

Comments:

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Branch Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Suzann Gallagher, Program Specialist, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, at (202) 646–3737 for additional information. You may contact Ms. Anderson for copies of the proposed information collection at email address *informationcollections@fema.gov.*

Dated: March 26, 2003.

Vernon Adler,

Acting Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–7792 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed new information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the application process for Citizen Corps affiliate programs and organizations.

SUPPLEMENTARY INFORMATION: Citizen Corps, an initiative launched by President George W. Bush in January 2002, has a mission to harness the power of every individual through education, training, and volunteer service to make communities safer, stronger, and better prepared for the threats of terrorism, crime, public health issues, and disasters of all kinds. In order to fulfill its mission, Citizen Corps seeks to establish a network of state, local, and tribal councils that will coordinate activities at these levels. The Citizen Corps Council registration form will allow Citizen Corps personnel to ensure that proposed Councils have the support of the appropriate government officials in their area and will have a

dedicated member assigned to the coordination of Council activities.

Collection of Information

Title: Citizen Corps Council Registration.

Type of Information Collection: New Collection.

OMB Number: 1660–New.

Abstract: Citizen Corps requests information from state, local, and tribal based groups that would like to support the Citizen Corps program through becoming recognized Citizen Corps Councils. The requested information will ensure that Citizen Corps Councils are sponsored by the appropriate governmental officer and are capable of supporting its mission.

Affected Public: State, Local, and Tribal Governments; Not-For-Profit Institutions.

Number of Respondents: 1,000.

Frequency of Response: One-Time.

Hour Burden Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 167 hours.

Comments

Written comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Branch Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Suzann Gallagher, Program Specialist, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, at (202) 646–3737 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at email address: *InformationCollections@fema.gov.*

Dated: March 26, 2003.

Vernon Adler,

Acting Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–7793 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed new information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the use of the Mapping Needs Update Support System (MNUSS) Data Worksheet to collect data on flood hazard mapping needs.

SUPPLEMENTARY INFORMATION: Public Law 103–325, The Riegle Community Development and Regulatory Improvement Act of 1994, Title V—National Flood Insurance Reform, section 575, Updating of Flood Maps (also known as section 575 of the National Flood Insurance Reform Act (FNIRA) of 1994), mandates that at least once every five years, the Federal Emergency Management Agency (FEMA) will assess the need to revise and update all floodplain areas and flood risk zones identified, delineated, or established under section 1360 of the National Flood Insurance Act of 1968.

Collection of Information

Title: National Flood Insurance Program—Mapping Needs Update Support System (MNUSS) Data Worksheet.

Type of Information Collection: Existing collection in use without an OMB control number.

OMB Number: 1660–New.

Abstract: To fulfill the mandate specified in section 575 of the NFIRA, FEMA established the Mapping Needs Assessment process and the MNUSS database in order to effectively identify and document data regarding community flood hazard mapping needs. MNUSS is designed to store mapping needs at the community level. The current version of MNUSS is an interactive, web-enabled password protected database. In order to facilitate the identification and collection of communities' current flood hazard mapping needs for input into MNUSS, FEMA developed the MNUSS Data Worksheet.

Flood hazard mapping needs information enables FEMA to be more responsive to ongoing changes affecting flood hazard areas that occur in communities participating in the NFIP. The changes include, but are not limited to, new corporate limit boundaries, changes in the road network, and changes in flood hazard areas, which affect communities' flood risks. The information is also used in providing justification for FEMA when requesting funding for flood map updates and is used along with other information to prioritize the flood hazard mapping needs of all mapped communities participating in the NFIP to assist in the allocation of annual funds for flood hazard map updates.

Affected Public: State, Local, and Tribal Governments.

Number of Respondents: 1,800.

Frequency of Response: Once every five years.

Hour Burden Per Response: 4.5.

Estimated Total Annual Burden Hours: 8,400.

Comments

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Cynthia Croxdale, Mitigation Division, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, at (202) 646–3458 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at e-mail address: *InformationCollections@fema.gov.*

Dated: March 26, 2003.

Vernon Adler,

Acting Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–7794 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public, state, local, or tribal governments and other Federal agencies to take this opportunity to comment on the proposed collection of information. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments on the cancellation of Federal assistance loans to any local governments.

SUPPLEMENTARY INFORMATION: The Community Disaster Loan (CDL) Program is authorized by section 417 of the Disaster Relief Act of 1974 (Pub. L. 93–288), as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988 (Pub. L. 100–707), and implemented by FEMA regulation 44 CFR, subpart K, Community Disaster Loans, section 206.366. The CDL Program offers loans to local governments that have suffered a substantial loss of tax or other revenues as a result of a major disaster or emergency and demonstrates a need for Federal financial assistance in order to perform their governmental functions. The loan must be justified on the basis of need and be based on the actual and projected expenses, as a result of the disaster, for the fiscal year in which the disaster occurred and the three succeeding fiscal years.

Collection of Information.

Title: Application for Loan Cancellation.

Type of Information Collection: Reinstatement, without change, of a previously approved collection for which approval has expired.

OMB Number: 3067–0026.

Form Number: FEMA Form 90–5.

Abstract: Local governments may submit an Application for Loan Cancellation through the Governor's Authorized Representative to the FEMA Regional Director prior to the expiration date of the loan. FEMA has the authority to cancel repayment of all or part of a Community Disaster Loan to the extent that a determination is made that revenues of the local government during the three fiscal years following the disaster are insufficient to meet the operating budget of that local government because of disaster-related revenue losses and additional unreimbursed disaster-related municipal operating character. Operating budget means actual revenues and expenditures of the local government as published in the official financial statements of the local government.

Affected Public: State, Local, or Tribal Governments.

Estimated Total Annual Burden Hours: 30.

Number of Respondents: 5.

Frequency of Response: On occasion.

Hour Burden Per Response: 6 hours.

Comments

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Gerry Miederhoff at (202) 646–3683 for additional information regarding this information collection. You may contact Ms. Anderson for copies of the proposed information collection at (202) 646–2625, facsimile number (202) 646–3347, or by e-mail at *InformationCollections@fema.gov.*

Dated: March 26, 2003.

Vernon Adler,

Acting Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–7795 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3183–EM]

Delaware; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Delaware (FEMA–3183–EM), dated March 20, 2003, and related determinations.

EFFECTIVE DATE: March 20, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 20, 2003, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Delaware, resulting from the record/near record snow on February 14–19, 2003, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such an emergency exists in the State of Delaware.

You are authorized to provide emergency protective measures under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for sub-grantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended by Executive Order 13286, Thomas Davies of the Federal Emergency Management Agency is appointed to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of Delaware to have been affected adversely by this declared emergency:

Kent, New Castle, and Sussex Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–7993 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1454–DR]

Commonwealth of Kentucky; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–1454–DR), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: March 14, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 14, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky, resulting from severe winter ice and snow storms, heavy rain, flooding, tornadoes, and mud and rock slides on February 15–26, 2003, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas, and Hazard Mitigation throughout the Commonwealth. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Other Needs Assistance under Section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended by Executive Order 13286, Gracia Szczech of the Federal Emergency Management Agency is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Kentucky to have been affected adversely by this declared major disaster:

Breathitt, Carter, Clarke, Fayette, Floyd, Greenup, Johnson, Knott, Leslie, Letcher, Lewis, Martin, Owsley, Perry, and Pike Counties for Individual Assistance.

Anderson, Bath, Bourbon, Boyd, Bracken, Breathitt, Breckenridge, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Grant, Grayson, Green, Greenup, Harrison, Jessamine, Johnson, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, Mason, Meade, Menifee, Mercer, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Robertson, Rowan, Scott, Shelby, Spencer, Washington, Whitley, Wolfe, and Woodford Counties for Public Assistance.

All counties within the Commonwealth of Kentucky are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–7985 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3174–EM]

Maine; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Maine (FEMA–3174–EM), dated March 11, 2003, and related determinations.

EFFECTIVE DATE: March 11, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 11, 2003, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the impact in certain areas of the State of Maine, resulting from the record/ near record snow on February 2–4, 2003, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such an emergency exists in the State of Maine.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected area for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for sub-grantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended by Executive Order 13286, James N. Russo of the Federal Emergency Management Agency is appointed to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following area of the State of Maine to have been affected adversely by this declared emergency:

Aroostook County for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–7989 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3175–EM]

Massachusetts; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the Commonwealth of Massachusetts (FEMA–3175–EM), dated March 11, 2003, and related determinations.

EFFECTIVE DATE: March 11, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 11, 2003, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the impact in certain areas of the Commonwealth of Massachusetts, resulting from the record/near record snow on February 17–18, 2003, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such an emergency exists in the Commonwealth of Massachusetts.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for sub-grantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended by Executive Order 13286, James N. Russo of the Federal Emergency Management Agency is appointed to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the Commonwealth of Massachusetts to have been affected adversely by this declared emergency:

Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–7990 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3181–EM]

New Jersey; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New Jersey (FEMA–3181–EM), dated March 20, 2003, and related determinations.

EFFECTIVE DATE: March 20, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 20, 2003, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the impact in certain areas of the State of New Jersey, resulting from the record/near record snow on February 16–17, 2003, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such an emergency exists in the State of New Jersey.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for sub-grantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended by Executive Order 13286, Peter Martinasco of the Federal Emergency Management Agency is appointed to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New Jersey to have been affected adversely by this declared emergency:

Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union, and Warren Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–7992 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3173–EM]

New York; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New York (FEMA–3173–EM), dated February 25, 2003, and related determinations.

EFFECTIVE DATE: February 25, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 25, 2003, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206c (the Stafford Act), as follows:

I have determined that the impact in certain areas of the State of New York, resulting from the record/near record snowstorms on December 25–26, 2002, and January 3–4, 2003, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such an emergency exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 96 hours for the 11 counties so designated and 48 hours for the 6 counties so designated. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for sub-grantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Marianne Jackson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New York to have been affected adversely by this declared emergency:

FEMA intends to provide assistance for emergency protective measures (Category B) under the Public Assistance program to save lives, protect public health and safety, and property.

This emergency assistance will be provided for a period of 96 hours for Albany, Chenango, Columbia, Delaware, Greene, Herkimer, Montgomery, Otsego, Schenectady, Sullivan, and Ulster Counties.

Emergency assistance will be provided for a 48-hour period for Broome, Fulton, Oneida, Orange, Saratoga, and Schoharie Counties.

(Catalog of Federal Domestic Assistance No. 83.544, Disaster Assistance)

Joe M. Allbaugh,

Director.

[FR Doc. 03–7988 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1453–DR]

Ohio; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Ohio (FEMA–1453–DR), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: March 14, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated

March 14, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Ohio, resulting from a severe winter storm and record/near record snow on February 14, 2003, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Ohio.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, all categories of Public Assistance in the designated areas, emergency assistance (emergency protective measures, Category B under the Public Assistance program) for a period of 48 hours in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Other Needs Assistance under section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended by Executive Order 13286, Ron Sherman of the Federal Emergency Management Agency is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Ohio to have been affected adversely by this declared major disaster:

Adams, Jackson, Lawrence, Pike, and Scioto Counties for Individual Assistance.

Adams, Gallia, Jackson, Lawrence, Meigs, Pike, Scioto, and Vinton Counties for Public Assistance.

Fayette, Franklin, Greene, Guernsey, Madison, Monroe, and Muskingum Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

All counties within the State of Ohio are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program—Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–7984 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3180–EM]

Pennsylvania; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the Commonwealth of Pennsylvania (FEMA–3180–EM), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: March 14, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 14, 2003, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the impact in certain areas of the Commonwealth of Pennsylvania, resulting from the record/near record snow on February 14–19, 2003, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such an emergency exists in the Commonwealth of Pennsylvania.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for sub-grantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended by Executive Order 13286, Thomas Davies of the Federal Emergency Management Agency is appointed to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared emergency:

Adams, Bedford, Berks, Blair, Cambria, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Fayette, Franklin, Fulton, Greene, Lancaster, Lebanon, Lehigh, Lycoming, Montour, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, Somerset, Union, Westmoreland, and York Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–7991 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1456–DR]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1456–DR), dated March 20, 2003, and related determinations.

EFFECTIVE DATE: March 20, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 20, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Tennessee, resulting from severe storms and flooding from February 14–26, 2003, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended by Executive Order 13286, Charles M. Butler of the Federal Emergency Management Agency is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

Anderson, Bledsoe, Campbell, Cannon, Carter, Claiborne, Cumberland, Decatur, Fentress, Grainger, Hancock, Houston, Humphreys, Jackson, Johnson, Lewis, Loudon, Marion, Meigs, Rhea, Roane, Scott, Sequatchie, Stewart, Union and Van Buren for Public Assistance.

All counties within the State of Tennessee are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–7987 Filed 4–1–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1455–DR]

West Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–1455–DR), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: March 14, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 14, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from a severe winter storm, record/near record snow, heavy rains, flooding, and landslides on February 16, 2003, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, all categories of Public Assistance in the designated areas, emergency assistance (emergency protective measures, Category B under the Public Assistance program) for a period of 48 hours in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Other Needs Assistance under section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended by Executive Order 13286, Louis Botta of the Federal Emergency Management Agency is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of West Virginia to have been affected adversely by this declared major disaster:

Cabell, Jackson, Kanawha, Lincoln, Mingo, Roane, and Wayne Counties for Individual Assistance.

Braxton, Cabell, Calhoun, Clay, Gilmer, Greenbrier, Jackson, Lewis, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Roane, Upshur, Wayne, Webster, Wirt, and Wyoming Counties for Public Assistance.

Berkeley, Grant, Hampshire, Jefferson, Mineral, Morgan, Pocahontas, and Preston Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

Cabell, Kanawah, Lincoln, Mingo, and Wayne Counties are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83,558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–7986 Filed 4–01–03; 8:45 am]

BILLING CODE 6718–02–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4529–N–07]

Notice of Proposed Information Collection: Comment Request; Legal Instructions Concerning Applications for Full Insurance Benefits—Assignment of Multifamily Mortgages to the Secretary

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 2, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Patricia A. Wash, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Room 10245, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Millicent Potts, Assistant General Counsel for Multifamily Mortgage Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 9230, Washington, DC 20410, telephone (202) 708–4090 (this is not a toll-free number) for copies of the proposed guide.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: HUD Guide for Counsel to the Mortgagor and HUD Guide to Counsel to Owner.

OMB Control Number, if applicable: 2510–0006.

Description of the need for the information and proposed use:

Mortgagees of HUD-insured mortgages may receive mortgage insurance benefits upon assignment of mortgages to HUD. In connection with the assignment, legal documents (*e.g.*, mortgage, mortgage note, security agreement, title insurance policy) must be submitted to the Department. The proposed form describes the documents to be submitted and the procedures for submission.

Agency form numbers, if applicable: Guide.

Members of affected public: Mortgagees when applying for insurance benefits from HUD.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Number of respondents	Burden hours	Frequency of response	Total burden hours
359	26	1	9,334

Status of the proposed information collection: Expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: March 27, 2003.

Camille Acevedo,

Associate General Counsel.

[FR Doc. 03–7851 Filed 4–1–03; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4820–N–14]

Notice of Proposed Information Collection: Comment Request; Application for the Transfer of Physical Assets

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: June 2, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB

Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or *Wayne_Eddins@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Beverly J. Miller, Director, Office of Multifamily Asset Management, Department of Housing and Urban Developoment, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–3730 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Application for the Transfer of Physical Assets.

OMB Control Number, if applicable: 2502–0275.

Description of the need for the information and proposed use: The information collection is completed and submitted to HUD by prospective purchasers of properties with mortgages either HUD-insured or HUD-held before the transfer. HUD needs the information for approval of a transfer of physical assets. HUD uses the information to ensure that the project is not placed in physical, financial, or managerial jeopardy by the transfer.

Agency form numbers, if applicable: HUD–92266.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: An estimation of the total number of hours needed to prepare the information collection is 32,200; the number of respondents is 350 generating approximately 350 annual responses; the frequency of response is on occasion; and the estimated time needed to prepare the response is 92 hours.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 26, 2003.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner

[FR Doc. 03–7852 Filed 4–1–03; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4820–N–13]

Notice of Proposed Information Collection: Comment Request; Management Review Report for Unsubsidized Multifamily Housing Programs

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 2, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or *Wayne_Eddins@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Beverly J. Miller, Director, Office of Multifamily Asset Management Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–3730 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Management Review Report for Unsubsidized Multifamily Housing Programs.

OMB Control Number, if applicable: 2502–0259.

Description of the need for the information and proposed use: This information is necessary to ensure that lenders evaluate and monitor the ongoing management operations and procedures of multifamily housing projects.

Agency form numbers, if applicable: HUD–9838.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of burden hours needed to prepare the information collection is 6,300; the number of respondents is 900 generating approximately 900 annual responses; the frequency of response is on occasion; and the estimated time needed to prepare the response is 7 hours.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 26, 2003.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 03–7853 Filed 4–1–03; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4820–N–12]

Notice of Proposed Information Collection: Comment Request; Direct Endorsement Underwriter/HUD Reviewer—Analysis of Appraisal Report

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 2, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410, or *Wayne_Eddins@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 708–2121 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Direct Endorsement Underwriter HUD Reviewer—Analysis of Appraisal Report.

OMB Control Number, if applicable: 2502–0477.

Description of the need for the information and proposed use: The Department will collect information on appraisal reports considered deficient by the underwriter and to document efforts to resolve any discrepancies. The information collected is used by HUD to monitor the quality of the lender's analysis of the appraisal report, identify areas of weakness for future training, and remove lenders that consistently exhibit careless underwriting and subsequently affect a risk to the Department.

Agency form numbers, if applicable: HUD–54114.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 375,000 generating approximately 375,000 annual responses; the frequency of response is on occasion; the estimated time needed to prepare the response is 3 minutes; and estimated annual burden hours requested is 18,750.

Status of the proposed information collection: Reinstatement, without change, of a previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 26, 2003.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 03–7854 Filed 4–1–03; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4820–N–11]

Notice of Proposed Information Collection: Comment Request; Management Documents for Multifamily Housing Projects

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 2, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or *Wayne_Eddins@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Beverly J. Miller, Director, Office of Multifamily Asset Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–3730 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Management Documents for Multifamily Housing Projects.

OMB Control Number, if applicable: 2502–0305.

Description of the need for the information and proposed use: Owners of insured and assisted multifamily properties submit these information

collections to HUD. The information is needed to assist HUD in determining the acceptability of a proposed management agent. Without these documents, HUD's ability to screen out unacceptable management agents and control fraud would be limited, and the incidents of defaults and unauthorized use of subsidy funds would increase.

Agency form numbers, if applicable: HUD–9832, HUD–9839A, HUD–9839B, & HUD–9839C.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of burden hours needed to prepare the information collection is 4,350; the number of respondents is estimated to be from 900 to 3,600 generating approximately 10,800 annual responses; the frequency of response is on occasion; and the estimated time needed to prepare the response varies from 10 minutes to 2 hours.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 26, 2003.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 03–7855 Filed 4–1–03; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4820–N–10]

Notice of Proposed Information Collection: Comment Request; Mortgagee's Certification and Application for Interest Reduction Payments

AGENCY: Office of the Assistant Secretary for housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: the proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: June 2, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or *Wayne_Eddins@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Beverly, J. Miller, Director, Office of Multifamily Asset Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–3730 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mortgagee's Certification and Application for Interest Reduction payments.

OMB Control Number, if applicable: 2502–0445.

Description of need for the information and proposed use: This information is necessary to authorize and disburse monthly interest reduction payments to approved HUD mortgagees servicing non-insured multifamily mortgages.

Agency form numbers, if applicable: HUD–3111.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: the estimated number of respondents is 100 generating approximately 1,200 annual responses; the frequency of response is monthly; the estimated time to prepare the information collection is 1 hour; and the estimated total annual burden is 1,200 hours.

Status of the proposed information collection: Reinstatement, without change, of a previously approved collection for which approval has expired.

Authority: the Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 24, 2003.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 03–7856 Filed 4–1–03; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of the Record of Decision for the Final General Management Plan/Environmental Impact Statement, Fort Frederica National Monument, Georgia

SUMMARY: On November 15, 2002, the Director, Southeast Region, approved the Record of Decision for the Final General Management Plan (GMP) and Environmental Impact Statement (EIS) for Fort Frederica National Monument. The purpose of the Record of Decision (ROD) is to document the National Park Service (NPS) selection of the proposed action for the final GMP/EIS. The plan is designed to afford a high level of protection to the national monument's resources and to provide for appropriate types and levels of high quality visitor experiences. This will be accomplished through management zoning and suitable interpretive methods and strategies including but not limited to costumed demonstrations, encampments, ghost structures, period landscape plantings, and living history demonstrations.

Management zones will provide guidance for managing specific areas for desired resource conditions and visitor experiences. The Historic Preservation zone, which encompasses the entire historic town site as well as Old Military Road and the burial ground, will be the focus of the greatest visitor activities including ranger led tours, encampments, crafts demonstrations, and costumed interpretation. The marshes on the northwest side of the National Monument as well as the western side of the Frederica River will be a Natural Resource Protection zone in which natural processes and natural ecosystem succession will predominate. The same will be true of the marshy areas and the wooded area on the

northeast corner of the Bloody Marsh Memorial site. Other management zones will provide for potential natural resource based recreation, park administrative, visitor service, and maintenance purposes.

The selected management alternative will emphasize the daily life, lifestyles and events associated with the inhabitants of Fort Frederica, and the colonial military settlement on Saint Simons Island. The goal will be to give the visitor some idea (within the context of current laws regarding sanitation, solid waste disposal, air/water pollution, etc.) of the sights, sounds, smells, and other experiences that would have been typical in this bustling British Army outpost. Since the 1940s, at least 40 archeological field investigations at Fort Frederica have been conducted to reveal vital information about the people and events associated with this military settlement. Thousands of artifacts that were recovered through archeological investigations are housed in the Monument's museum collection and the storage facilities of the Southeast Archeological Center in Tallahassee, Florida. These artifacts, along with other information obtained through the field investigations, play an important role in telling the story of Fort Frederica to the visitor.

Archeological field investigations will continue to be an important attribute of this alternative. There will be a strong archeological research effort to provide information on landscape elements, lifestyles, important events, and other features of the settlement.

The plan designates the area presently occupied by the visitor center/administrative complex and the parking lot as part of the Historic Preservation Zone. As a result, when the current visitor center/administrative complex becomes functionally obsolete, the National Monument will seek authority and funding to demolish the facility and build a new visitor center in a currently developed or previously disturbed area that is not visible from the historic town site. The area formerly occupied by the visitor center, entrance drive, and parking would be cleared and reforested. Existing park residences would be converted to office and administrative space.

Entrance and access to the site would then more accurately mirror colonial conditions and experience. Although the relocated visitor center might be as much as 200–300 yards more distant from the town site than the present one, the enhanced visitor experience will more than counterbalance the slightly greater distance. This alternative envisions a visitor walking down a wooded path from the visitor center to the town site, gradually leaving the sights and sounds of the modern visitor center and parking lot and entering a different place and time where views in all directions would be uninterrupted by modern structures, vehicles or other intrusions on the historic scene. Although there will be no attempt to recreate the palisades, homes and other elements of the colonial settlement, the setting will be similar to that experienced by the original British colonists when they first arrived. Americans with Disabilities Act concerns could be addressed by developing a new and improved visitor center film or video, new exhibits and displays, active interpretive efforts by park staff and volunteer costumed interpreters.

The NPS has identified and incorporated into the selected action all practical measures to avoid or minimize environmental impacts that could result from its implementation. These measures are presented in detail in the Final General Management Plan/Environmental Impact Statement.

The full ROD includes a statement of the decision made, synopses of other alternatives considered, the rationale for the decision, a description of the environmentally preferred alternative, a determination of non-impairment of park resources and values, a listing of measures to minimize environmental harm, an overview of public involvement in the decision-making process, and a statement regarding section 7 of the Endangered Species Act.

Basis for Decision

In reaching its decision to select the preferred alternative, the NPS considered the purposes for which Fort Frederica National Monument was established, and other laws and policies that apply to lands in the monument, such as the National Park Service Organic Act, National Environmental Policy Act, and the NPS Management Policies. The NPS also carefully considered public comments received during the planning process.

To develop a preliminary preferred alternative, the planning team evaluated three action alternatives that were reviewed by the public as well as the required no-action alternative. To minimize the influence of individual biases and opinions, the team used an objective analysis process called ''Choosing by Advantages.'' This process has been used extensively by government agencies and the private sector.

DATES: The Record of Decision for the Final General Management Plan (GMP) and Environmental Impact Statement (EIS) for Fort Frederica National Monument was signed by the Director, Southeast Region for the National Park Service on November 15, 2002.

ADDRESSES: Fort Frederica National Monument, Route 9, Box 286C, St. Simons Island, Georgia 31522.

FOR FURTHER INFORMATION CONTACT: Superintendent, Fort Frederica National Monument, (912) 638–3639.

SUPPLEMENTARY INFORMATION: A copy of the Record of Decision on the Final General Management Plan for Fort Frederica National Monument can be obtained via the Internet by visiting the NPS Web site at *http://planning.den.nps.gov/* or by calling 404–562–3124, ext. 685.

Dated: December 18, 2002.

Patricia A. Hooks,

Acting Regional Director, Southeast Region.

[FR Doc. 03–7952 Filed 4–1–03; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Jamestown Project Development Concept Plan, Final Environmental Impact Statement, Colonial National Historical Park, Jamestown Unit, Jamestown, Virginia, and Jamestown National Historic Site, Jamestown, VA

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of the Final Environmental Impact Statement for the Jamestown Project Development Concept Plan, Colonial National Historic Park, Jamestown Unit, and Jamestown National Historic Site.

SUMMARY: Pursuant to National Environmental Policy Act of 1969, 42 U.S.C. 4332(c), the National Park Service announces the availability of Final Environmental Impact Statement for the Jamestown Project Development Concept Plan, Colonial National Historical Park, Jamestown Unit, Jamestown, Virginia, and Jamestown National Historic Site, Jamestown, Virginia

DATES: The National Park Service will execute a Record of Decision (ROD) no sooner than 30 days following publication by the Environmental Protection Agency of the notice of availability of the Final Environmental Impact Statement.

ADDRESSES: Information will be available for public review in the office

of the Superintendent, Colonial National Historical Park, Yorktown, Virginia, in the administrative offices located below the Yorktown Visitor Center. It will also be available at the following locations: Jamestown Visitor Center, Jamestown, VA, Colonial National Historical Park, Gloucester County Library, Hampton City Library, James City County Library, John D. Rockefeller, Jr. Library, Newport News City Library, Surry County Library, Williamsburg Regional Library, York County Public Library.

FOR FURTHER INFORMATION CONTACT: Mike Litterest, Information Officer, Colonial National Historical Park, 757/898–2409.

Dated: March 14, 2003

Marie Rust,

Director, Northeast Region, National Park Service.

[FR Doc. 03–7945 Filed 4–1–03; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of an Environmental Assessment

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice of availability of an Environmental Assessment (EA) evaluating the potential impacts to the human and natural environment from two existing cellular communications towers located within Rock Creek Park, Washington, DC.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), Council of Environmental Quality regulations, and National Park Service policy, this notice announces the availability, starting April 2, 2003, of an Environmental Assessment (EA) evaluating the potential impacts to the human and natural environmental from two existing cellular communications towers located within Rock Creek Park, Washington, DC.

Copies of this document are available at *www.nps.gov/rocr* and the following public libraries: Martin Luther King Memorial Library, 901 G Street NW., Washington, DC, 2001; Chevy Chase Library, 5625 Connecticut Avenue NW., Washington, DC 20015; Cleveland Park Library, 3310 Connecticut Avenue, NW., Washington, DC, 2008; Georgetown Library, 3260 R Street NW., Washington, DC, 2007; Juanita Thorton Shepard Park Branch Library, 7420 Georgia Avenue NW., Washington, DC, 20012; Langston Community Library, 2600 Bennet Road NE., Washington, DC, 20019; Mt. Pleasant Library, 1600 Lamont Street, NW., Washington, DC 20010; Northeast Branch Library, 330 7th Street NE., Washington, DC, 20002; Petworth Branch Library, 4200 Kansas Avenue NW., Washington, DC, 20011; Tenly-Friendship Branch Library, 4450 Wisconsin Avenue NW., Washington, DC 20016; Watha T. Daniel Library, 1701 8th Street NW., Washington, DC, 20001; Woodbridge Library, 1801 Hamlin Street NE., Washington, DC, 20018; Library of Congress, 101 Independence Avenue SE., Washington, DC, 20540; Palisades, 4901 V Street NW., Washington, DC, 20007; Sursum Corda Community Library, 135 New York Avenue NW., Washington, DC, 20001. You may also request a hard copy at (202) 895–6000.

DATES: There will be a 30-day public review period for comment on this document. Comments on the EA should be received by May 2, 2003, or 30 days from the publication of this notice, whichever is later. The National Park Service will be making its decision on this EA by June 20, 2003.

ADDRESSES: Comments on the EA should be submitted via mail or hand delivery to: Superintendent, Rock Creek Park, 3545 Williamsburg Lane NW., DC., 20008–1207. You may also submit comments via e-mail at *ROCR@den.nps.gov*. it is the practice of the National Park Service to make comments, including names and addresses of respondents, available for public review. However, individual respondents may request that the National Park Service withhold their address from the record, which the National Park Service will honor to the extent allowable by law. If you wish for your name and address to be withheld, you must state this prominently at the beginning of your comment. The National Park Service will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: In 1998, pursuant to the Telecommunications Act of 1996, Bell Atlantic Mobile, Inc. (now Verizon Wireless) filed applications for permits to locate two cellular towers along with their associated equipment shelters from Rock Creek Park. In 1999, pursuant to NEPA, the National Park Service prepared an EA that considered the environmental impacts of siting the two towers inside the park. After completing the EA, the National Park Service concluded that the towers would not have a significant impact to the quality of the human environment, and issued a Finding of No Significant Impact. The National Park Service subsequently issued the permits necessary for Bell Atlantic to construct and operate within Rock Creek Park one 100-foot monopole at the Tennis Center, and one 130-foot monopole in the Maintenance Yard. Both towers have since been built and are currently in use. In 2000, suite was filed opposing these cellular towers, and on July 2, 2002 the Federal District Court for the District of Columbia, in *Audubon Naturalist Society of the Central Atlantic States* v. *the National Park Service and Bell Atlantic Mobile,* ordered the National Park Service to prepare this new EA. The schedule for this EA was set by the court. As part of this process, the National Park Service held a public scoping meeting on December 11, 2002.

This EA evaluates the potential environmental consequences of two action alternatives, alternatives B and C, along with a Non Action Alternative, Alternative A. Alternative A would allow the towers to continue operating at the tennis center and maintenance yard as currently permitted. Alternative B, the preferred alternative, would also allow for the continued operation of the towers at the tennis center and maintenance yard as currently permitted, with additional mitigation to further protect and study park resources. The mitigation measures called for in Alternative B would require the National Park Service to develop telecommunications facilities guidance to assist the park in protecting its resources and values, and also require the park to establish a bird-monitoring program to precisely determine the potential impacts of the towers on migratory birds. Alternative C describes and considers various scenarios for siting towers at alternative locations outside Rock Creek Park. In addition to Alternatives A, B, and C, the EA contains a discussion of those alternatives that were considered but rejected.

For further information contact Adrienne Coleman, Superintendent, Rock Creek Park, at 3545 Williamsburg Lane NW., Washington, DC 20008–1207, or by telephone at (202) 895–6004.

Dated: April 14, 2003.

Terry R. Carlstrom,

Regional Director, National Capital Region.

[FR Doc. 03–7946 Filed 4–1–03; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Ecological Restoration Plan, Environmental Impact Statement, Bandelier National Monument, NM

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement for the Ecological Restoration Plan, Bandelier National Monument.

SUMMARY: Under the provisions of the National Environmental Policy Act of 1969, 42 U.S.C. 4332 (C), the National Park Service is preparing an environmental impact statement for the ecological restoration plan for Bandelier National Monument. Human activities in the late 1800s and early 1900s, including historic overgrazing and fire suppression, have led to the large-scale loss or alteration of Bandelier's vegetation communities (grasslands, woodlands and forests), soils, and the erosion and potential loss of integrity of an estimated 2,500 archeological sites. This planning effort will help guide the Monument in restoring healthy, sustainable vegetative communities on the land it manages as well as protect archeological sites. The objectives of this planning effort are to: (1) Increase native perennial herbaceous cover in woodlands to reduce runoff, erosion, and further loss of cultural resources, (2) create conditions that support a fire regime within the natural range of variability, (3) reduce conifer encroachment on montane meadow and aspen stands, (4) manage vegetative communities using an active program of research and monitoring, and (5) sustain support for and actively share information about vegetative management actions and research efforts through interpretation, education, consultation, and collaboration with partners, neighbors, pueblos, and communities. The National Park Service will be looking at a variety of ways to achieve these objectives during the public scoping process.

Major issues include:

• The noise and presence of human activity and other activities and their temporary effects on designated wilderness in the monument (approximately 70% of monument area) or on other monument lands during treatment of vegetation.

• The displacement and disturbance of some species of wildlife by management activities and the attraction of other wildlife during treatment.

• In the long term, vegetative communities would return to a state where ecosystem processes operate within the natural range of variability. This will likely mean changes in wildlife species, reduced erosion, reduced risk of devastating crown fires, stabilization of the monument's archeological resources, and a decrease in surface water runoff.

A scoping brochure has been prepared that details the issues identified to date. The brochure may be obtained from the monument's Web site or from the address and phone number included at the end of this notice.

DATES: The Park Service will accept comments from the public for 30 days from the date this notice is published in the **Federal Register**. In addition, the National Park Service intends to conduct public scoping open houses at two locations, in Los Alamos and Santa Fe, New Mexico. Please check local newspapers, the monument's Web site *www.nps.gov/BAND* or contact the name listed below to find out when and where these open houses will be held.

ADDRESSES: Information will be available for public review and comment in the office of the Superintendent, Steven D. Bone, Bandelier National Monument, Los Alamos, New Mexico 87544, (505) 672–3861 x 502.

FOR FURTHER INFORMATION CONTACT: Ecological Restoration EIS, c/o John A. Mack, Bandelier National Monument, HCR 1, Box 1, Suite 15, Los Alamos, New Mexico 87544. Phone (505) 672–3861, extension 563.

SUPPLEMENTARY INFORMATION: If you wish to comment on the scoping brochure or on any other issues associated with the plan, you may submit your comments by any one of several methods. You may mail comments to John A. Mack at the address above. You may also comment via the Internet to *bandeis@nps.gov.* Please submit Internet comments as an ASCII file and avoid the use of special characters and any form of encryption. Please also include ''Attn: ECOLOGICAL RESTORATION PLAN EIS'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact us directly at (505) 672–3861, extension 563. Finally, you may hand-deliver comments to the Park Visitor Center, Bandelier National Monument, Los Alamos, New Mexico, 87544. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: January 24, 2003.

Karen P. Wade,

Director, Intermountain Region, National Park Service.

[FR Doc. 03–7949 Filed 4–1–03; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 8, 2003. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington DC 20005; or by fax, 202–343–1836. Written or faxed comments should be submitted by April 17, 2003.

Carol D. Shull,

Keeper of the National Register of Historic Places.

ALABAMA

Jefferson County

Federal Reserve Bank of Atlanta—Birmingham Branch, 1801 Fifth Ave. N, Birmingham, 03000230

Mountain Brook Estates Building, 2803 Cahaba Rd., Mountain Brook, 03000232

Lee County

Cullars Rotation, Woodfield Dr., E of US 29, Auburn, 03100231

Wilcox County

Ackerville Baptist Church of Christ, AL 89, Ackerville, 03000228

COLORADO

Douglas County

Santa Fe Railway Water Tank (Railroads in Colorado, 1858–1948 MPS), US 85 W of jct. with CO 67, Sedalia, 03000237

Jefferson County

South Ranch, Address Restricted, Lakewood, 03000227

Larimer County

Kaplan—Hoover Site, Address Restricted, Windsor, 03000229

CONNECTICUT

Fairfield County

Bradley—Hubbell House, 535 Black Rock Turnpike, Easton, 03000235

Hartford County

Thompson, William H., Farmstead, 215 and 219 Melroase Rd., East Windsor, 03000234

New Haven County

Woodbridge Green Historic District, 3,4,7,11 Meetinghouse Ln.; 4, 10 Newton Rd., Woodbridge, 03000233

Tolland County

Andover Center Historic District, Roughly along Herbron Rd., Boston Hill Rd., and US 6, Andover, 03000236

DELAWARE

New Castle County

Delaware Academy of Medicine, 1925 Lovering Ave., Wilmington, 03000240
Delaware Trust Building, 900–912 N. Market St., Wilmington, 03000238

KENTUCKY

Bourbon County

Champ, Thomas, House, Lexington and Maysville Rd., Paris, 03000256
Pocket Rural Historic District, Along See Rd., KY 57 and KY 1198, Sharpsburg vicinity, 03000257

Bracken County

Barkley, George W., Farm, KY 8, Augusta, 03000259
Bradford School House, KY 8 and 1109, Foster, 03000263

Clark County

Civil War fort at Boonesboro, 0.6 mi. N of Ford, W of Fort Hampton Rd., Ford, 03000262

Fayette County

Liggett and Myers Tobacco Re-handling Facility, 200 Bolivar St., Lexington, 03000261

Jefferson County

Axton—Fisher Tobacco Company Warehouse, 1405 W. Broadway, Louisville, 03000260
Finzer, J., and Brothers Company Building, 419 Finzer St., Louisville, 03000264
Louisville Grocery Company Building, 231 E. Main St., Louisville, 03000258

MISSOURI

Greene County

Netter—Ullman Building, 317 Park Central East, Springfield, 03000255

NEW JERSEY

Bergen County

Reformed Dutch Church of Wyckoff, 580 Wyckoff Ave., Wyckoff Township, 03000250

NEW YORK

Delaware County

Ulster and Delaware Railroad Depot and Mill Complex, Depot St., Roxbury, 03000254

Dutchess County

National Biscuit Company Carton Making and Printing Plant, 3 Beekman St., Beacon, 03000253
Neher—Elseffer House, 6196 US 9, Rhinebeck, 03000246

Jefferson County

Dexter Universalist Church, Brown and Kirby Sts., Dexter, 03000249
Emerson Place, 20–30 Emerson Place, Watertown, 03000241

Onondaga County

Drover's Tavern, 4065 Pompey Hollow Rd., Oran, 03000265

Oswego County

Oak Street School, 205 Oak St., Fulton, 03000243

Rensselaer County

Haskell School, 150 Sixth Ave., Troy, 03000244

Suffolk County

Cedar Island Lighthouse, Cedar Point Rd., Sag Harbor, 03000248
Hallock—Bilunas Farmstead, 733 Herricks Ln., Jamesport, 03000251

Westchester County

Copland, Aaron, House, 1538 Washington St., Cortlandt Manor, 03000245
Rye Town Park—Bathing Complex and Oakland Beach, Forrest Ave., bet. Rye Beach and Dearborn Ave., Rye, 03000252
St. Thomas' Episcopal Church Complex, 158–168 W. Boston Post Rd., Mamaroneck, 03000242
White Plains Rural Cemetery, 167 N. Broadway, White Plains, 03000247

NORTH CAROLINA

Ashe County

Greer, R.T., and Company Root and Herb Warehouse, 7181 Railroad Grade Rd., jct. of Todd Railroad Grad Rd. at Cranbery Springs Rd., Todd, 03000269

Bertie County

Ashland, NC 45, 0.25 N of jct. with NC 1360, Ashland, 03000268

Buncombe County

Bledsoe Building, 771–783 Haywood Rd., Asheville, 03000267

Carteret County

Morehead City Historic District, Roughly along Fisher St. and Bridges St., from N. 5th St. to N. 12th St., Morehead, 03000266

OHIO

Licking County

Johnstown Jail, 66 W. Pratt St., Johnstown, 03000274

SOUTH CAROLINA

Newberry County

Little Mountain Historic District, Along portions of Pomaria, Church, Main and Mountain Sts., Little Mountain, 03000275

Pickens County

Liberty Colored High School, Jct. of SC 93 and Rosewood St., Liberty, 03000270

Spartanburg County

American Legion Building, 94 W. Park Dr., Spartanburg, 03000271

Union County

McWhirter House, 415 Pacolet St., Jonesville, 03000272

York County

Hill Complex Historic District, York and Shannon Sts., Sharon, 03000273

TENNESSEE

Cumberland County

Crossville Tennessee Highway Patrol Building, 39 Main St., Crossville, 03000281

Davidson County

Woodmont Terrace Apartments, 920 Woodmont, Nashville, 03000280

TEXAS

Dallas County

Chevrolet Motor Company Building, 3221 Commerce, Dallas, 03000277

Ellis County

Highway Garage (Waxahachie MRA), 315 W. Main, Waxahachie, 03000278

Hidalgo County

Casa de Palmas, 101 N. Main St., McAllen, 03000276

Travis County

Connelly—Yerwood House, 1115 E 12th St., Austin, 03000279

Requests for removal have been made for the following resources:

ILLINOIS

Champaign County

Chi Psi Fraternity House (Fraternity and Sorority Houses at the Urbana—Champaign Campus of the University of Illinois MPS), Champaign, 90000115

Clark County

Millhouse Blacksmith Shop, Main and Poplar Sts., Clarksville, 86003156

Kane County

Elgin Milk Condensing Co./Illinois Condensing Co., Brook and Waters Sts., Elgin, 85000267

Sangamon County

Wheeland Haven, E of Riverton on I–72, Riverton, 85000557

KENTUCKY

Hart County

Battle of Munfordville (Boundary Increase) (Munfordville MRA), Mostly W of U.S. 31W near Munfordville, Munfordville vicinity, 01001254

TENNESSEE

Hamilton County

East Side Junior High School 2200 E. Main St., Chattanooga, 87000392

[FR Doc. 03–7948 Filed 4–1–03; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 22, 2003. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202–343–1836. Written or faxed comments should be submitted by April 17, 2003.

Carol D. Shull,

Keeper of the National Register of Historic Places.

ARIZONA

Pima County

Binghampton Rural Historic Landscape, approx. jct. of N. Dodge Blvd. and E. River Rd., Tucson, 03000316

Blenman—Elm Historic District, Bounded by Grant, Country Club, Speedway and Campbell, Tucson, 03000318

Catalina Vista Historic District, Bounded by Grant, Tucson Blvd., Elm St., and Campbell Ave., Tucson, 03000317

CALIFORNIA

Monterey County

Monterey County Jail, 142 W. Alisal St., Salinas, 03000337

CONNECTICUT

Litchfield County

March Route of Rochambeau's Army: Ridgebury Road, (Rochambeau's Army in Connecticut, 1780–1782 MPS), Ridgebury Road, from intersection with Old Stagecoach S, Ridgefield, 03000313

New Haven County

Ives—Baldwin House, 474 Baldwin Ave., Meriden, 03000308

New Haven Lawn Club, 193 Whitney Ave., New Haven, 03000309

Norcross Brothers Granite Quarry, Quarry Rd., Branford, 03000315

Windham County

March Route of Rochambeau's Army: Old Canterbury Road, (Rochambeau's Army in Connecticut, 1780–1782 MPS) Old Canterbury Rd: Canterbury Rd. from Jct. with Old Canterbury Rd., Plainfield, 03000310

March Route of Rochambeau's Army: Palmer Road (Rochambeau's Army in Connecticut, 1780–1782 MPS), Palmer Rd, from intersection with Miller Rd. to E of jct. with Pudding Hill Rd., Scotland, 03000311

March Route of Rochambeau's Army: Plainfield Pike (Rochambeau's Army in Connecticut, 1780–1782 MPS), Plainfield Pike from intersection with Industrial Dr., E to jct. with Ledge Hill Rd., Plainfield, 03000312

March Route of Rochambeau's Army: Scotland Road (Rochambeau's Army in Connecticut, 1780–1782 MPS), Scotland Rd., from intersection with Back Rd. to 80 Scotland Rd., Windham, 03000314

MISSOURI

Greene County

College Apartments (Springfield, Missouri MPS AD II), 408 E. Walnut St., Springfield, 03000319I

St. Louis Independent City, North Riverfront Industrial Historic District, Roughly bounded by Dickson, Lewis, O'Fallon, 2nd, Ashley, Biddle and Mississippi River, St. Louis (Independent City), 03000320

MONTANA

Missoula County

Evaro School, 6688 Grooms Rd., Evaro, 03000321

NORTH CAROLINA

Cleveland County

Hull, James Heyward, House, 710 N. Lafayette St., Shelby, 03000338

Dare County

Daniels, John T., House, 960 Burnside Rd., Manteo, 03000339

Durham County

Lakewood Park Historic District, 1601–1907 W. Lakewood Ave., 2001–2112 Chapel Hill Rd., 1406–1601 James St. and 1809–1819 Bivins St., Durham, 03000340

Mecklenburg County

Sykes, Joseph, Brothers Company Building, 1445 S. Mint St., Charlotte, 03000343

New Hanover County

Wilmington Historic District (Boundary Increase), Roughly bounded by Harnett, 7th, 3rd, Howard; Campbell, 9th, 12th, Princess; Dock, Castle 8th, 14th; 9th, Wright, Greenfield, Wilmington, 03000344

Rockingham County

McCollum, Reuben Wallace, House, 2203 S. Scales St., Reidsville, 03000341

Rowan County

Salisbury Railroad Corridor Historic District (Boundary Increase), 300 and 400 blks of N. Lee St., Salisbury, 03000342

OHIO

Athens County

Athens County Infirmary, 13183 OH 13, Millfield, 03000323

Cuyahoga County

Rich, N.J., and Co. Building, 1974 E. 61st St., Cleveland, 03000322

Erie County

Independent Order of Odd Fellows Temple, 231 W. Washington Row, Sandusky, 03000327

Lorain County

Dowtown Oberlin Historic District, Roughly include W and E College St., within 1 blk of S. Main and S. Main from College to approx. Vine St., Oberlin, 03000324

Richland County

Springfield Township School, 3560 Park Ave. W, Ontario, 03000325

OREGON

Linn County

Wigle, Abraham and Mary, House, 34050 Belts Dr., Harrisburg, 03000345

TEXAS

Carson County

Atchison, Topeka and Santa Fe Railway Depot, Panhandle, One Main St., Panhandle, 03000326

Harris County

Pomeroy Homestead, 202 and 204 S. Main St., Pasadena, 03000329

Jones County

Jones County Courthouse, 1100 12th St., Anson, 03000330

Rains County

Rains County Courthouse, 100 E Quitman St., Emory, 03000333

San Patricio County

San Jacinto County Courthouse, #1 TX 150 at Byrd Ave., Coldspring, 03000332

San Saba County

San Saba County Courthouse, 500 E. Wallace, San Saba, 03000328

Tarrant County

South Center Street Historic District, 500–600 blks of S. Center St., Arlington, 03000334

Williamson County

Preslar—Hewitt Building, 321–323 N. Main, Taylor, 03000331

WEST VIRGINIA

Berkeley County

Colston, Edward, House, 1598 Tice Rd., Falling Waters, 03000347

Hancock County

Baker's Fort Massacre Site, 0.5 mi. NW of jct. of WV 2 and WV 208, Newell, 03000336

Jefferson County

Allemong, Christian, House, 35 Hardestry Rd., Summit Point, 03000346

Marion County

Morgan, George Pinkney, House, Cty. 19/3, Rivesville, 03000348

Mercer County

Virginian Railway Yard Historic District, 0.5 mi. N of jct. of WV 20 and RR tracks, Princeton, 03000351

Morgan County

Hovermale, Clarence, House, 167 Wilkes St., Berkeley Springs, 03000350

Wood County

Smith, W.H., Hardware Company Building, 119 3rd St., Parkersburg, 03000349

WISCONSIN

Dane County

East Park Historic Park, 108–324 S. Lynn St., 700–816 Park St., and East Park, Stoughton, 03000335

[FR Doc. 03–7950 Filed 4–1–03; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 15, 2003. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202–343–1836. Written or faxed comments should be submitted by April 17, 2003.

Carol D. Shull,

Keeper of the National Register of Historic Places.

COLORADO

Alamosa County

St. Thomas Episcopal Church, 607 Fourth St., Alamosa, 03000285

GEORGIA

Chatham County

Sea View Apartments, 7 18th St., Tybee Island, 03000286

LOUISIANA

Iberia Parish

LeJeune's Bakery, 1510 W. Main St., Jeanerette, 03000287

MAINE

Androscoggin County

West Durham Methodist Church, 17 Runaround Pond Rd., West Durham, 03000291

Franklin County

Whitney, Capt. Joel, House, 8 Pleasant St., Phillips, 03000293

Kennebec County

Maine Industrial School for Girls Historic District, Winthrop St., 0.5 mi. W of jct. with Water St., Hallowell, 03000289

Stone, Capt. Nathaniel, House, 268 Maine Ave., Farmingdale, 03000292

Oxford County

Hutchins, Moses, House, Jct. of ME 6 and Old Stage Rd., Lovell, 03000290

Penobscot County

Bradford Farm Historic District, 100 Main St., Patten, 03000294

Piscataquis County

Hathaway Barn, 135 Nortons Corner Rd., Willimantic, 03000288

MISSOURI

Jackson County

Goodenow Textiles Company Building, 3710 Main St., Kansas City, 03000297

Johnson County

Miller Building, Matthews Hardware, Metropolitan Building, 800–810 E. Broadway Blvd., Columbia, 03000298

Osage County

Chamois Public School, 402 S. Main St., Chamois, 03000295

St. Louis Independent City, Smith Academy and Manuel Training School, 5351 Enright Ave., St. Louis (Independent City), 03000296

NORTH CAROLINA

Granville County

Peace, John Mask, House, NC 1613, approx. 0.5 mi. SE of jct. with NC 1615 at Peace's Chapel, Fairport, 03000301

Guilford County

Deucley, James Benson, Senior High School and Gymnasium (Greensboro MPS), 1200 Lincoln St., Greensboro, 03000302

Haywood County

Howell, Alden and Thomasene, House, 129 Woolsey Heights, Waynesville, 03000300

Macon County

Cabin Ben, 115 Cullasaja Dr., Highlands, 03000299

TENNESSEE

Shelby County

Green Meadows—Poplar Glen Historic District, Roughly along Union Ave. Ext., Patricia Dr., Madison Ave., Ashlawn Rd., Ashlawn Cove, and Alicia Dr., Memphis, 03000304

Sumner County

Maple Shade, 1755 TN 31E, Gallatin, 03000303

WASHINGTON

Whatcom County

Berthusen Barn and Privy, 8837 Bethusen Rd., Lynden, 03000306

Chicago, Milwaukee, St. Paul and Pacific Railroad: South Cle Elum Yard, Near Milwaukee Rd. and Reservoir Canyon Rd., Lynden, 03000305

WISCONSIN

Dane County

Brown—Sewell House, 101 S. Fifth St., Stoughton, 03000307

[FR Doc. 03–7951 Filed 4–1–03; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–471]

Certain Data Storage Systems and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') granting a joint motion to terminate the above-captioned investigation on the basis of a settlement agreement. The Commission has also determined that ALJ Order No. 47, which granted respondents' motion for summary determination of non-infringement of asserted claims 5–8 of U.S. Patent No. 6,108,748 (''the '748

patent''), is moot in view of the termination of the investigation.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3152. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 9, 2002, based on a complaint filed by EMC Corporation of Hopkinton, Massachusetts (''EMC''), against Hitachi, Ltd. of Tokyo, Japan, and Hitachi Data Systems Corporation of Santa Clara, California (''Hitachi''). 67 FR 34472 (2002). The complaint alleges violations of section 337 in the importation and sale of certain data storage systems or components thereof by reason of infringement of certain claims of complainant's U.S. Patent Nos. 5,742,792; 5,544,347; 6,092,066; 6,101,497; 5,909,692, and the '748 patent.

On January 24, 2003, the administrative law judge (''ALJ'') issued an ID (Order No. 47) granting respondents'' motion for summary determination of non-infringement of asserted claims 5–8 of the '748 patent. On January 30, 2003, EMC and Hitachi entered into a memorandum of understanding (''MOU'') which provides for the settlement of the investigation. On February 12, 2003, EMC, Hitachi, and the Commission investigative attorney (''IA'') filed a joint motion to stay the procedural schedule in order to provide sufficient time for EMC and Hitachi to conclude their settlement agreement and to file a motion to terminate the investigation. On February 14, 2003 the Commission, *sua sponte*, extended the administrative deadline for determining whether to review Order No. 47 by sixty two (62) days, *i.e.*, until April 28, 2003.

On February 27, 2003, EMC and Hitachi filed a joint motion to terminate the investigation on the basis of the agreed settlement outlined in the MOU. The IA supported the joint motion. On March 11, 2003, the ALJ issued an ID (Order No. 51) granting the motion to terminate the investigation. No party petitioned for review of Order No. 51.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: March 28, 2003.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03–7997 Filed 4–1–03; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Extension of currently approved collection; Making Officer Redeployment Effective (MORE) Grant Progress Report.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 2, 2003. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collections instrument with instructions or additional information, please contact Gretchen DePasquale, (202) 305–7780, Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Making Officer Redeployment Effective (MORE) Grant Progress Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* COPS. *Form number:* Not applicable.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: MORE 2001 award recipients Other: None Abstract: The currently approved collection instrument targeted MORE award recipients to gather data on equipment purchased and/or civilians hired under the MORE '98 program. The questions used to gather data on the equipment purchases will be used by the COPS Office to track summary data on the equipment purchased with COPS funding and to monitor the progress of the MORE '01 award recipients in implementing their grant. The questions used to gather data on civilians will be deleted.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* This will be a one-time, targeted collection to 541 respondents. The estimated amount of time required for the average respondent to respond is 1.5 hours.

(6) *An estimate of the additional public burden (in hours) associated with the collection:* The total estimated

burden on the public is 1,082 hours annually.

If additional information is required contact: Brenda Dyer, Deputy Clearance Officer Information Management and Security Staff, Justice Management Division, United States Department of Justice, 601 D Street NW., Patrick Henry Building, Suite 1600, NW., Washington, DC 20530.

Dated: March 27, 2003.

Brenda Dyer,

Deputy Clearance Officer, Department of Justice.

[FR Doc. 03–7823 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Import of Controlled Substances; Notice of Registration

By notice dated April 24, 2002, and published in the **Federal Register** on May 17, 2002 (67 FR 35136), Salsbury Chemicals, Inc., 1205 11th Street, Charles City, Iowa 50616–3466, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II. The firm's legal name has since changed to Cambrex Charles City, Inc.

The firm plans to import phenylacetone to manufacture amphetamine for distribution to its customers.

Objections and a request for hearing were timely filed and then withdrawn. DEA has considered the factors in title 21, United States Code, section 823(a) and determined that the registration of Salsbury Chemicals, Inc., is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Salsbury Chemicals, Inc. (now Cambrex Charles City, Inc.) to ensure that the company's continued registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security system, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations, section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed.

Dated: March 14, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7837 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated March 12, 2002, and published in the **Federal Register** on March 25, 2002 (67 FR 13664), Chiragene, Inc., 7 Powder Horn Drive, Warren, New Jersey 07059, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II. The Company's legal name has since changed to Cambrex North Brunswick, Incorporated.

The firm plans to import phenylacetone to manufacture amphetamine.

Objections and a request for hearing were timely filed and then withdrawn. DEA has considered the factors in title 21, United States Code, section 823(a) and determined that the registration of Cambrex North Brunswick, Inc., to import phenylacetone is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Cambrex North Brunswick, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations, section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed.

Dated: March 14, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7838 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 22, 2003, Cedarburg Pharmaceuticals, LLC, 870 Badger Circle, Grafton, Wisconsin 53204, made application by letter to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of dihydromorphine (9145), a basic class of controlled substance listed in Schedule I.

The firm plans to use this substance in the conversion processes to produce Schedule II hydromorphone.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Drug Operations Section, Domestic Drug Unit (ODOD) and must be filed no later than June 2, 2003.

Dated: March 14, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7824 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 22, 2002, October 9, 2002, and November 7, 2002, Cody Laboratories, Inc., 331 33rd Street, Cody, Wyoming 82414, made application by three separate letters to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of Schedule I and II controlled substances listed below:

Drug	Schedule
Dihydromorphine (9145)	I
Methamphetamine (1105)	II
Amphetamine (1100)	II

Drug	Schedule
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phenylacetone (8501)	II
Oxycodone (9143)	II

The firm plans to produce bulk product and finished dosage units for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Drug Operations Section, Domestic Drug Unit (ODOD) and must be filed no later than June 2, 2003.

Dated: March 11, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7825 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 17, 2002, ISP Freetown Fine Chemicals Inc., 238 South Main Street, Assonet, Massachusetts 02702, made application by letter to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of Levorphanol (9220) a basic class of controlled substance listed in Schedule II.

The firm plans to produce bulk product providing an alternate supply of an active pharmaceutical ingredient to its customer.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Drug Operations Section, Domestic Drug Unit (ODOD) and must be filed no later than (June 25, 2003).

Dated: March 11, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7830 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated February 19, 2002, and published in the **Federal Register** on March 5, 2002, (67 FR 9988), ISP Freetown Fine Chemicals, Inc., 238 South Main Street, Assonet, Massachusetts 02702, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the phenylacetone to manufacture amphetamine.

Objections and a request for hearing were timely filed and then withdrawn. DEA has considered the factors in Title 21, United States Code, 823(a) and determined that the registration of ISP Freetown Fine Chemicals, Inc., is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated ISP Freeman Fine Chemicals, Inc. to ensure that the company's continued registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security systems, certification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations, section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: March 14, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7835 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated June 7, 2002, and published in the **Federal Register** on June 20, 2002, (67 FR 42059), Lonza Riverside, 900 River Road, Conshohocken, Pennsylvania 19428, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

Objections and a request for hearing were timely filed and then withdrawn. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Lonza Riverside to import phenylacetone is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed.

Dated: March 14, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7833 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 14, 2003, Mallinckrodt, Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substance listed below:

Drug	Schedule
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Codeine (9050)	II
Codeine-N-oxide (9053)	I
Diprenorphine (9058)	II

Drug	Schedule
Etorphine HCl (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9160)	II
Dihydromorphine (9145)	I
Hydromorphone (9150)	II
Difenoxin (9168)	I
Diphenoxylate (9170)	II
Benzoylecgonine (9180)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Heroin (9200)	I
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Metopon (9260)	II
Dextropropoxyphene, bulk (9273)	II
Morphine (9300)	II
Morphine-N-oxide (9307)	I
Nicomorphine (9312)	I
Normorphine (9313)	I
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Norlevorphanol (9634)	I
Opium tincture (9630)	II
Opium, powdered (9639)	II
Opium, granulated (9640)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II
Tetrahydrocannabinols (7370)	I

The firm plans to manufacture the controlled substances as analytical reference standards to be used internally and for sale to other companies.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Drug Operations Section, Domestic Drug Unit (ODOD) and must be filed no later than 60 days from publication.

Dated: March 14, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7826 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a registration under section 1002(a) authorizing the importation of such a substance, provide manufactures holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with section 1301.34 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 14, 2003, Mallinckrodt, Inc., Mallinckrodit & Second Streets, St. Louis, Missouri, 63147, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substance listed below.

Drug	Schedule
Phenylaceton (8501)	II
Coca Leaves (9040)	II
Opium, raw (9600)	II
Opium poppy (9650)	II
Poppy Straw Concentrate (9670)	II

The firm plans to import the listed controlled substance to bulk manufacture controlled substances.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 is such form as prescribed by 21 CFR 1316.47.

Any such comments, objections of requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with an independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import the basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: March 11, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7832 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated November 26, 2002, and published in the **Federal Register** on December 10, 2002, (67 FR 75863), Noramco, Inc., 1440 Olympic Drive, Athens, Georgia 30601, made application by letter to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Sufentanil (9740)	II

The firm plans to manufacture the listed controlled substance for sale to a customer.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Noramco, Inc., to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Noramco Inc., to ensure that the company's registration is consistent with the public interest. This investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of

controlled substances listed above is granted.

Dated: March 11, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7834 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 18, 2002, Novartis Pharmaceuticals Corporation, Attn: Security Department, Building 103, Room 335, 59 Route 10, East Hanover, New Jersey 07936, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substance listed below:

Drug	Schedule
Methylphenidate (1724)	II

The firm plans to produce bulk product and finished dosage units for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Drug Operations Section, Domestic Drug Unit (ODOD) and must be filed no later than June 2, 2003.

Dated: March 11, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7829 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 11, 2002, Organichem Corporation, 33 Riverside Avenue, Rensselaer, New York, 12144, made application by renewal to the Drug Enforcement Administration for registration as a bulk manufacturer of the basic classes of controlled substance listed below:

Drug	Schedule
Amphetamine (1100)	II
Pentobarbital (2270)	II
Methylphenidate (1724)	II
Meperidine (9230)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Drug Operations Section, Domestic Drug Unit (ODOD), and must be filed no later than June 2, 2003.

Dated: March 11, 2003

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7831 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 29, 2002, Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application by letter to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9040)	II
Ecgonine (9180)	II

The firm plans to manufacture the listed controlled substance for the manufacture of a non-controlled substance flavor extract.

Any other such applicant and any person who is presently registered with the DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administrator, United States Department of Justice, Washington, DC 20537, Attention: Drug Operations Section, Domestic Drug Unit (ODOD) and must be filed no later than June 2, 2003.

Dated: March 11, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7828 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 9, 2003, Rhodes Technologies, 498 Washington Street, Coventry, Rhode Island 02816, made application by renewal and by letters dated January 28, 2003 and February 26, 2003, to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of Schedule I and II controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Oxycodone (9143)	II
Thebaine (9333)	II
Methylphenidate (1724)	II
Tetrahydrocannabinols (7370)	I
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Fentanyl (9801)	II
Noroxymorphone (9668)	II
Dihydrocodeine (9120)	II

The firm plans to produce bulk products for conversion and distribution to its customers.

Any other such applicant and any person who is presently registered with

DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Drug Operations Section, Domestic Drug Unit (ODOD) and must be filed no later than 60 days from publication.

Dated: March 14, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7827 Filed 4–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated June 24, 2002, and published in the **Federal Register** on July 10, 2002 (67 FR 45765), Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II
Benzoylecgonine (9180)	II

The firm plans to manufacture bulk controlled substances for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in title 21, United States Code, section 823(a) and determined that the registration of Stepan Company to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Stepan Company on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, verification of the company's compliance with State and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–7836 Filed 7–1–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,831 and NAFTA–06338]

Metaldyne, Inc., Formerly Accura Tool & Mold Co., Inc., Crystal Lake, IL; Notice of Negative Determination Regarding Application for Reconsideration

By application of December 18, 2002 (postmark date), a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) under petition TA–W–41,831 and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA) under petition NAFTA–6338. The TAA and NAFTA–TAA denial notices applicable to workers of Metaldyne, Inc., formerly Accura Tool & Mold Co., Inc., Crystal Lake, Illinois were signed on November 22, 2002, and November 25, 2002, and published in the **Federal Register** on December 23, 2002 (67 FR 78257 and 78258, respectively).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Metaldyne, Inc., formerly Accura Tool & Mold Co., Inc., Crystal Lake, Illinois, was denied because the ''contributed importantly'' group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. Most of the molds and dies manufactured at Crystal Lake were sent internally within the subject corporation. Only a relatively minor amount of the plastics operation was supplied to outside customers. Accura Tool & Mold Co., Inc/Metaldyne Inc. did not increase imports of automotive transmission and powertrain molds and dies from 2000 through July 2002 when the plant shut down. Production of metal moldings was transferred to another affiliated domestic facility. The plastics operation was abandoned due to the closure of the plant.

The NAFTA–TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. There was no shift in production from the workers' firm to Mexico or Canada during the relevant period. Imports from Canada or Mexico did not contribute importantly to worker separations. The factors as addressed in the TAA denial were also discussed in the NAFTA decision.

The petitioner appears to indicate that the Department of Labor made errors in the description of the type of work that was done at the Accura Tool & Mold Co., Inc./Metaldyne plant. When contacted, the petitioner clarified that he suspected that the petitioning worker group produced more than just molds and dies for components other than powertrains and transmissions, as the workers were not always informed about the end use of their production.

A review of the data supplied in the initial investigation and recent follow up contact with the company indicates that the subject plant primarily produced powertrain and transmission molds and dies. The subject firm also produced plastic molds, but this constituted a relatively small portion of overall plant production.

The petitioner also alleged that there were ''errors in the correlation of definitions of what Metaldyne's description and functions of Accura Tool and Die were.'' The petitioner also attached various documents in an attempt to depict the allegation. When contacted for clarification on this allegation, the petitioner stated that workers skilled in mold and die production can produce molds and dies for a wide variety of metal parts. He also asserted that any mold and die facility had workers that could easily produce products competitive with those produced at the subject firm, and that there were many cheaper facilities in Mexico and Canada capable of this production. It appears that he believes that, if the high transferability of the petitioning worker group's skills were

properly understood, then the worker group would be considered eligible for trade adjustment assistance.

In its investigation to assess the eligibility of petitioning worker groups for trade adjustment assistance, the Department considers the actual products produced by subject firm workers, and whether or not like or directly competitive products were imported in the relevant period. Thus, the ''functions'' as represented by the petitioner, are irrelevant. The overwhelming amount of mold and die production was transferred to another affiliated domestic location. As indicated in the initial investigation, the subject firm also produced plastic molds, but this constituted a relatively small portion of overall plant production. The plastics mold operation was abandoned at the time of plant closure, as it was a residual business of facility's previous owners, and not in line with the business experience and interests of Metaldyne. Recent contact with a company official confirmed that the company did not import products competitive with those produced at the subject firm during the relevant period.

The petitioner also indicates that additional plants located in foreign locations perform the same kind of work and production.

An examination of the attachments provided by the petitioner show various products (*i.e.*, precision die casting as rough castings, machined casting, assemblies and modules) made on a company wide basis from various locations, including foreign locations. The import of these products to the United States is not relevant to the TAA or NAFTA investigations that were filed on behalf of workers producing molds and dies. The product imported must be ''like or directly'' competitive with what the subject firm produced and the imports (including Canada and/or Mexico as it relates to NAFTA) must ''contribute importantly'' to the layoffs at the subject plant to meet the eligibility requirements for adjustment assistance under section 222 of the Trade Act of 1974 or NAFTA–TAA under section 250 of the Trade Act of 1974.

The petitioner further appears to state that there has been little consideration for present economical factors that point to the current trend of thousands of manufacturing plant closures and massive layoffs due to overseas trade agreements resulting in the Accura Tool and Dye plant closing.

Economic conditions are not criteria in determining eligibility for worker adjustment assistance pursuant to the Trade Act of 1974. Increased imports (imports from Canada or Mexico as it relates to NAFTA) of products like or directly competitive with what the subject plant produced must contribute importantly to the layoffs at the subject plant to meet the eligibility requirements of TAA or NAFTA. Also, a shift in production to Canada or Mexico could have qualified the workers for NAFTA. In any event, none of these events occurred thus the criteria were not met for the workers of Metaldyne, Inc., formerly Accura Tool & Mold Co., Inc., Crystal Lake, Illinois.

Conclusion

After review of the application and investigative findings, I conclude that there has been no misinterpretation of the law or of the facts which would justify reconsideration of the Department of labor's prior decisions. Accordingly, the application is denied.

Signed in Washington, DC, this 13th day of March, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–7918 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of March 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

None.

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a) (2)(B) (II.B) (No shift in production from a foreign country) have not been met.

TA–W–50,996; Fishing Vessel (F/V) Netta, Naknek, AK.

TA–W–50,165; Fishing Vessel (F/V) Jenni Lee, Aleknagik, AK.

TA–W–50,131; Fishing Vessel (F/V) Raymond Thorsen, Dillingham, AK.

TA–W–51,057; Fishing Vessel (F/V) Bucko, Dillingham, AK.

TA–W–51,040; Emcee Broadcast Products, White Haven, PA.

TA–W–50,993; Fishing Vessel (F/V) Darcie Michelle, Dillingham, AK.

TA–W–50,919; Southern Farm Fish Processors, Inc., a Div. of Farmland Industries, Inc., Eudora, AR.

TA–W–50,911; Benton Veneer Co., Benton, AR.

TA–W–50,897; Fishing Vessel (F/V) Miss Kari, Yankeetown, FL.

TA–W–50,793; Fishing Vessel (F/V) Matthew Thorson, Dillingham, AK.

TA–W–50,768; Fishing Vessel (F/V) Maya Ann, Anchorage, AK.

TA–W–50,759; Fishing Vessel (F/V) Cape Menemikof, Dillingham, AK.

TA–W–50,756; Fishing Vessel (F/V), Camelot, Togiak, AK.

TA–W–50,754; Fishing Vessel (F/V) Areil Rochelle, Nushagak, AK.

TA–W–50,710; Fishing Vessel (F/V) Kona Rose, Seattle, WA.

TA–W–50,691; State of Alaska Commercial Fisheries Entry Commission Permit #SO3T65910I, Newhalen, AK.

TA–W–50,621; Fishing Vessel (F/V) Frances A, Naknek, AK.

TA–W–50,630; Fishing Vessel (F/V) Alicia Dawn, Togiak, AK.

TA–W–50,360; Ocean State Finishing Co., Woonsocket, Rhode Island.

TA–W–50,340; Lear Corp., Electrical and Electronics Div. (Leed), Plant 074, Peru, IN.

TA–W–51,512; Fishing Vessel (F/V) Millie Jo, Chignik Lagoon, AK.

TA–W–51,428; South Bend Acquisition Corp., South Bend, IN.
TA–W–50,593; Exemplar Manufacturing Co., Ypsilanti, MI.
TA–W–50,537; Brillion Iron Works, Inc., Brillion, WI.
TA–W–50,220; Trus Joist, a Weyerhaeuser Business, Stayton, OR.
TA–W–50,389; Fishing Vessel (F/V) Three Wind, Dillingham, AK.
TA–W–50,464; Central Chair Co., Asheboro, NC.
TA–W–50,645; Sinsitl Fisheries, Kodiak, AK.
TA–W–50,703; Versa-Tool, Inc., Meadville, PA.
TA–W–50,748; Fishing Vessel (F/V) Aldebaran, Ketchikan, AK.
TA–W–50,769; Magic Fish Co., False Pass, AK.
TA–W–50,795; Purl Knit Fabric Corp., Brooklyn, NY.
TA–W–50,985; S.B. Foot Tanning Co., Texas Div., Dumas, TX.

The workers firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–50,463; McCormick Enterprises, Inc., Delton, MI.
TA–W–51,048; Kayser-Roth Corp., Creedmoor Facility, Creedmoor, NC.
TA–W–51,001; e-Gain Communications Corp., Novato, CA.
TA–W–50,940; Olympic Security Services, Inc., Will Rogers World Airport, Oklahoma City, OK.
TA–W–50,942; Specialty Merchandise Corp (SMC), Chatsworth, CA.

The investigation revealed that criteria (2) has not been met. The workers' firm (or subdivision) is not an upstream supplier or components for trade-affected companies.

TA–W–50,458; Smurfit-Stone Container Corp., Corrugated Container Div., Spartanburg, SC.

The investigation revealed that criterion (a)(2)(A)(I.A) (no employment declines) has been met.

TA–W–50,524; Fishing Vessel (F/V) Jessica, Anchorage, AK.
TA–W–50,734; Genesis Designs, Bend, OR.
TA–W–50,467; State of Alaska Commercial Fisheries Entry Commission Permit #SO4T–60471B, Homer, AK.
TA–W–51,061; Fishing Vessel (F/V) Pauline Marie, Manokotak, AK.
TA–W–50,625; Fishing Vessel (F/V) Thunderbird, Anchorage, AK.

The investigation revealed that criterion (a)(2)(A)(I.B) (sales or production, or both did not decline) and (a)(2)(A)(II.B) (no shift in production to a foreign country) have not been met.

TA–W–50,843; Fishing Vessel (F/V) My Girls, Port Heiden, AK.
TA–W–51,169; State of Alaska Commercial Fisheries Entry Commission Permit #SO4T608705, Egegik, AK.
TA–W–50,351; Top Gun Tool, Inc., Erie, PA.
TA–W–50,818; Hitchiner Manufacturing Co., Ferrous Div., Littleton, NH.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–42,180; Hy-Lift, LLC, Muskegon, MI: September 17, 2001.
TA–W–42,360; Precision Twist Drill Co., Rhinelander, WI: September 16, 2001.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of section 222 have been met.

TA–W–50,540; Gaylord Container Corp., d/b/a Inland Paperboard and Packaging, Inc., Antioch, CA: December 3, 2001.
TA–W–50,064; Cerro Fabricated Products, a Div. of Cerro Metal Products Co., Bristol, CT: November 12, 2001.
TA–W–50,275; Chinook Sailing Products, Cascade Locks, OR: November 25, 2001.
TA–W–50,478; Maysteel, LLC, Mayville, WI: December 27, 2001.
TA–W–50,525; Cincinnati Machine, Div. of Unova, Inc., Cincinnati, OH: January 7, 2002.
TA–W–50,554; Scotty's Fashions, Palmerton, PA: January 6, 2002.
TA–W–50,663; Blackman Uhler, a Div. of Synalloy Corp., Spartanburg, SC: January 15, 2002.
TA–W–50,685: Elm Tex, Inc., West Springfield, MA: January 24, 2002.
TA–W–50,885 & A,B; Flying J. Oil and Gas, Inc., North Salt Lake, UT, Sidney, MT and Gilette, WY: February 7, 2002.
TA–W–50,943; Tree Top, Inc., Consumer Packaged Goods Div. Selah, WA: February 13, 2002.
TA–W–50,955; Specialized Bicycle Components, Salt Lake City Facility, Salt Lake City, UT: February 20, 2002.
TA–W–50,280, A,B,C,D; The Holmes Group, Rival Div., Golding Drive Location, Clinton, MO, South Orchard Location, Clinton, MO, Kansas City, MO, Jackson, MS and Sweet Springs, MO: December 9, 2001.
TA–W–50,956; Woodbridge Sanitary Pottery, a subsidiary of Gerber Plumbing Fixtures Crop, Woodbridge, NJ: February 14, 2002.
TA–W–50,418; Plastx World, a subsidiary of Clayfield Management, LTD (UK), including leased workers of Express Personnel, Wharton, NJ: December 17, 2001.
TA–W–50,770; Warp Knit Mills, Inc., Lincolnton, NC: February 3, 2002.
TA–W–50,773; Crystal Dyeing Finishing, Hickory, NC: February 3, 2002.
TA–W–50,666; John Crowley, Inc., Jackson, MI: January 22, 2002.
TA–W–50,192; Smith and Wesson Corp., Springfield, MA: December 13, 2002.

The following certification has been issued. The requirement of upstream supplier to trade certified primary firm has been met.

TA–W–50,689; Fishing Vessel (F/V) Wendy Ann, Kodiak, AK: January 23, 2002.
TA–W–50,306; Nevamar Co., Particleboard Div., Stuart, VA: December 4, 2001.
TA–W–50,840; State of Alaska Commercial Fisheries Entry Commission Permit #SO4T57684H, Manokotak, AK: January 30, 2002.
TA–W–50,794; Santa Rosa, Inc., Kodiak, AK: February 3, 2002.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of section 222 have been met.

TA–W–50,731; The Protectoseal Co., Bensenville, IL: January 7, 2002.
TA–W–50,579; Thomson 60 Case, LLC, a subsidiary of Thomson Industries, Inc., Lancaster, PA: January 3, 2002.
TA–W–50,680; Avery Dennison, Milford, MA: January 16, 2002.
TA–W–50,712; Fishing Vessel (F/V), Mikna Rene, Manokotak, AK: January 21, 2002.
TA–W–50,715; Fishing Vessel (F/V) Aaron and Eric, Manokotak, AK: January 21, 2002.
TA–W–50,751; Fishing Vessel (F/V) Anuskat, Manokotak, AK: January 21, 2002.
TA–W–50,877; Fishing Vessel (F/V) Number One, Manokotak, AK: January 22, 2002.
TA–W–50,933; Fishing Vessel (F/V) Marilynn, Cook Inlet, AK: February 18, 2002.
TA–W–50,944; Honeywell International, Aerospace-West Coast Support Operations, Burbank, CA: February 7, 2002.
TA–W–50,971; Imco Recycling of Idaho, Post Falls, ID: February 14, 2002.
TA–W–50,396; Sherwood Tool, a Div. of Sweetheart Cup Co., Inc.,

Commercial Manufactured Parts Div., Kensington, CT: and Assembled Equipment Div., Kensington, CT: December 11, 2001.

TA–W–50,701; Midwest Electric Products, Inc., a wholly-Owned subsidiary of General Electric Corp., Mankato, MN: January 24, 2002.

TA–W–50,093A; Kane Magnetics International, Inc., Galeton, PA: November 6, 2001.

TA–W–50,029; State of Alaska Commercial Fisheries Entry Commission Permit #SO4K618440, Kodiak, AK: November 5, 2001.

TA–W–50,585; Skillers USA, C and S Apparel, Inc., Butler, PA: December 10, 2001.

TA–W–50,623; Arimon Technologies, Inc., Montello, WI: January 17, 2002.

Also, pursuant to title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with section 250(a), subchaper D, chapter 2, title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of March 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

None.

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of section 250(a) of the Trade Act, as amended.

None.

Affirmative Determinations NAFTA–TAA

None.

I hereby certify that the aforementioned determinations were issued during the month of March 2003. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 21, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–7919 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,777]

A.O. Smith, Electrical Products Company, Ripley, TN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 4, 2003, in response to a petition filed by a company official on behalf of workers at A.O. Smith, Electrical Products Company, Ripley, Tennessee.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC this 17th day of March 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7905 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,761]

State of Alaska Commercial Fisheries Entry Commission Permit # SO4T (Nick Timurphy), Dillingham, AK; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 30, 2003 in response to a petition filed by a company official on behalf of the group of workers covered by the State of Alaska Commercial Fisheries Entry Commission Permit # SO4T (Nick Timurphy), Dillingham, Alaska.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC this 18th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7904 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners of any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment

Assistance, at the address shown below, not later than April 14, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 14, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 17th day of March 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted between 03/10/2003 and 03/14/2003]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,099	Allegheny Ludlum (Wkrs)	Houston, PA	03/10/2003	02/27/2003
51,100A	HMH Transportation, Inc (Comp)	Forest Park, GA	03/10/2003	03/03/2003
51,100B	HMH Transportation, Inc (Comp)	Los Angeles, CA	03/10/2003	03/03/2003
51,100	HMH Transportation Inc. (Comp)	Hazlehurst, GA	03/10/2003	03/03/2003
51,101	Agilent Technologies (Wkrs)	Fort Collins, CO	03/10/2003	03/05/2003
51,102	Jeld Wen—Pozzi Window (OR)	Bend, OR	03/10/2003	03/06/2003
51,103	Toshira America Electronic (OR)	Beaverton, OR	03/10/2003	03/07/2003
51,104	Johnstown Leather Corporation (UNITE)	Johnstown, NY	03/10/2003	02/26/2003
51,105	Dinaire, LLC (Comp)	Buffalo, NY	03/10/2003	02/25/2003
51,106	CertainTeed Corporation (Wkrs)	Nesquehoning, PA	03/10/2003	03/06/2003
51,107	Halex Company (IBT)	Cleveland, OH	03/10/2003	02/20/2003
51,108	Defender, Inc./Starr Supporter (Wkrs)	Philadelphia, PA	03/10/2003	02/27/2003
51,109	MCI Worldcom Network Services (Wkrs)	Hunt Valley, MD	03/10/2003	02/15/2003
51,110	Moll Industries, Inc. (Wkrs)	Newberg, OR	03/10/2003	03/05/2003
51,111	General Magnetics Technology, Inc. (Wkrs)	Lake Worth, FL	03/10/2003	02/25/2003
51,112	Osram Sylvania (Comp)	Maybrook, NY	03/10/2003	02/21/2003
51,113	Toppan Electronics, Inc. (Comp)	San Diego, CA	03/10/2003	02/25/2003
51,114	Celestica (Comp)	Fort Collins, CO	03/10/2003	03/07/2003
51,115	MeadWestvaco Corporation (DWU)	Luke, MD	03/10/2003	03/07/2003
51,116	Dura Automotive (Wkrs)	Livonia, MI	03/10/2003	02/21/2003
51,117	Square D Company (Comp)	Asheville, NC	03/10/2003	03/07/2003
51,118	Electrolux Home Products (Comp)	Edison, NJ	03/10/2003	03/03/2003
51,119	Worzalla Publishing (Wkrs)	Stevens Point, WI	03/10/2003	03/07/2003
51,120	Sun Apparel of Texas (Comp)	El Paso, TX	03/11/2003	01/08/2003
51,121	Mirro Corporation (USWA)	Manitowoc, WI	03/11/2003	02/07/2003
51,122	Emerson Appliance Controls (Wkrs)	Frankfort, IN	03/11/2003	03/05/2003
51,123	Spectra—Star (Wkrs)	Yuma, AZ	03/11/2003	03/04/2003
51,124	Pass and Seymour (Comp)	Concord, NC	03/11/2003	03/06/2003
51,125	Symantec Corporation (Wkrs)	Beaverton, OR	03/11/2003	03/06/2003
51,126	Kelly Industries, Inc. (Wkrs)	Eighty Four, PA	03/11/2003	03/05/2003
51,127	Omega Worldwide, Inc. (MI)	Ann Arbor, MI	03/11/2003	02/14/2003
51,128	DT Precision Assembly Industries (Wkrs)	Erie, PA	03/11/2003	03/10/2003
51,129	Cerf Brothers Bag Company (Comp)	Vandalia, MO	03/11/2003	03/10/2003
51,130	Tyler Refrigeration (UAW)	Waxahachie, TX	03/11/2003	03/07/2003
51,131	Fishing Vessel (F/V) Raymond Thorson (Comp).	Dillingham, AK	03/11/2003	03/05/2003
51,132	4–C's Fisheries (Comp)	Kodiak, AK	03/11/2003	03/06/2003
51,133	Relizon (Wkrs)	Newark, OH	03/14/2003	03/13/2003
51,134	Vanity Fair (NC)	Wilson, NC	03/14/2003	03/13/2003
51,135	Advance USA, LLC (Wkrs)	New Stanton, PA	03/14/2003	03/12/2003
51,136	Wing-Lynch, Inc. (OR)	Beaverton, OR	03/14/2003	03/12/2003
51,137	Sasol North America (MD)	Baltimore, MD	03/14/2003	03/13/2003
51,138	Drexel Heritage, #60 (Wkrs)	Morganton, NC	03/14/2003	03/07/2003
51,139	Embraer Aircraft Corporation (Wkrs)	Ft. Worth, TX	03/14/2003	03/14/2003
51,140	Verizon (FL)	Temple Terrace, FL	03/14/2003	03/03/2003
51,141	Werner Company (USWA)	Greenville, PA	03/14/2003	03/12/2003
51,142	Vaisala (Wkrs)	Sunnyvale, CA	03/14/2003	12/13/2002
51,143	Tyco Healthcare Retail Group, Inc. (Comp)	Harmony, PA	03/14/2003	03/13/2003
51,144	IBM (Wkrs)	McLeansville, NC	03/14/2003	03/03/2003
51,145	Halliburton Security (USWA)	Dallas, TX	03/14/2003	03/11/2003
51,146	Garan, Inc. (Wrks)	Church Point, LA	03/14/2003	03/12/2003
51,147	Manitowoc Boom Trucks (Wkrs)	York, PA	03/14/2003	03/10/2003
51,148	Torque-Traction Manufacturing (Comp)	Syracuse, IN	03/14/2003	03/25/2003
51,149	Applied Industrial Technologies (MN)	Cloquet, MN	03/14/2003	03/11/2003
51,150	Logan Stampings, Inc. (Comp)	Logans Port, IN	03/14/2003	03/11/2003
51,151	North Star Steel Company (Wkrs)	Kingman, AZ	03/14/2003	03/07/2003
51,152	Asco Valve Manufacturing (Wrks)	Ft. Mill, SC	03/14/2003	03/01/2003
51,153	Esteves—DWD, LLC (Comp)	Danville, KY	03/14/2003	03/10/2003
51,154	Progress Casting Group, Inc. (MN)	Albert Lea, MN	03/14/2003	03/07/2003
51,155	Buckbee-Mears (Comp)	St. Paul, MN	03/14/2003	03/10/2003

APPENDIX—Continued

[Petitions instituted between 03/10/2003 and 03/14/2003]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,156	Pacific Precision Metals (Comp)	Laverne, CA	03/14/2003	03/11/2003
51,157	DBM Technologies (MI)	Corunna, MI	03/14/2003	03/10/2003
51,158	Stewart Apparel, Inc. (Comp)	Greensboro, GA	03/14/2003	03/06/2003
51,159	Zosel Lumber (WA)	Oroville, WA	03/14/2003	03/11/2003
51,160	Parkson Corporatioln (FL)	Pompano, FL	03/14/2003	03/11/2003
51,161	Allura Corporation (UNITE)	Lorane-Reading, PA	03/14/2003	03/04/2003
51,162	F/V/ J.C. (Comp)	Aleknagik, AK	03/14/2003	03/11/2003
51,163	F/V Yo Yo (Comp)	Aleknagik, AK	03/14/2003	03/11/2003
51,164	Melody Lynn (Comp)	Aleknagik, AK	03/14/2003	03/11/2003
51,165	F/V Jenni Lee (Comp)	Aleknagik, AK	03/14/2003	03/11/2003
51,166	F/V Double Eagle (Comp)	Dillingham, AK	03/14/2003	03/11/2003
51,167	Robert Allen (Comp)	Kokiak, AK	03/14/2003	03/08/2003
51,168	F/V Vaness (Comp)	Kodiak, AK	03/14/2003	03/10/2003
51,169	Kathleen Lange (Comp)	Homer, AK	03/14/2003	03/13/2003

[FR Doc. 03–7890 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,972]

American Greetings Corporation, Corbin, KY; Notice of Negative Determination Regarding Application for Reconsideration

By application of November 25, 2001, petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on October 10, 2001, and published in the **Federal Register** on November 5, 2001 (67 FR 67422).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of American Greetings Corporation, Corbin, Kentucky was denied because the ''contributed importantly'' group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met.

The petitioners allege that criterion (3) was acknowledged as having been met by the Department, as established by a determination in connection with TA–W–41,255 regarding subject firm workers. To provide proof of this, they attach an untitled page of this determination.

In fact, this page was extracted from a determination which was issued as a ''Notice of Negative Determination Regarding Application for Reconsideration'', issued as the result of an investigation that followed the original ''Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance.'' However, in this determination, the word ''not'' was inadvertently omitted in the statement ''increased imports did contribute importantly to worker separations.'' A corrected republication in full explaining the inadvertent omission was issued and published in the **Federal Register** on July 24, 2002 (67 FR 48484).

The petitioners allege that ''we have been told from various sources of management that approximately nine percent of the work done at the Corbin plant has been outsourced to other countries.'' They also claim that ''American Greetings plans to outsource 75 percent of the work previously done at the Corbin plant to foreign countries within the next two years.

A review of the initial investigation revealed that somewhat less than nine percent of greeting card sheet production has been outsourced to offshore facilities. However, as subject firm workers are not separately identifiable, the production of party goods, gift wrap and bows (ribbons), and candles must also be taken into consideration when looking at the percentage of plant production affected by this outsourcing. When considering imports of greeting card sheets in context with the total plant production, imports constitute a negligible percentage. In regard to any future outsourcing referenced by the petitioners, any future imports are beyond the relevant period.

The petitioners also assert that sales and production have ''declined in the last eight years'' and that ''we have been told the record shows that imported goods * * * hurt the company sales.'' At one point, they allege that layoffs have been occurring for the last three years, and recommend that the Department look at the last five years in assessing company trends.

In establishing worker eligibility for trade adjustment assistance, the Department considers declines that occurred in the year preceding the date of the petition. To establish whether the declines exist, the investigation requires the most recent two years of data for corresponding periods in order to ascertain whether declines have occurred in the most recent period relative to the previous period. Thus periods of five and eight years are not relevant. Further, a review of the initial investigation revealed that all sales and production declines of party goods, gift wrap and bows (ribbons) and candles that occurred in the relevant period are attributable to domestic transfer. Production of greeting card sheets increased in 2001 relative to 2000, but began to decline in January through March, 2002 relative to the corresponding period of 2001. As mentioned above, imports of greeting card sheets were negligible relative to overall production.

The petitioners also assert that laid-off company personnel are united in the belief that import impact affected layoffs, and state that ''the records and

data have proved'' that imports contributed importantly.

No ''records and data'' were made available in regard to this request for reconsideration. In regard to attachments to the petition and request for reconsideration provided in a previous investigation for this worker group (TA–W–41,255) regarding competitive company imports (a company email discussing offshore shipments, labels indicating import shipments), the Department contacted the company, which provided specific information as to whether competitive imports had occurred, where production had been shifted, and specific percentages of import volume versus total plant production. In all cases where competitive imports occurred, the volume of imports was deemed negligible. It was on the basis of this specific information that the determination was made.

Finally, the petitioners enumerate the three criteria for eligibility and assert that they meet all three criteria.

As noted above, an investigation of the information available reveals that subject firm workers of American Greetings Corporation, Corbin, Kentucky do not meet the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 7th day of March, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–7917 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,960, TA–W–50,960A, and TA–W–50,960B]

American Identity, Formerly Doing Business as Dunbrooke Industries, Inc. Marcus, IA, Hawarden IA, Orange City, IA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 24, 2003, in response to a worker petition filed by a company official on behalf of workers at American Identity, formerly doing business as Dunbrooke Industries, Inc., Marcus, Iowa, Hawarden, Iowa, and Orange City, Iowa.

The petitioning group of workers is covered by an active certification issued on May 3, 2001 (TA–W–38,985). Consequently, the investigation has been terminated.

Signed at Washington, DC, this 11th day of March 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7914 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners of any other person showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 14, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 14, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311 , 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 14th day of March 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted between 03/03/2003 and 03/07/2003]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,026	American Tool Companies, Inc. (Comp)	Cumberland, WI	03/03/2003	02/25/2003
51,027	Crescent Lighting (NJ)	Bannington, NJ	03/03/2003	02/28/2003
51,028	Pliant Corporation (CA)	Merced, CA	03/03/2003	01/06/2003
51,029	Vinonics, Inc. (Wkrs)	Fort Worth, TX	03/03/2003	02/27/2003
51,030	ESCO Corporation (Comp)	Danville, IL	03/03/2003	02/24/2003
51,031	National Presto Industries, Inc. (Comp)	Eau Claire, WI	03/03/2003	02/24/2003
51,032	Wheeling-Pittsburgh Steel Corp. (Comp)	Allenport, PA	03/03/2003	02/14/2003
51,033	F/V R.D. and J (Comp)	Pilot Point, AK	03/03/2003	02/27/2003
51,034	F/V Tianna Sea (Comp)	Port Heiden, AK	03/03/2003	02/27/2003
51,035	F/V Michelle Dawn (Comp)	Pilot Point, AK	03/03/2003	02/27/2003
51,036	F/V White Eagle (Comp)	Pilot Point, AK	03/03/2003	02/27/2003

APPENDIX—Continued

[Petitions instituted between 03/03/2003 and 03/07/2003]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,037	Jabil Global Services (Comp)	Tampa, FL	03/04/2003	02/27/2003
51,038	Tubertronics (KS)	Wichita, KS	03/04/2003	03/03/2003
51,039	Calvin Klein, Ltd. (UNITE)	New York, NY	03/04/2003	03/03/2003
51,040	Emcee Broadcast Products (Wkrs)	White Haven, PA	03/04/2003	03/03/2003
51,041	Yoshida Group (Wkrs)	Portland, OR	03/04/2003	03/07/2003
51,042	Micron Technologies, Inc. (Wkrs)	Boise, ID	03/04/2003	02/21/2003
51,043	Mount Vernon (CA)	Fresno, CA	03/04/2003	02/28/2003
51,044	Greenlee (Wkrs)	Fairmont, MN	03/04/2003	03/03/2003
51,045	Precision Cast Parts (Wkrs)	Portland, OR	03/04/2003	02/12/2003
51,046	Western Geco (Wkrs)	Denver, CO	03/04/2003	02/23/2003
51,047	Search Resources (MN)	Grand Rapids, MN	03/04/2003	03/03/2003
51,048	Kayser-Roth Corporation (Comp)	Creedmoor, NC	03/04/2003	02/27/2003
51,049	Raytheon Aircraft Co. (KS)	Wichita, KS	03/04/2003	03/03/2003
51,050	JJA, Inc. (NH)	Hampstead, NH	03/04/2003	03/03/2003
51,051	Carbone Kirkwood LLC (Comp)	Cleveland, OH	03/04/2003	03/03/2003
51,052	Leggett and Platt, Inc. (Comp)	Fremont, IN	03/04/2003	02/28/2003
51,053	Eastman Kodak (Wkrs)	Oakdale, MN	03/04/2003	02/28/2003
51,054	Sonic Blue (Wkrs)	Santa Clara, CA	03/04/2003	02/17/2003
51,055	F/V Miss Adube (Comp)	Manokotak, AK	03/04/2003	03/03/2003
51,056	F/V Mariam (Comp)	Dillingham, AK	03/04/2003	03/03/2003
51,057	Fishing Vessel (F/V) Bucko (Comp)	Dillingham, AK	03/04/2003	03/03/2003
51,058	F/V Kasandra Faye (Comp)	Aleknagik, AK	03/04/2003	03/03/2003
51,059	F/V Kathy Ann (Comp)	Dillingham, AK	03/04/2003	03/03/2003
51,060	F/V Jeweline M (Comp)	Manokotak, AK	03/04/2003	03/03/2003
51,061	Fishing Vessel (F/V) Pauline Marie (Comp)	Manakotak, AK	03/04/2003	03/03/2003
51,062	Ethan Allen, Inc. (Comp)	Dudley, MA	03/05/2003	02/25/2003
51,063	Ingersoll—Rand (CO)	Colorado Spring, CO	03/05/2003	02/10/2003
51,064	Dynamet, Inc. (Wkrs)	Washington, PA	03/05/2003	01/17/2003
51,065	GE Interlogix (Comp)	N. St. Paul, MN	03/05/2003	03/04/2003
51,066	KOMAG, Inc. (CA)	Santa Rosa, CA	03/05/2003	01/14/2003
51,067	TRW Automotive (Comp)	Greenville, NC	03/05/2003	03/04/2003
51,068	JJM, Ltd. (Comp)	Corvallis, OR	03/05/2003	03/03/2003
51,069	Mickon Technology Inc. (Wkrs)	Lehi, UT	03/05/2003	03/03/2003
51,070	New World Pasta (Comp)	Lousiville, KY	03/05/2003	02/27/2003
51,071	Nova Chemicals, Inc. (Wkrs)	Moon Township, PA	03/05/2003	03/05/2003
51,072	Set Net (Comp)	Dillingham, AK	03/05/2003	03/04/2003
51,073	3M—HIS (Wkrs)	Wellingford, CT	03/06/2003	02/26/2003
51,074	Elliott Turbomachinery Co., Inc. (Comp)	Jeannette, PA	03/06/2003	02/21/2003
51,075	Philips Semiconductor (Comp)	San Antonio, TX	03/06/2003	03/03/2003
51,076	Key Plastics (Wkrs)	Chesterfield, MI	03/06/2003	02/24/2003
51,077	Advanced Technology Services, Inc. (Comp)	Mt. Clemens, MI	03/06/2003	02/28/2003
51,078	Adecco Staffing Services (MN)	Rochester, MN	03/06/2003	03/05/2003
51,079	Atlantic Precision Products (Wkrs)	Sanford, ME	03/06/2003	02/28/2003
51,080	H and L Tool Co. (Comp)	Erie, PA	03/06/2003	03/05/2003
51,081	Plexus Corporation (Comp)	Bothell, WA	03/06/2003	02/24/2003
51,082	Center Partners (Wkrs)	Yukon, OK	03/06/2003	03/03/2003
51,083	Fernbrook & Company (UNITE)	Palmerton, PA	03/06/2003	03/06/2003
51,084	Gilinsky Logging, Inc. (Comp)	Rogue River, OR	03/06/2003	03/01/2003
51,085	Fluor Daniel (Wkrs)	Rochester, MN	03/06/2003	01/03/2003
51,086	F/V Golda June (Comp)	Dillingham, AK	03/06/2003	03/05/2003
51,087	Wacker (OR)	Portland, OR	03/07/2003	03/06/2003
51,088	Farley Sathers Confections (Wkrs)	Brooklyn, NY	03/07/2003	02/26/2003
51,089	Fairweather E and P (Wkrs)	Anchorage, AK	03/07/2003	02/04/2003
51,090	Liberty West (OR)	Wilsonville, OR	03/07/2003	01/10/2003
51,091	Ingersoll Products Company (Comp)	Chicago, IL	03/07/2003	02/27/2003
51,092	Adecco, N. American, LLC (Wkrs)	Ft. Worth, TX	03/07/2003	02/20/2003
51,093	Mitten Manufacturing (Comp)	Syracuse, NY	03/07/2003	02/27/2003
51,094	Quebecor World Kingsport, Inc. (USWA)	Franlkin, TN	03/07/2003	02/28/2003
51,095	HMX Tailored (UNITE)	Buffalo, NY	03/07/2003	02/21/2003
51,096	DCB Corporation (Comp)	Madisonville, TN	03/07/2003	02/26/2003
51,097	Webb Triax Company (The) (IBT)	Chardon, OH	03/07/2003	02/20/2003
51,098	Colonial Tanning Corporation (UNITE)	Gloversville, NY	03/07/2003	02/25/2003

[FR Doc. 03–7891 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,018]

Ametek Dixson Division, Grand Junction, CO; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 28, 2003 in response to a worker petition which was filed by a company official on behalf of workers at Ametek Dixson Division, Grand Junction, Colorado.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 13th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7911 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,814]

Caterpillar Paving Products, Inc., A Subsidiary of Caterpillar of America Brooklyn Park, MI; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 6, 2003 in response to a petition filed on behalf of workers at Caterpillar Paving Products, Inc., a subsidiary of Caterpillar of America, Brooklyn Park, Minnesota.

The petitioning workers have requested that the petition be withdrawn. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 18th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7906 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,949]

Caterpillar, Inc., Leland Transmission Facility, Leland, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 24, 2003, in response to a worker petition filed by a company official on behalf of workers at Caterpillar, Inc., Leland Transmission Facility, Leland, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 10th day of March 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7912 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,181]

Elliott Ebara Group, Jeanette, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 17, 2003, in response to a worker petition filed on behalf of workers at Elliott Ebara Group, Jeanette, Pennsylvania.

The petitioning group of workers is covered by an earlier petition filed on March 6, 2003 (TA–W–51,074) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC, this 17th day of March 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7900 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,695]

Fishing Vessel (F/V) Miss Maddison, Mercer Island, WA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 28, 2003 in response to a petition filed by a company official on behalf of Fishing Vessel (F/V) Miss Maddison, Mercer Island, Washington.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC this 19th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7903 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,951]

General Electric, Jonesboro, AR; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 24, 2003 in response to a petition filed by the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers—Communication Workers of America, AFL–CIO, Local 747 on behalf of workers at General Electric, Jonesboro, Arkansas.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC, this 18th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7907 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,967]

Hampton Distribution Companies (HDC), Formerly CMI Northwest, A Division of Hampton Affiliates, Portland, OR; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 25, 2003 in response to a worker petition filed by a company official on behalf of workers at Hampton Distribution Companies (HDC), formerly CMI Northwest, a division of Hampton Affiliates, Portland, Oregon.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed in Washington, DC, this 18th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7901 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,014]

Ingersoll-Rand Company, Campbellsville, KY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 27, 2003 in response to a worker petition filed by a company official on behalf of workers at Ingersoll-Rand Company, Campbellsville, Kentucky.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC this 18th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7895 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,765]

Irving Forest Products, Pinkham Sawmill, Ashland, ME; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 31, 2003 in response to a union petition filed by Paper, Allied-Industrial, Chemical and Energy Workers International Union (PACE), AFL–CIO, Local 1–1310 on behalf of workers at Irving Forest Products, Pinkham Sawmill, Ashland, Maine.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 13th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7913 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,068]

JJM, Ltd., Mega Tech of Oregon Division, Corvallis, OR; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 5, 2003, in response to a worker petition filed by a company official on behalf of workers at JJM, Ltd., Mega Tech of Oregon Division, Corvallis, Oregon.

The petitioning group of workers is covered by an earlier petition filed on February 13, 2003 (TA–W–50,889) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC, this 20th day of March, 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7897 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,947]

Kuhn Tool and Die Company, Meadville, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 24, 2003, in response to a worker petition filed by a company official on behalf of workers at Kuhn Tool and Die Company, Meadville, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 17th day of March 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7909 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,536]

Lacers Sport, Inc., a/k/a Diport USA, Including Leased Workers of ADP Totalsource Florida XVII, Inc., Miami, FL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the U.S. Department Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 29, 2003, applicable to workers of Lacers Sport, Inc., a/k/a Diport USA, Miami, Florida. The notice was published in the **Federal Register** on February 24, 2002 (68 FR 8620).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the State shows that leased workers of ADP Totalsource Florida XVII, Inc. were employed at Lacers Sports, Inc., a/k/a Diport, USA to produce men's golf shirts at the Miami, Florida location of the subject firm.

Based on these findings, the Department is amending the certification to include leased workers of ADP Totalsource Florida XVII, Inc. who were employed at Lacers Sport, Inc., a/k/a Diport USA, Miami, Florida.

The intent of the Department's certification is to include all workers of Lacers Sport, Inc., a/k/a Diport USA who were adversely affected by increased imports of men's golf shirts.

The amended notice applicable to TA–W–50,536 is hereby issued as follows:

All workers of Lacers Sports, Inc., a/k/a Diport USA, Miami, Florida including leased workers of ADP Totalsource Florida XVII, Inc. engaged in employment related to the production of men's golf shirts at Lacers Sport, Inc., a/k/a Diport USA, Miami, Florida, who became totally or partially separated from employment on or after December 31, 2001, through January 29, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington DC, this 17th day of March 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7916 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,892]

Mastercraft Fabrics, LLC, Morgantown, North Carolina; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 13, 2003 in response to a worker petition filed by a company official on behalf of workers at Mastercraft Fabrics, LLC, Morgantown, North Carolina.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 10th day of March 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7910 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,990]

Material Handling Associates, Greene, NY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 26, 2003 in response to a petition filed on behalf of workers at Material Handling Associates, Greene, New York.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC, this 18th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7894 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,093]

Mitten Manufacturing, Syracuse, NY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 7, 2003 in response to a worker petition which was filed by a company official on behalf of workers at Mitten Manufacturing, Syracuse, New York.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 18th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7898 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,019]

National Controls Corporation, A Division of Ametek Dixson Division, West Chicago, IL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 28, 2003 in response to a worker petition which was filed by a company official on behalf of workers at National Controls Corporation, a division of Amatec Dixson Division, West Chicago, Illinois

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 18th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7896 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,853]

O.K. Industries Incorporated, Fort Smith, AR; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 11, 2003 in response to a worker petition filed by a state dislocated worker unit on behalf of workers at O.K. Industries, Inc., Ft. Smith, Arkansas.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 17th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7908 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,763]

Pfizer, Inc., Groton Manufacturing Plant, Groton, CT; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 31, 2003, in response to a worker petition filed the State of Connecticut on behalf of workers at Pfizer, Inc., Groton Manufacturing Plant, Groton, Connecticut

All workers were separated from the subject firm more than one year before the date of the petition. Section 223(b) of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 21st day of March 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7920 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,929]

S.D. Warren Co., d/b/a Sappi Fine Paper North America, Somerset Operations, Skowhegan, ME; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 19, 2003 in response to a petition filed by a company official on behalf of workers at S.D. Warren Company, d/b/a Sappi Fine Paper North America, Somerset Operations, Skowhegan, Maine. Workers at the subject firm produce lightweight coated paper.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 13th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7915 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,117]

Square D Company, Asheville, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 10, 2003 in response to a worker petition which was filed by a company official on behalf of workers at Square D Company, Asheville, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 18th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7899 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,552]

TMD Friction, Inc., Dublin, VA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 14, 2003 in response to a petition filed on behalf of workers at TMD Friction, Inc., Dublin, Virginia.

The workers have requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC, this 17th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–7902 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act, 1998

AGENCY: Employment and Training Administration.

ACTION: Notice on reallotment of Workforce Investment Act (WIA) Title I formula allotted funds for dislocated worker activities for program year (PY) 2002.

SUMMARY: Pub. L. 105–220, the Workforce Investment Act (WIA), requires the Secretary to conduct reallotment of dislocated worker formula allotted funds based on state financial reports submitted as of the end of the prior program year. This notice publishes the dislocated worker PY 2002 funds for recapture by state and the amount to be reallotted to eligible states.

EFFECTIVE DATE: This notice is effective April 2, 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Grace Kilbane, Administrator, U.S. Department of Labor, Office of Workforce Investment, Employment and Training Administration, Room S–4231, 200 Constitution Avenue, NW., Washington, DC. Telephone (202) 693–3200; Fax (202) 693–3229.

SUPPLEMENTARY INFORMATION: WIA section 132(c) requires the Secretary to reallot excess unobligated dislocated worker funds based on financial reports submitted by states as of the end of the prior program year. The procedures the Secretary uses for recapture and reallotment of funds are described in WIA regulation at 20 CFR 667.150. Training and Employment Guidance Letter (TEGL) 13–01, dated March 15, 2002, advised states that reallotment of funds under WIA will occur during PY 2002 based on state obligations made in PY 2001. There were no recapture and reallotment of WIA funds in PY 2001.

Excess unobligated state funds in the amount of $2,867,639 will be recaptured from PY 2002 formula allotted funds for the dislocated worker program from four states and distributed by formula to PY 2002 dislocated worker funds for eligible states. The methodology used for the recapture/reallotment and the distribution of the changes to PY 2002 formula allotments for dislocated worker activities are attached. We will not recapture any PY 2002 funds for Adult and Youth programs because in no case do unobligated funds exceed the statutory requirement of 20 percent of state unobligated funds.

WIA section 132(c) requires the Governor to prescribe equitable procedures for making funds available from the state and local areas in the event that the state is required to make funds available for reallotment.

Signed at Washington, DC, this 6th day of February, 2003.

Grace Kilbane,

Administrator, Office of Workforce Investment.

BILLING CODE 4510–30–M

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
WIA Dislocated Worker Activities
PY 2002 Reallotment to States

	Excess Unobligated PY 2001 Funds for Recapture in PY 2002	PY 2001 Allotments for Eligible States	PY 2002 Reallotment Amount for Eligible States	Total PY 2002 Allotments	Total Adjustment to PY 2002 (Recapture/ Reallotment)	Revised Total PY 2002 Allotments
Alabama	$0	$14,548,680	$43,937	$22,896,931	$43,937	$22,940,868
Alaska	269,472	0	0	9,671,503	(269,472)	9,402,031
Arizona *	0	11,901,318	35,942	12,606,123	35,942	12,642,065
Arkansas	0	6,081,477	18,366	7,550,450	18,366	7,568,816
California	0	250,387,781	756,171	218,507,541	756,171	219,263,712
Colorado	0	7,490,875	22,622	7,378,805	22,622	7,401,427
Connecticut	0	6,970,121	21,050	5,384,702	21,050	5,405,752
Delaware	0	2,115,681	6,389	2,554,637	6,389	2,561,026
District of Columbia	0	7,877,186	23,789	8,837,081	23,789	8,860,870
Florida	0	36,561,581	110,416	40,106,859	110,416	40,217,275
Georgia	0	18,996,363	57,369	19,039,241	57,369	19,096,610
Hawaii	0	5,247,723	15,848	4,243,014	15,848	4,258,862
Idaho	0	3,642,116	10,999	6,382,042	10,999	6,393,041
Illinois	0	39,391,994	118,964	91,853,295	118,964	91,972,259
Indiana	0	10,042,254	30,328	12,270,152	30,328	12,300,480
Iowa	0	5,135,122	15,508	4,837,782	15,508	4,853,290
Kansas	0	5,029,188	15,188	6,395,111	15,188	6,410,299
Kentucky	0	10,160,997	30,686	11,215,137	30,686	11,245,823
Louisiana	1,750,970	0	0	44,343,903	(1,750,970)	42,592,933
Maine	0	3,035,548	9,167	3,368,375	9,167	3,377,542
Maryland	0	16,182,456	48,871	16,962,636	48,871	17,011,507
Massachusetts	0	14,670,614	44,305	12,321,163	44,305	12,365,468
Michigan	0	21,159,042	63,900	27,662,181	63,900	27,726,081
Minnesota	0	10,127,132	30,584	11,439,858	30,584	11,470,442
Mississippi	0	29,257,614	88,358	19,710,556	88,358	19,798,914
Missouri	0	11,150,062	33,673	15,805,346	33,673	15,839,019
Montana	0	6,875,983	20,765	3,291,112	20,765	3,311,877
Nebraska	0	2,855,323	8,623	2,775,031	8,623	2,783,654
Nevada	0	4,924,750	14,873	6,647,377	14,873	6,662,250
New Hampshire	0	1,765,100	5,331	2,261,165	5,331	2,266,496
New Jersey	0	27,989,446	84,528	26,515,582	84,528	26,600,110
New Mexico *	0	20,109,872	60,732	17,696,491	60,732	17,757,223
New York	0	88,354,904	266,832	67,370,751	266,832	67,637,583
North Carolina	0	15,499,843	46,810	27,209,712	46,810	27,256,522
North Dakota	0	1,190,277	3,595	1,198,337	3,595	1,201,932
Ohio	57,858	0	0	34,226,768	(57,858)	34,168,910
Oklahoma	0	5,845,396	17,653	6,478,067	17,653	6,495,720
Oregon	0	27,362,814	82,636	29,731,969	82,636	29,814,605
Pennsylvania	0	35,040,205	105,821	41,663,107	105,821	41,768,928
Puerto Rico	789,339	0	0	122,346,374	(789,339)	121,557,035
Rhode Island	0	2,752,896	8,314	2,680,620	8,314	2,688,934
South Carolina	0	11,048,018	33,365	11,995,901	33,365	12,029,266
South Dakota	0	1,238,104	3,739	985,071	3,739	988,810
Tennessee	0	11,806,099	35,654	13,927,456	35,654	13,963,110
Texas	0	58,380,521	176,309	59,784,453	176,309	59,960,762
Utah	0	4,262,639	12,873	4,334,469	12,873	4,347,342
Vermont	0	1,222,537	3,692	1,306,794	3,692	1,310,486
Virginia	0	11,435,422	34,535	11,111,364	34,535	11,145,899
Washington	0	25,268,914	76,312	68,485,602	76,312	68,561,914
West Virginia	0	23,114,403	69,805	15,231,628	69,805	15,301,433
Wisconsin	0	12,493,336	37,730	15,314,830	37,730	15,352,560
Wyoming	0	1,550,366	4,682	1,285,545	4,682	1,290,227
STATE TOTAL	$2,867,639	$949,550,093	$2,867,639	$1,239,200,000	$0	$1,239,200,000

* Includes Navajo Nation

Dislocated Worker State Formula
PY 2002 Reallotment Methodology

Source data: State WIA 6/30/02 financial status reports
(including Navajo Nation reports for Dislocated Worker program) --
Statewide Activities (plus State Administrative breakout)
Rapid Response Activities
Local Administration
Local Dislocated Worker Program
Dislocated Worker program = sum of:
Estimated Dislocated Worker portion of Statewide Activities (less State Administrative portion)
Rapid Response Activities
Estimated Dislocated Worker portion of Local Administration
Local Dislocated Worker program

Years covered: PY 2001 and FY 2002

Methodology for disaggregating Statewide Activities/Local Admin report data by program:

	Statewide Activities – 15%	Local Administration – 10%
Auth	Fed NOO $ to State by pgm less est Local Admin Auth by pgm less rptd Local Pgm Auth by pgm less rptd Rapid Response Auth (DW only)	Prorated using reported Local Program Auth by program
Oblig	Prorated using Statewide Auth est by pgm	

Reallotment calculations:

(1) Each State's obligated balance of PY 2001 (including FY 2002) funds for the Dislocated Worker (DW) program is calculated. State obligations are considered to be the total of the estimated DW share of statewide activities obligations, Rapid Response obligations, 100% of local DW program authorized, and 100% of estimated DW portion of local admin authorized. The DW total unobligated balance is the DW 2000 allotment amount less the calculated total DW obligations. (Navajo Nation funds are added back to the New Mexico and Arizona for reallotment purposes and treated like a local area.)

(2) Section 667.150 of the regulations provide that the reallotment calculations exclude the reserve for State administration. Therefore, additional data on State administrative amounts included in the PY 2001 and FY 2002 Statewide Activities amounts authorized and obligated as of 6/30/02 are obtained (not normally available on WIA financial reports) from the States potentially liable for recapture.

(3) For those States potentially liable for recapture, the DW portion of the State administrative amounts authorized and obligated is estimated using the DW estimated relative share of the Statewide authorized amount (above methodology). The DW total allotment for these States is reduced by the estimated DW portion of the State administrative amount authorized and the DW total obligations for these States are reduced by the estimated DW portion of the State administrative amounts obligated. These calculations are done separately for PY 2001 and FY 2002.

(4) States (including those adjusted by State administrative data) with unobligated balances for combined PY 2001/FY 2002 exceeding 20% of the combined PY2001/FY2002 DW allotment will have their DW 2002 funding reduced (recaptured) by the amount of the excess.

(5) As calculated above, States with unobligated balances not exceeding 20% will receive a share of the total recaptured amount based on their share of the total PY 2001/FY2002 DW allotments for all such States.

[FR Doc. 03–7889 Filed 4–1–03; 8:45 am]
BILLING CODE 4510–30–C

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–6244]

Specialty Machine Company, Inc., Gastonia, NC; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Specialty Machine Company, Inc., Gastonia, North Carolina. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

NAFTA–6244; Specialty Machine Company, Inc. Gastonia, North Carolina (February 4, 2003)

Signed at Washington, DC, this 12th day of February 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–7892 Filed 4–1–03; 8:45 am]
BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR part 110, Rules and Regulations for the Export and Import of Nuclear Equipment and Material.

2. *Current OMB approval number:* 3150–0036.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* Any person in the U.S. who wishes to export: (a) Nuclear equipment and material subject to the requirements of a specific license, (b) radioactive waste subject to the requirements of a specific license, and (c) incidental radioactive material that is a contaminant of shipments of more than 100 kilograms of non-waste material using existing NRC general licenses.

5. *The estimated number of annual respondents:* 140.

6. *The estimated number of hours needed annually to complete the requirement or request:* 303 hours (Reporting, 135 hours and Recordkeeping, 168 hours).

7. *Abstract:* 10 CFR part 110 provides application, reporting, and recordkeeping requirements for export and imports of nuclear material and equipment subject to the requirements of a specific license or a general license and exports of incidental radioactive material. The information collected and maintained pursuant to 10 CFR part 110 enables the NRC to authorize only imports and exports which are not inimical to U.S. common defense and security and which meet applicable statutory, regulatory, and policy requirements.

Submit, by June 2, 2003, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *INFOCOLLECTS@NRC.GOV.*

Dated at Rockville, Maryland, this 25th day of March, 2003.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 03–7923 Filed 4–1–03; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Safeguards and Security; Notice of Meeting

The ACRS Subcommittee on Safeguards and Security will hold a closed meeting on April 24, 2003, in the NRC Auditorium, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be closed to public attendance to protect information classified as national security information pursuant to 5 U.S.C. 552b(c)(1).

The agenda for the subject meeting shall be as follows:

Thursday, April 24, 2003—8:30 a.m. until the conclusion of business

The Subcommittee will hear presentations from an individual Commissioner, representatives of the NRC staff, and the nuclear Industry and gather information on the NRC staff's proposed guidance for performing risk-informed vulnerability assessments and the design basis threat among other issues. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Further information contact: Mr. Richard K. Major (telephone: 301–415–7366) or Dr. Richard P. Savio (telephone: 301–415–7363) between 7:30 a.m. and 4:15 p.m. (E.T.).

Dated: March 25, 2003.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 03–7922 Filed 4–1–03; 8:45 am]
BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission,

Office of Filings, and Information Services 450 Fifth Street, NW., Washington, DC. 20549.

Extension: Form N–17f–2. SEC File No. 270–317. OMB Control No. 3235–0360.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form N–17f–2 is entitled ''Certificate of Accounting of Securities and Similar Investments in the Custody of Management Investment Companies.'' Form N–17f–2 is the cover sheet for the accountant examination certificates filed under rule 17f–2 of the Investment Company Act of 1940 by registered management investment companies (''funds'') maintaining custody of securities or other investments. Form N–17f–2 facilitates the filing of the accountant's examination certificates. The use of the form allows the certificates to be filed electronically, and increases the accessibility of the examination certificates to both the Commission's examination staff and interested investors by ensuring that the certificates are filed under the proper SEC file number and the correct name of a fund.

Under rule 17f–2, each fund is required to file Form N–17f–2 at least three times a year with the Commission. Commission staff estimates that it takes approximately 1 hour per response to prepare and file a Form N–17f–2 with the Commission. Thus, the total annual burden of Form N–17f–2's paperwork requirement is estimated to be approximately 405 burden hours.[1] The entire hour burden will be borne by clerical staff at $16 per hour, for a total cost of approximately $6,480 (405 burden hours × $16 = $6,480). The increase in burden hours from 92 to 405 is attributable to updated estimates of the burden hours that reflect additional time spent by professionals and clerical staff in their compliance efforts.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Complying with the collection of information requirements of the rule is mandatory for those funds that maintain custody of their own assets. The information provided to the Commission by the fund's independent public accountants about each verification of the fund's assets will not be kept confidential. 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 control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Kenneth A. Fogash, Acting Associate Executive Director/CIO, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: March 25, 2003.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–7842 Filed 4–1–03; 8:45 am]

BILLING CODE 8010–01–P

[1] The Commission staff estimates that there are 135 funds that file Form N–17f–2 each year. Each fund is required to make three responses per year, and each response requires 1 hour to prepare. The hour burden is calculated as follows: 135 (respondents) × 3 (responses per fund per year) × 1 (hours per response) = 405 hours.

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, 450 Fifth Street, NW, Washington, DC 20549.

Extension: Rule 17f–2 [17 CFR 270.17f–2]. SEC File No. 270–233. OMB Control No. 3235–0223.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17f–2 under the Investment Company Act of 1940 (17 CFR 270.17f–2) is entitled: ''Custody of Investments by Registered Management Investment Company.'' Rule 17f–2 establishes safeguards for arrangements in which a registered management investment company (''fund'') is deemed to maintain custody of its own assets, such as when the fund maintains its assets in a facility that provides safekeeping but not custodial services. The rule includes several recordkeeping or reporting requirements. The fund's directors must prepare a resolution designating not more than five fund officers or responsible employees who may have access to the fund's assets. The designated access persons (two or more of whom must act jointly when handling fund assets) must prepare a written notation providing certain information about each deposit or withdrawal of fund assets, and must transmit the notation to another officer or director designated by the directors. Independent public accountants must verify the fund's assets at least three times a year, and two of the examinations must be unscheduled.

The requirement that directors designate access persons is intended to ensure that directors evaluate the trustworthiness of insiders who handle fund assets. The requirements that access persons act jointly in handling fund assets, prepare a written notation of each transaction, and transmit the notation to another designated person are intended to reduce the risk of misappropriation of fund assets by access persons, and to ensure that adequate records are prepared, reviewed by a responsible third person, and available for examination by the Commission. The requirement that auditors verify fund assets without notice twice each year is intended to provide an additional deterrent to the misappropriation of fund assets and to detect any irregularities.

The Commission staff estimates that approximately 135 funds rely upon rule 17f–2.[1] The Commission staff estimates that each fund offers an average of 3.7 separate series or portfolios subject to rule 17f–2. Each fund makes an average of 97.4 responses each year under the rule, including 1 response (requiring .2 burden hours) per fund to draft director resolutions, 89 responses per fund to

[1] The Commission's records indicate that approximately 135 funds filed Form N–17f–2 with the Commission during calendar year 2002.

prepare notations of transactions [2] (requiring one hour each), and 7.4 responses [3] per fund for fund personnel to assist the independent public accountants when they perform unscheduled verifications (requiring 10 burden hours each). Thus, the total hour burden per fund is estimated to 163.2 hours [4] Commission staff estimates that each fund therefore spends approximately .2 burden hours of professional time at $60 per hour annually in drafting resolutions by directors (.2 x $60 = $12), 89 hours [5] of professional time at $60 per hour annually in preparing transaction notations (89 x $60 = $5,340), and 74 hours [6] of clerical time at $16 per hour annually in assisting independent public accounts perform unscheduled verifications of assets (74 × $16 = $1,184).[7] The total annual burden of rule 17f–2's paperwork requirements thus is estimated to be approximately 22,032 hours [8] at an annual cost of $882,360.[9]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Complying with the collection of information requirements of the rule is mandatory for those funds that maintain custody of their own assets. The information provided to the Commission by the fund's independent public accountants about each verification of the fund's assets will not be kept confidential. 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 control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Kenneth A. Fogash, Acting Associate Executive Director/CIO, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: March 25, 2003.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–7843 Filed 4–1–03; 8:45 am]

BILLING CODE 8010–01–P

[2] This number results from 24 responses per portfolio multiplied by 3.7 portfolios in the average fund (24 × 3.7 = 88.8).

[3] This number results from 2 unscheduled verifications per portfolio multiplied by 3.7 portfolios in the average fund (2 × 3.7 = 7.4 responses per fund).

[4] (1 response × .2 burden hours) + (89 responses × 1 burden hour) + (7.4 responses × 10 burden hours) = 163.2 burden hours.

[5] 89 transaction notations per fund × 1 hour = 89 hours.

[6] 7.4 verifications per fund × 10 hours = 74 hours.

[7] Each of these hour burden estimates is based upon conversations with attorneys and accountants familiar with the information collection requirements of the rule. Commission staff relied upon the Securities Industry Association, Report on Management and Professional Earnings in the Securities Industry (2002) to determine the hourly wage rates used in the calculation of this estimate. Professional time is based on the estimated average wage for associate and general counsel in the securities industry.

[8] 163.2 hours per fund × 135 funds = 22,032 total annual burden.

[9] ($12 (for drafting resolutions) + $5,340 (for transaction notations) + $1,184 (for unscheduled verifications)) × 135 funds = $882,360.The annual burden for rule 17f–2 does not include time spent preparing Form N–17f–2. The burden for Form N–17f–2 is included in a separate collection of information.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

AR Associates, Inc. d/b/a Greenwave, Inc.; Order of Suspension of Trading

March 31, 2003.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of AR Associates, Inc. d/b/a GreenWave, Inc. (''ARAI''), a company with its principal place of business in Calgary, Alberta, Canada. Questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things, the identity of the persons in control of the common stock issued by ARAI.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of ARAI.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of AR Associates, Inc. is suspended for the period from 9:30 a.m. EST, March 31, 2003, through 11:59 p.m. April 11, 2003.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–8107 Filed 3–31–03; 2:06 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47577; File No. SR–PCX–2003–03]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. To Amend the Regulatory Fees Portion of Its Schedule of Fees and Charges To Add a Designated Options Examining Authority Fee for Member Firms That Conduct a Public Options Business

March 26, 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 3, 2003, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On February 28, 2003, the Exchange filed Amendment No. 1 to the proposed rule change.[3] On March 24, 2003, the Exchange filed Amendment No. 2 to the proposed rule change.[4] 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 PCX is proposing to amend the regulatory fees portion of its Schedule of Fees and Charges to add a Designated Options Examining Authority (''DOEA'') fee for member firms that conduct a public options business.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced the original Form 19b–4 in its entirety.

[4] *See* letter from Tania J. Cho, Attorney, Regulatory Policy, PCX, to Katherine England, Assistant Director, Division of Market Regulation, Commission, dated March 21, 2003. Amendment No. 2 made non-substantive, editorial changes to the proposed rule text to clarify application of the new fee.

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 Exchange 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 is proposing to make the following modification to its Schedule of Fees and Charges in order to recover costs associated with conducting options sales practice examinations of its member firms that conduct public options business. The current regulatory fees schedule includes a Designated Examining Authority (''DEA'') fee of $2000 per month for each member organization for which the Exchange is the DEA. Due to recent developments in DOEA examinations, the Exchange proposes to add a $2000 per month DOEA fee [5] to apply to firms that conduct a public options business. The new fee would be applicable only to members and member firms for which the Exchange is the DOEA.

In 1983, the Options Self-Regulatory Council (''OSRC'') submitted to the SEC an agreement allocating regulatory responsibilities with respect to common members. The purpose of the agreement was to reduce regulatory responsibility duplication for options-related sales practice matters and to designate the following self-regulatory organizations (''SROs'') as DOEAs: The American Stock Exchange, the Chicago Board Options Exchange, NASD, and the New York Stock Exchange. Since establishing this agreement, the DOEAs have been conducting options sales practice examinations on behalf of applicable participants. Due to the increase in costs associated with conducting such examinations, the OSRC has proposed a means to allow for an allocation of regulatory costs incurred in fulfilling obligations under the agreement among all current and future DOEA and non-DOEA participants. As such, the OSRC has proposed to allocate a portion of the costs borne by the SROs based on the percentage of their overall expense pool.

As an alternative, the Exchange proposes to develop an examination program to review member firms that conduct public options business in-house. As a newly designated DOEA,[6] the Exchange would develop an examination program to review options sales practices as they relate to the public (*e.g.*, advertising, sales literature, risk disclosures, approval of new accounts and risk tolerances for individuals) for member firms that are assigned to it by the OSRC. By conducting the options sales practice examinations in-house, the Exchange would be able to pass these expenses directly to the firms that require an examination. In the absence of any PCX initiative, the Exchange will be allocated a certain portion of the DOEA costs borne by other SROs, which would increase the Exchange's overhead without cost recovery. Thus, the Exchange's proposal for in-house examinations would allow for recovery of the regulatory costs in a fair and equitable manner.

(2) Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) [7] of the Act in general and section 6(b)(4) [8] of the Act, in particular, because 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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

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 pursuant to section 19(b)(3)(A) [9] of the Act and subparagraph (f)(2) of Rule 19b–4 thereunder.[10] 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. For purposes of calculating the 60-day abrogation period, the Commission considers the proposed rule change to have been filed on February 28, 2003, when Amendment No. 1 was filed.[11]

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. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–2003–03 and should be submitted by April 23, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–7935 Filed 4–1–03; 8:45 am]

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[5] To avoid duplicative billing, the DOEA fee charged to a member firm that conducts public options business will not apply if the Exchange is the DEA for such member firm.

[6] The Exchange has been designated as a DOEA as of January 1, 2003.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

[11] *See* notes 3 and 4, *supra.*

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47561; File No. SR–Phlx–2003–16]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the Philadelphia Stock Exchange, Inc. Relating to Charges to Exchange Members for Orders Entered Through the Intermarket Options Linkage

March 21, 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 March 18, 2003, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in items I, II, and III below, which Items have been prepared by the Exchange. On March 21, 2003, Phlx submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Phlx proposes to amend its schedule of dues, fees and charges to adopt charges applicable to Principal Orders (''P Orders'') sent via the Intermarket Options Linkage (the ''Linkage'') under the Plan for the Purpose of Creating and Operating an Options Intermarket Linkage (''Plan'').[4]

The Exchange intends to implement this fee on a pilot basis, ending January 31, 2004, for transactions settling on or after the first day of the next calendar month following the Commission's approval of the proposal.[5]

The text of the proposed rule change is below. Proposed language is italicized; deleted language is in brackets.

* * * * *

Summary of Equity Option Charges (p. 1/2)

Option Comparison Charge I (Applicable to All Trades—Except Specialist Trades)

Registered Option Trader: $.03 per contract
Firm/Proprietary[6]: $.04 per contract
Customer Executions*, Linkage Orders, Broker-Dealer Orders:* No charge

Option Transaction Charge I (Other Than Intermarket Option Linkage Charges Set Forth Below)

Customer Executions: No charge
Firm/Proprietary[7]: $.15 per contract
Firm/Proprietary Facilitation Transaction[8]: $.08 per contract
Registered Option Trader (on-floor): $.16 per contract
Specialist: $.18 per contract
Broker/Dealer[9] (non–AUTO–X): $.35 per contract
Broker/Dealer[10] (AUTO–X): $.45 per contract

Intermarket Option Linkage Charge I[11]

Satisfaction Order: No charge
Principal Acting as Agent (P/A) Orders—Inbound: No charge
Principal Acting as Agent (P/A) Orders—Outbound: No charge
Principal (P) Orders—Inbound: $.35 per contract

Summary of Equity Option Charges (p. 2/2)

Option Floor Brokerage Assessment I

5% of net floor brokerage income.

Floor Brokerage Transaction Fee I

$.05 per contract, for floor brokers executing transactions for their own member firms

Specialist Deficit (Shortfall) Fee I

$.35 per contract for specialists trading any Top 120 Option if the following total national monthly contract volume for such Top 120 Option is not effected on the PHLX: 11% for the period January through March 2002; 12% for the period April through June 2002; 13% for the period July through September 2002; and 14% for the period October through December 2002.

Specialist Deficit (Shortfall) Fee Credit

A credit of $.35 per contract may be earned by options specialists for all contracts traded in excess of the following volume thresholds in eligible issues for the monthly periods commencing September 1, 2001. These credits may be applied against previously imposed ''shortfall fees'' for the preceding six months for issues that in the month the deficit occurred, the equity option traded in excess of 10 million contracts per month: 11% for the period January through March 2002; 12% for the period April through June 2002; 13% for the period July through September 2002; and 14% for the period October through December 2002.

Real-Time Risk Management Fee I

$.0025 per contract for firms/members receiving information on a real-time basis See Appendix A for additional fees.

I denotes fee eligible for monthly credit of up to $1,000.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Phlx 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. Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Richard S. Rudolph, Director and Counsel, Phlx, to Jennifer Lewis, Attorney, Division of Market Regulation, Commission, dated March 20, 2003 (''Amendment No. 1''). In Amendment No. 1, Phlx proposed a new footnote to its fee schedule to indicate that the proposed fees would be subject to a pilot program scheduled to expire January 31, 2004.

[4] *See* Securities Exchange Act Release Nos. 43573 (November 16, 2000), 65 FR 70851 (November 28, 2000); and 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000). The Plan was subsequently amended on June 27, 2001, May 30, 2002, January 29, 2003, and January 31, 2003. *See* Securities Exchange Act Release Nos. 44482 (June 27, 2001), 66 FR 35470 (July 5, 2001); 46001 (May 30, 2002), 67 FR 38687 (June 5, 2002); 47298 (January 31, 2003), 68 FR 6524 (February 7, 2003); and 47274 (January 29, 2003), 68 FR 5313 (February 3, 2003).

[5] For example, if the Commission approves the proposal on April 20, 2003, the Exchange intends to implement this fee for transactions settling on or after May 1, 2003.

[6] For the purpose of this Summary of Equity Option Charges, the Firm/Proprietary comparison or transaction charge applies to members for orders for the proprietary account of any member or non-member broker-dealer that derives more than 35% of its annual, gross revenues from commissions and principal transactions with customer. Firms will be required to verify this amount to the Exchange by certifying that they have reached this threshold and by submitting a copy of their annual report, which was prepared in accordance with Generally Accepted Accounting Principles (''GAAP''). In the event that a firm has not been in business for one year, the most recent quarterly reports, prepared in accordance with GAAP, will be accepted.

[7] *See* footnote [4] *6.*

[8] Equity Option Transaction Charges continue to apply to facilitation transactions involving Exchange-traded options subject to licensing agreements.

[9] For the purpose of this Summary of Equity Option Charges, this charge applies to members for orders, received from other than the floor of the Exchange, for any account (i) in which the holder of beneficial interest is a member or non-member broker-dealer or (ii) in which the holder of beneficial interest is a person associated with or employed by a member or non-member broker-dealer. This includes orders for the account of an ROT entered from off-floor.

[10] *See* footnote [8] 9.

[11] Subject to a pilot program scheduled to expire January 31, 2004.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx represents that the purpose of the proposed rule change is to raise revenue for the Exchange by charging Exchange members for transactions involving inbound P Orders sent by such members via the Linkage pursuant to the Plan.[12]

The Exchange will charge Exchange members for P Orders sent to the Exchange over the Linkage from the floor of another exchange $.35 per contract executed.[13] The Exchange will not charge fees for other types of Linkage Orders.[14]

2. Statutory Basis

The Exchange believes that its proposal to amend its schedule of dues, fees and charges is consistent with section 6(b) of the Act [15] in general, and furthers the objectives of section 6(b)(4) of the Act [16] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members who avail themselves of the Linkage, consistent with other fees charged by the Exchange for non-Linkage Orders.[17]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate 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 either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which Phlx consents, the Commission shall:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–2003–16 and should be submitted by April 23, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–7844 Filed 4–1–03; 8:45 am]

BILLING CODE 8010–01–P

[12] Under the Plan and Exchange Rule 1083(k), which tracks the language of the Plan, a ''Linkage Order'' means an Immediate or Cancel order routed through the Linkage as permitted under the Plan. There are three types of Linkage Orders:

(i) ''Principal Acting as Agent (''P/A'') Order,'' which is an order for the principal account of a specialist (or equivalent entity on another Participant Exchange that is authorized to represent Public Customer orders), reflecting the terms of a related unexecuted Public Customer order for which the specialist is acting as agent;

(ii) ''Principal (''P'') Order,'' which is an order for the principal account of an Eligible Market Maker and is not a P/A Order; and

(iii) ''Satisfaction Order,'' which is an order sent through the Linkage to notify a member of another Participant Exchange of a Trade-Through and to seek satisfaction of the liability arising from that Trade-Through.

The Exchange will not assess any charges for P/A Orders and Satisfaction Orders.

[13] Currently, for non-Linkage off-floor broker-dealer orders sent via the Philadelphia Stock Exchange Automated Options Market (''AUTOM''), which is the Exchange's electronic order delivery, routing, execution and reporting system, the Exchange charges $.35 per contract to the sending off-floor broker-dealer for non-AUTO–X trades, and $.45 per contract for trades executed by AUTO–X, the automatic execution feature of AUTOM.

[14] *See supra* note 6.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4).

[17] *See supra* note 7.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47582; File No. SR–PHLX–2002–18]

Self Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change To Make Permanent a PACE Automatic Price Improvement Pilot Program and a PACE Order Execution and Price Protection Pilot Program

March 27, 2003.

On March 11, 2002, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and rule 19b–4 thereunder,[2] a proposed rule change to make permanent two Philadelphia Stock Exchange Automated Communication and Execution System (''PACE'') pilot programs that were introduced with the advent of decimal pricing in the securities industry. The first pilot program consists of an automated price improvement feature that incorporates a percentage of the spread between the bid and the offer, and has been in effect since January 30, 2001.[3] The second pilot program incorporates immediate execution of certain market orders through the Public Order Exposure System (''POES'') and mandatory double-up/double-down price protection, and has been in effect since August 25, 2000.[4]

The proposed rule change was published for comment in the **Federal Register** on March 22, 2002.[5] The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange [6] and, in particular, the requirements of section 6 of the Act [7] and the rules and regulations thereunder. The Commission finds

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43901 (January 30, 2001), 66 FR 8988 (February 5, 2001) (SR–Phlx–2001–12).

[4] *See* Securities Exchange Act Release No. 43206 (August 25, 2000), 65 FR 53250 (September 1, 2000) (SR–Phlx–2000–08).

[5] *See* Securities Exchange Act Release No. 45580 (March 18, 2002), 67 FR 13399.

[6] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f.

specifically that the proposed rule change is consistent with section 6(b)(5) of the Act [8] because it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (SR–PHLX–2002–18), be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–7936 Filed 4–1–03; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF STATE

[Public Notice 4325]

Bureau of Nonproliferation; Determination Under the Arms Export Control Act

AGENCY: Department of State.

ACTION: Notice.

Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Under Secretary of State for Arms Control and International Security has made a determination pursuant to section 73 of the Arms Export Control Act and has concluded that publication of the determination would be harmful to the national security of the United States.

Dated: March 27, 2003.

John S. Wolf,

Assistant Secretary of State for Nonproliferation, Department of State.

[FR Doc. 03–7942 Filed 4–1–03; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

Bureau of Nonproliferation

[Public Notice 4326]

Imposition of Missile Proliferation Sanctions Against a North Korean Entity

AGENCY: Bureau of Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that a North Korean entity has engaged in activities that require the imposition of measures pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 13222 of August 17, 2001).

EFFECTIVE DATE: March 24, 2003.

FOR FURTHER INFORMATION CONTACT: Vann H. Van Diepen, Office of Chemical, Biological and Missile Nonproliferation, Bureau of Nonproliferation, Department of State (202–647–4931). On U.S. Government procurement ban issues: Gladys Gines, Office of the Procurement Executive, Department of State, (703–516–1691).

SUPPLEMENTARY INFORMATION: Pursuant to section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)); section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2401b(b)(1)), as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the ''Export Administration Act of 1979''); and Executive Order 12851 of June 11, 1993; the U.S. Government determined on March 24, 2003 that the following foreign person has engaged in missile technology proliferation activities that require the imposition of the sanctions described in section 73(a)(2)(B) and (C) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) and (C) and section 11B(b)(1)(B)(ii) and (iii) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)(B)(ii) and (iii) on this person:

Changgwang Sinyong Corporation (North Korea) and its sub-units and successors.

Accordingly, the following sanctions are being imposed on this person:

(A) Denial of all new individual licenses for the export to the sanctioned entities of all items on the United States Munitions List and CCL for two years;

(B) Denial of all USG contracts with the sanctioned entities for two years; and

(C) Denial of all imports into the United States of products produced by the sanctioned entity for two years.

With respect to items controlled pursuant to the Export Administration Act of 1979, the export sanctions only apply to exports made pursuant to individual export licenses.

Additionally, because North Korea is a country with a non-market economy that is not a former member of the Warsaw pact (as referenced in the definition of ''person'' in section 74(8)(B) of the Arms Export Control Act), the following sanctions shall be applied to all activities of the North Korean government relating to the development or production of missile equipment or technology and all activities of the North Korean government affecting the development or production of electronics, space systems or equipment, and military aircraft:

(A) New individual licenses for export to the government activities described above of equipment or technology controlled pursuant to the Arms Export Control Act will be denied for two years; and

(B) No new U.S. Government contracts involving the government activities described above will be entered into for two years.

These measures shall be implemented by the responsible departments and agencies of the United States Government as provided in Executive Order 12851 of June 11, 1993.

Dated: March 27, 2003.

John S. Wolf,

Assistant Secretary of State for Nonproliferation, Department of State.

[FR Doc. 03–7943 Filed 4–1–03; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

Bureau of Nonproliferation

[Public Notice 4327]

Imposition of Nonproliferation Measures on a Foreign Entity, Including a Ban on U.S. Government Procurement

AGENCY: Bureau of Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: The U.S Government has determined that a foreign entity has engaged in proliferation activities that require the imposition of measures pursuant to Executive Order 12938 of November 14, 1994, as amended by Executive Order 13094 of July 28, 1998. The U.S. Government has also determined that, pursuant to Section 38 of the Arms Export Control Act and section 126.7 of the International Traffic in Arms Regulations, all licenses and other approvals for defense article and defense services involving this entity are suspended, effective immediately. Notice is further given that it is the policy of the United States to deny licenses, other approvals, exports and temporary imports of defense articles and defense services destined for this entity.

EFFECTIVE DATE: March 24, 2003.

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

FOR FURTHER INFORMATION CONTACT: On general issues: Vann H. Van Diepen, Office of Chemical, Biological, and Missile Nonproliferation, Bureau of Nonproliferation, Department of State, (202–647–1142). On import ban issues: Loren Dohm, Director, Policy Planning and Program Management, Office of Foreign Assets Control, Department of the Treasury, (202–622–2500). On U.S. Government procurement ban issues: Gladys Gines, Office of the Procurement Executive, Department of State, (703–516–1691).

SUPPLEMENTARY INFORMATION: Pursuant to the authorities vested in the President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), and section 301 of title 3, United States Code, and Executive Order 12938 of November 14, 1994, as amended, the U.S. Government determined on March 24, 2003 that the following person has engaged in proliferation activities that require the imposition of measures pursuant to sections 4(b), 4(c), and 4(d) of Executive Order 12938:

Khan Research Laboratories (Pakistan)

Accordingly, pursuant to the provisions of Executive Order 12938, the following measures are imposed on this entity, its subunits, and successors for two years (unless subsequently modified):

1. All departments and agencies of the United States Government shall not procure or enter into any contract for the procurement of any goods, technology, or services from these entities, and shall terminate any existing contracts;

2. All departments and agencies of the United States government shall not provide assistance to these entities, and shall not obligate further funds for such purposes; and

3. The Secretary of the Treasury shall prohibit the importation into the United States of any goods, technology, or services produced or provided by these entities, other than information or informational materials within the meaning of section 203(b)(3) of International Emergency Powers Act (50 U.S.C. 1702(b)(3)).

These measures shall be implemented by the responsible departments and agencies as provided in Executive Order 12938.

In addition, pursuant to section 126.7(a)(1) of the International Traffic in Arms Regulations, it is deemed that suspending the above-named entity from participating in any activities subject to section 38 of the Arms Export Control Act would be in furtherance of the national security and foreign policy of the United States. Therefore, until further notice, the Department of State is hereby suspending all licenses and other approvals for: (a) Exports and other transfers of defense articles and defense services from the United States; (b) transfers of U.S.-origin defense articles and defense services from foreign destinations; and (c) temporary import of defense articles to or from the above-named entity.

Moreover, it is the policy of the United States to deny licenses and other approvals for exports and temporary imports of defense articles and defense services destined for this entity.

Dated: March 27, 2003.

John S. Wolf,

Assistant Secretary of State for Nonproliferation, Department of State.

[FR Doc. 03–7944 Filed 4–1–03; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

DEPARTMENT OF COMMERCE

Technology Administration

[Docket No. 030325071–3071–01]

Request for Commercial Requirements for U.S. Launch Range Improvements and Modernization

AGENCIES: Federal Aviation Administration (FAA); Department of Commerce, Technology Administration, Office of Space Commercialization.

ACTION: Notice and request for information.

SUMMARY: The Department of Transportation (DOT) and the Department of Commerce (DOC) request input from the U.S. commercial space transportation sector regarding U.S. launch base and range support and modernization. Specifically, DOT and DOC seek to collect range support and modernization requirements from current or future commercial users of the Eastern Range at Cape Canaveral Air Force Station, Florida, and the Western Range at Vandenberg Air Force Base, California.

DATES: Responses must be received no later than June 2, 2003.

ADDRESSES: Please submit responses to this announcement to both the FAA and DOC, Office of Space Commercialization. Responses submitted in writing must be submitted in duplicate to the FAA and the Office of Space Commercialization, respectively, as follows: Docket No. 030325071–3071–01, Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. Docket No. 030325071–3071–01, Office of Space Commercialization, Room 4800–B, U.S. Department of Commerce, Herbert C. Hoover Building, 14th & Constitution Ave., NW., Washington, DC 20230. If you wish to receive confirmation that FAA and DOC received your comments, include a self-addressed, stamped postcard.

You also have the option to submit comments electronically through the Internet to the FAA at *http://dms.dot.gov.* Information and/or data considered to be proprietary should be labeled appropriately and should not be filed electronically. You may review the public docket containing responses to this announcement in person in the Department of Transportation Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kelvin Coleman (FAA), (202) 267–7972, or Paula Trimble (DOC), (202) 482–4574.

SUPPLEMENTARY INFORMATION: The February 2000 White House report on the Future Use and Management of the U.S. Space Launch Bases and Ranges documented a national strategy to enhance and expand the government-industry partnership for management and use of the Eastern and Western ranges (EWR). This strategy included a recommendation to allow commercial users of the Eastern and Western ranges adequate opportunity to communicate their requirements so they could be actively considered and factored into Air Force decisions on range improvements and modernization.

Further, the report recommended that the government establish an ongoing process for collecting, communicating, and considering commercial requirements for EWR support and modernization. Thus, the Departments of Transportation and Commerce seek to work with U.S. commercial space sector users of the EWR to collect commercial launch range requirements, especially those common to multiple users, for

launch range support and modernization. Responses to this announcement should include the following:

1. A detailed explanation of the requirement;

2. Technical and economic rationale, as well as, overall importance; and

3. Key dimensions of performance, with threshold and objective requirements if possible.

A threshold requirement is a minimum acceptable value for a system capability or characteristic, which, in the user's judgment, is necessary to provide an operational capability. An objective requirement is a value beyond the threshold that could have a measurable and beneficial impact on the system capability, supportability, or operational concept of employment. (For example, ''The imaging subsystem must be capable of maintaining coverage on space launch vehicles from first motion through powered flight as a threshold and orbital insertion as an objective.'')

Subsequent to collecting these requirements, DOT and DOC will consolidate and prioritize requirements, with consultation from the commercial sector, and prepare a report. This report will contain commercial requirements for EWR support and modernization, and will be provided to the Air Force such that commercial sector requirements for range support and modernization can be considered in the Department of Defense (DOD) requirements process.

This request is applicable to requirements for EWR support and modernization only, and not to mission specific requirements that may be appropriately handled via the Universal Documentation System (UDS), per Air Force Space Command Instruction 21–104.

Dated: March 27, 2003.

Patricia G. Smith,

Associate Administrator for Commercial Space Transportation, Federal Aviation Administration.

Dated: March 28, 2003.

Benjamin H. Wu,

Deputy Under Secretary for Technology, Department of Commerce.

[FR Doc. 03–7934 Filed 4–1–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Agency Information Collection Activities: Submission for OMB Review

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for review and approval. We published a Federal Register Notice with a 60-day public comment period on this information collection on August 6, 2002. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by June 2, 2003.

ADDRESSES: You may send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information.

SUPPLEMENTARY INFORMATION:

Title: Survey of Drivers' Attitudes on Speeding and Speed Limits.

Abstract: The FHWA plans to enter into a cooperative agreement with the State of Massachusetts to initiate a project entitled ''Demonstration and Evaluation of Rational Speed Limits,'' to be performed by the Governor's Highway Safety Bureau of the Commonwealth of Massachusetts. As part of this cooperative agreement, information on local drivers' attitudes towards speeding, speed limits and enforcement will be gathered through a survey. A survey will be performed both before and after engineering, enforcement and educational measures to reduce speeding are implemented. The information obtained from the survey will help the FHWA understand the effectiveness of the measures and drivers' responses to them. The responses to the survey will be voluntary and will not involve information that is required by regulations. There will be not direct costs to the respondents other than their time.

Respondents: Drivers in Natick, Massachusetts.

Estimated Total Annual Burden: The burden hours per response will be approximately 10 minutes. We estimate that a total of 800 drivers (400 ''before'' and 400 ''after'') will be involved in the survey. Therefore, the total estimate is 133 burden hours.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Alicandri, 202–366–6409, Office of Highway Safety, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:00 a.m. to 3:30 p.m., Monday through Friday, except Federal holidays.

Electronic Access: Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov*. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 303–512–1661. Internet users may reach the **Federal Register** home page at *http://www.nara.gov/fedreg* and the Government Printing Office's database at *http://www.access.gpo.gov/nara*.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: February 7, 2003.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. 03–7352 Filed 4–1–03; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002–13356; Notice 2]

Cooper Tire & Rubber Company, Grant of Application for Decision That Noncompliance Is Inconsequential to Motor Vehicle Safety

Cooper Tire & Rubber Company (Cooper) has determined that approximately 956 Cooper Lifeliner Touring SLE tires in the 185/70R14 size do not meet the labeling requirements mandated by Federal Motor Vehicle

Safety Standard (FMVSS) No. 109, ''New Pneumatic Tires.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Cooper has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.'' Notice of receipt of the application was published, with a 30-day comment period, on October 7, 2002, in the **Federal Register** (67 FR 62522). NHTSA received no comment on this application.

FMVSS No. 109 (S4.3.2) requires that each tire be labeled with the name of the manufacturer, or the brand name and number assigned to the manufacturer in the manner specified in part 574 (S574.6, Identification mark).

Cooper's Texarkana, Arkansas, tire manufacturing facility had one mold involved in production during the twelfth and thirteenth production weeks of 2002, in which the identification mark was incorrectly stated. The subject tires were molded ''DOT VT.'' The correct identification mark for the Texarkana, Arkansas, plant identification code should have been ''DOT UT.'' The incorrect identification mark was removed from the mold and the correct plant identification code inserted.

Cooper supports its application for inconsequential noncompliance by stating that all of the subject tires meet all requirements of FMVSS No. 109, except the for the correct manufacturer's assigned identification mark. The purpose of NHTSA's tire identification mark is to identify a tire so that, if necessary, the appropriate action can be taken in the interest of public safety—such as, a safety recall notice.

The agency believes that in the case of a tire labeling noncompliance, the true measure of its inconsequentiality to motor vehicle safety is whether the mislabeling would affect the manufacturer's ability to locate them, if the tires were to be recalled for a performance-related noncompliance or safety-related defect. Cooper can identify the involved tires with the incorrect manufacturer's assigned identification mark of ''VT.'' The tires have a unique DOT identification that would permit Cooper to notify the purchasers of these tires, if registered, should they be recalled for safety reasons. The involved tires produced from this mold during the aforementioned production period comply with all other requirements of 49 CFR 571.109.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance is inconsequential to motor vehicle safety. Accordingly, its application is granted and the applicant is exempted from providing the notification of the noncompliance as required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

Issued on: March 21, 2003.

Roger A. Saul,

Acting Associate Administrator for Rulemaking.

[FR Doc. 03–7550 Filed 4–1–03; 8:45 am]

BILLING CODE 4910–59–P

Corrections

Federal Register

Vol. 68, No. 63

Wednesday, April 2, 2003

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–808, A–122–830, A–475–822, A–580–831, A–791–805, A–583–830]

Notice of Amended Antidumping Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan

Correction

In notice document 03–5891 beginning on page 11520 in the issue of Tuesday, March 11, 2003, make the following correction:

On page 11521, in the table, in the second column, under ''Cash deposit rate'', in the fourth entry from the bottom, ''77%1[1]'' should read ''37.77%[1]''.

[FR Doc. C3–5891 Filed 4–1–03; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
April 2, 2003

Part II

Department of Defense

Office of the Secretary

Science and Technology (S&T) Reinvention Laboratory Personnel Management Demonstration Program; Notice

DEPARTMENT OF DEFENSE

Office of the Secretary

Science and Technology (S&T) Reinvention Laboratory Personnel Management Demonstration Program

AGENCY: Office of the Deputy Under Secretary of Defense (Civilian Personnel Policy), DoD.

ACTION: Notice of amendment of demonstration project plans.

SUMMARY: Section 342 of the National Defense Authorization Act for Fiscal Year 1995, as amended by Section 1114 of the National Defense Authorization Act for Fiscal Year 2001, authorizes the Secretary of Defense to conduct personnel demonstration projects at Department of Defense (DoD) laboratories designated as Science and Technology (S&T) Reinvention Laboratories. The above-cited statute authorizes the Department of Defense to conduct demonstration projects that experiment with new and different personnel management concepts to determine whether such changes in personnel policy or procedures would result in improved Federal personnel management.

DATES: This amendment to the listed demonstration project plans may be implemented as early as the date of publication of the final notice of this change in the **Federal Register**. Implementation strategies will be developed over time as appropriate. Upon implementation, and upon completion of appropriate bargaining obligations for applicable bargaining units, the changes in this amendment shall supersede all previously published **Federal Register** notices that established or modified demonstration projects at one or more DoD S&T reinvention laboratories. The Department of Defense will consider written comments if received no later than May 2, 2003.

ADDRESSES: Send written comments to Patricia M. Stewart, CPMS–AF, Suite B–200, 1400 Key Boulevard, Arlington, VA 22209–5144.

FOR FURTHER INFORMATION CONTACT: Patricia M. Stewart, CPMS–AF, Suite B–200, 1400 Key Boulevard, Arlington, VA 22209–5144.

SUPPLEMENTARY INFORMATION:

1. Background

In March 2002, the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)) directed the establishment of the Department of Defense (DoD) Human Resources Best Practices Task Force. The Task Force, consisting of representatives from both the human resources and functional communities, was chartered to review all demonstration projects in the Federal government, plus alternative personnel systems such as the one in operation within the National Institute of Standards and Technology (NIST).

The purpose of this review was to compile best practices that show promise in terms of DoD's civilian human resources strategy. The Task Force identified best practices by reviewing initiatives that have been subject to testing and evaluation in demonstrations and alternative personnel systems (APSs). The demonstrations and APSs the Task Force reviewed are listed in Figure 1.

FIGURE 1.—DEMONSTRATION PROJECTS AND APSS REVIEWED

Demonstration or APS	Type of demonstration or APS	Department or agency	Name of project or APS
Demonstration	Workforce	Defense	Civilian Acquisition Workforce (AcqDemo).
Demonstration	Science and technology reinvention lab (STRL).	Army	Army Research Laboratory (ARL).
Demonstration	STRL	Army	Aviation & Missile Research, Development, & Engineering Center (AMRDEC).
Demonstration	STRL	Army	Engineer Research & Development Center (ERDC).
Demonstration	STRL	Army	Medical Research & Materiel Command (MRMC).
Demonstration	STRL	Navy	Naval Research Laboratory (NRL).
Demonstration	STRL	Navy	Naval Warfare Centers (NWC).
Demonstration	STRL	Air Force	Air Force Research Laboratory (AFRL).
Demonstration	Civilian agency	Commerce	Department of Commerce (DoC).*
APS	Workforce	Defense	National Imagery & Mapping Agency (NIMA).
APS	Civilian agency	Commerce	National Institute of Standards & Technology (NIST).

* This demonstration covers units within the following four organizations: Economics and Statistics Administration, National Oceanic and Atmospheric Administration, National Telecommunications and Information Administration, and Technology Administration.

Some current APSs are not shown in Figure 1. For instance, the APS at the General Accounting Office (GAO) was not fully implemented by mid-April 2002, and the APSs for the Federal Aviation Administration (FAA), Internal Revenue Service (IRS), and Bureau of Alcohol, Tobacco, and Firearms (ATF) were either recently implemented or limited in application. Finally, in addition to demonstrations and APSs, the Task Force considered the outcome of the 1997 Personnel System Initiative (PSI), a DoD-initiated collaborative effort that involved the Department of Defense, the Office of Personnel Management (OPM), and union representatives.

In May 2002, USD(P&R) and the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) communities received the Task Force's in-process review briefing, followed in July 2002 by the Task Force's final briefing. From August through December 2002, a steering group of senior leaders reviewed, revised, and approved Task Force products with the intention of broadly applying these results as best practices.

2. Overview

Personnel demonstration project best practices encompass the following areas: (1) Pay banding; (2) classification; (3) hiring and appointment authorities; (4) pay administration; (5) pay-for-performance evaluation system; (6) expanded sabbatical authority; (7) volunteer emeritus program; and (8) revised reduction-in-force (RIF) procedures.

Dated: March 26, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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I. Participating Organizations and Collective Bargaining Requirements

A. Participating Organizations

This amendment applies to all current and future organizational entities designated as DoD science and technology reinvention laboratories by the Secretary of Defense or by any future applications required by law. Currently, there are eight science and technology reinvention laboratory demonstration projects, as follows:

Department of the Army—Army Research Laboratory; Aviation and Missile Research,

Development, and Engineering Center; Communications-Electronics Command Research,

Development, and Engineering Community; Engineer Research and Development Center; Medical Research and Materiel Command;

Department of the Navy—Naval Research Laboratory; Naval Sea Systems Warfare Centers; and

Department of the Air Force—Air Force Research Laboratory.

B. Labor-Management Responsibilities

Participating organizations must fulfill any collective bargaining obligations to unions that represent employees covered by the personnel demonstration project best practices (hereafter referred to as ''best practices'' or ''BP''). Employees within a unit for which a labor organization is accorded exclusive recognition under chapter 71 of title 5, United States Code, shall not be covered by this amendment unless the exclusive representative and the participating organization have entered into a written agreement covering participation in and implementation of the personnel demonstration project best practices.

II. Mass Conversion to Personnel Demonstration Project Best Practices (BP)

Procedures under II, Mass Conversion to BP, apply only to DoD employees upon initial conversion of their organization, or a portion thereof, into BP.

A. Conversion of General Schedule (GS) Employees

These procedures apply only to GS employees upon initial mass organization-wide conversion into BP.

1. Determination of Career Group (CG)

General Schedule employees will be converted into the CG that corresponds with the occupational series (and in some cases, GS grade) of their GS position, in accordance with III.A. and III.B.

2. Determination of Pay Band Level

General Schedule employees will be converted into the pay band level, within the appropriate CG, that

corresponds with their existing GS grade.

3. Pay Setting

Initial entry into BP will ensure each employee is placed in the appropriate CG and pay band level without loss of pay.

a. Concurrent Geographic Move. For any employee who incurs a concurrent geographic move on the date of mass conversion, pay entitlements shall be based on the new geographic area.

b. Concurrent Pay Actions. Any pay actions (*e.g.*, within-grade increase (WGI)) effective on the date of conversion will be processed before the conversion.

c. Within-Grade Increase (WGI) Buy-In. Employees whose existing rate of basic pay is less than step 10 of the applicable GS grade before conversion will receive a prorated ''buy-in'' of a WGI, unless documented performance is not at an acceptable level of competence. Employees in a pay retention status at the time of conversion will not receive a within-grade buy-in adjustment.

The WGI buy-in will be funded from the BP initial year's pay pool (which consists of the general pay increase). This ''buy-in'' is applicable to employees only at the initial entry of the employee's organization into BP.

On the effective date of conversion, the employee's rate of basic pay will be adjusted by an amount equal to the prorated value of a WGI. The amount to be added to the employee's rate of basic pay is computed by determining the value of the elapsed creditable days in the employee's current waiting period toward the next WGI and adding that amount to the employee's existing rate of basic pay. Using the following formula, the WGI buy-in is calculated:

(Elapsed days in waiting period Number of days in waiting period) × Value of WGI = Prorated value

Prorated value + Existing basic pay = New basic pay upon mass conversion into BP

d. Special Salary Rates (SSRs). When the maximum special salary rate (SSR) of the GS grade (that matches the highest GS grade incorporated into a pay band level) exceeds the maximum rate, adjusted for locality, of the pay band level, the maximum rate of the pay band level is extended to equal the maximum SSR for the occupational series and geographic area covered. Employees in such positions will receive a special salary rate supplement in lieu of a locality factor for the geographic area. SSR procedures described at VI.A.2. will be followed.

Existing SSRs will no longer apply to a BP employee when the maximum SSR of the GS grade that matches the highest GS grade incorporated into a pay band level is equal to or less than the maximum rate, adjusted for locality, for the pay band level. The pay of employees in such positions will be recomputed upon conversion to include the full locality factor for the geographic area.

Adverse action and pay retention provisions will not apply to the conversion process, as there will be no change to employee total pay.

4. Fair Labor Standards Act (FLSA) Exemption

Employees will be converted using their existing FLSA exemption status.

5. Employees on Grade Retention

Grade retention will terminate upon mass conversion into BP. Before conversion into the BP, the employee's pay will be adjusted by an amount equal to the prorated value of a WGI for the retained grade, using procedures under II.A.3.c. The employee will be placed in the CG and pay band level that correspond to the new GS grade. If the employee's adjusted pay exceeds the rate range for the assigned pay band level, the employee will be placed on pay retention not to exceed 2 years, effective on the date of conversion into BP.

6. Employees on Pay Retention

Employees on pay retention at the time of mass conversion are converted into BP to the CG and pay band level that correspond to their GS occupational series and grade. If the existing rate of pay exceeds the maximum rate of the assigned pay band level, the employee is placed in a pay retention status, not to exceed 2 years from the date of conversion into BP, under provisions found in VI.A.3.

7. Employees on Temporary Promotion

An employee in a temporary promotion status will be returned to the permanent position of record before conversion. When the temporary promotion is cancelled, the employee's pay will be computed based on the employee's permanent position of record, with adjustments for any pay actions otherwise due during the temporary promotion. The employee is converted to BP with a rate of pay that includes any such adjustments.

B. Conversion of Employees in Organizations With Pay Banding or Broadbanding

These procedures apply only to initial mass conversion into BP of organizations where pay banding or broadbanding currently exists.

1. Determination of Career Group (CG)

Employees will be converted into the career group that corresponds with the occupational series of their position, in accordance with III.A. and III.B.

2. Determination of Pay Band Level

a. Direct Conversion. Where an organization's existing GS-equivalent banded level matches exactly a BP pay band level in the appropriate CG, such employees are converted directly from the existing demonstration project or alternative personnel system (APS) into BP, without change in pay.

b. Conversion Using Applicable Conversion-Out Procedures. Where GS grades included in a BP career group and pay band level do not correspond directly to GS grades included in a banded level in an existing demonstration project, employees in such demonstration project positions will be converted to the GS using the applicable conversion out procedures, for purposes of determining GS grade only. Such employees will then be converted into the BP CG and pay band level that correspond with the derived GS grade, without change in pay.

3. Pay Setting

Initial entry into BP will ensure each employee a place in the appropriate career group and pay band level without loss of pay.

a. Concurrent Geographic Move. For any employee who incurs a concurrent geographic move on the date of mass conversion, pay entitlements shall be based on the new geographic area. b. Concurrent Pay Actions. Any pay actions effective on the date of conversion will be processed before the conversion. Pay will be set under II.B.2.a. and under II.B.2.b. at the same rate of pay as the employee received under the demonstration project or APS from which the employee was converted. Demonstration project or APS procedures to place an employee ''on-step'' in a GS grade will not be used.

4. Fair Labor Standards Act (FLSA) Exemption

Employees will be converted using their existing FLSA exemption status.

5. Titling of Positions

Positions with titles other than those authorized by OPM classification standards will be re-titled to the appropriate, authorized title upon conversion into BP.

6. Employees on Pay Retention

Employees on pay retention at the time of mass conversion are converted into BP to the CG and pay band level that correspond to the occupational series and demonstration project pay band level, using procedures in II.B.2.a. or II.B.2.b., as appropriate. If the existing retained rate of pay exceeds the maximum rate of the assigned pay band level under BP, the employee is placed in a pay retention status not to exceed 2 years from the date of conversion, under provisions found in VI.A.3.

7. Temporarily Promoted Employees

Employees in a temporary promotion status will be returned to the permanent position of record before conversion. When the temporary promotion is cancelled, the employee's pay will be computed based on the employee's permanent position of record, with adjustments for any pay actions otherwise due during the temporary promotion. The employee is converted to BP with a rate of pay that includes any such adjustments.

C. One-Time Mass Conversion Exception Rule

The mass conversion procedures defined in this section apply to current DoD employees who will be covered by BP. If application of the mass conversion procedures would otherwise result in loss of pay for any employee, the employee is entitled to retain the existing rate of pay, notwithstanding any other provision in this section.

III. Pay Banding

White-collar occupations in the Department of Defense were analyzed to determine appropriate associations into career groups (CGs). Career groups under BP are established according to similarity in type of work and common qualifications and advancement patterns. Each CG contains discrete pay band levels.

A. Career Groups

Occupations with similar characteristics are grouped together into five CGs under BP. The BP CGs are described in this section.

Career Group 1 (CG 1), Scientific and Engineering Research, includes positions in professional scientific, engineering, or medical occupations that meet the criteria of the OPM Research Grade Evaluation Guide or Part III of the OPM Equipment Development Grade Evaluation Guide (both available at *http://www.opm.gov/fedclass*) (or equivalent successor OPM standards or guides).

Career Group 2 (CG 2), Professional and Administrative Management, includes positions in professional occupations that are excluded from CG 1 and positions in administrative occupations, in addition to certain other positions that exceed established pay band levels in CGs 3 and 4. A comprehensive list of occupations included in CG 2 is at Appendix A.

Career Group 3 (CG 3), Engineering, Scientific, and Medical Support, includes positions in occupations that are associated with support of professional engineering, scientific, and medical occupations. A comprehensive list of occupations included in CG 3 is at Appendix B.

Career Group 4 (CG 4), Business and Administrative Support, includes positions in occupations that are associated with support of business, financial, and administrative positions, in addition to certain other occupations, such as Firefighters, Security Guards, and Police. A comprehensive list of occupations included in CG 4 is at Appendix C.

Career Group 5 (CG 5), College Cooperative Education Program, includes positions in occupational series in any of the various ''XX99'' student trainee series (*e.g.*, GS–899, Engineering and Architecture Student Trainee Series).

B. Nonsupervisory Pay Banding Architecture

Pay banding will replace the current GS system of 15 grades (used for classification and pay setting). In each career group, pay band levels are designated. These pay band levels are designed to facilitate pay progression and to allow for more competitive recruitment of quality candidates at differing rates. Career groups have either three or four pay band levels that incorporate some or all of the 15 GS grades, as appropriate. Comparison to the GS grades was used in setting the upper and lower dollar limits of each pay band level, except for the above GS–15 levels in CGs 1 and 2.

The pay range for pay band level 3 of CG 1 and for pay band level 4 of CG 2 is a minimum of 120 percent of the minimum rate of basic pay for GS–15; and a maximum of the rate of basic pay for Senior Executive Service (SES) level 4 (ES–4).

Once employees are converted into BP, GS grades will no longer apply.

1. Architecture Graphic

The five career groups and their associated pay band levels are as follows:

FIGURE 2.—ARCHITECTURE GRAPHIC

Career Group (CG)	Career Group Name	Level 1	Level 2	Level 3	Level 4
CG 1	Science and Engineering Research	GS 5–12*	GS 13–15	Above GS–15	Not applicable
CG 2	Professional and Administrative Management.	GS 5–11*	GS 12–13	GS 14–15	Above GS–15
CG 3	Engineering, Scientific, and Medical Support.	GS 1–4	GS 5–7	GS 8–11	(GS–12 & above to CG 2)
CG 4	Business and Administrative Support	GS 1–4	GS 5–7	GS 8–10	(GS–11 & above to CG 2)
CG 5	College Cooperative Education Program	GS 1–5	GS 6–8	GS 9–11	GS–12

* There is no level incorporating GS 1–4, as these grades do not represent continuing DoD work.

2. Nonsupervisory Descriptors

Nonsupervisory pay band level descriptors are used under BP instead of grading criteria in OPM classification standards and guides. Nonsupervisory pay band level descriptors articulate characteristics of positions at the top of the pay band level. Nonsupervisory descriptors are established by the Office of the Deputy Under Secretary of Defense (Civilian Personnel Policy) (ODUSD(CPP)).

C. Supervisory Architecture

1. Determination of Supervisory Status

a. Allocation to Pay Band Level and Supervisory Level. Determining whether a position is allocated to a supervisory pay schedule is predicated on supervisory level (*i.e.*, meeting the narrative criteria in the supervisory descriptors A, B, C, or D (*see* III.C.2.) and base level of work supervised).

The CG and pay band level of a supervisory position are predicated upon the CG and level of the nonsupervisory workforce in the supervisor's organization. The difficulty and worth of a supervisory position are directly related to the difficulty and worth of the work accomplished by the subordinate workforce. A supervisory position in an administrative occupation may supervise work of a professional nature.

The CG and pay band level of a full deputy are normally the same CG, supervisory level, and supervisory pay table as the supervisory position to which it reports. Pay for the full deputy position may be set at any point within the pay table range management deems appropriate. There is no requirement that the deputy's pay equal the pay of the supervisory position. Where a full deputy reports to a position outside this system (*e.g.*, military officer or member of the SES), the full deputy position will be compared directly to the supervisory descriptors and criteria for base level determination to decide the supervisory pay table.

b. Substantive Work. It is necessary to determine the functions that best represent the substantive work of the supervisor's organization, *i.e.*, the work that accomplishes the organization's primary mission. Substantive work can be performed by Federal civilian employees, as well as by contractor personnel and military personnel. In determining the substantive work of the organization, do not include positions that perform services that facilitate the substantive work of the unit, such as clerical support positions in an administrative unit, or budget or information technology positions in an engineering design unit.

c. Base Level of Work. Base level is defined as the highest CG and pay band level of nonsupervisory work that meets both of the following criteria: (1) It is performed by two or more subordinate positions; and (2) it constitutes at least 25 percent of the organization's substantive positions.

d. Determination of Base Level. i. If all subordinate positions are in a single CG, base level is determined by application of III.C.1.c.(1). and III.C.1.c.(2).

ii. Where subordinate positions perform substantive work in two or more CGs, first determine which CG and pay band level represent the base level of the substantive work of the supervisor's organization. This would include the primary occupational knowledge requirement for the supervisory position. To determine the appropriate base level, first eliminate all support positions.

(a) If the remaining substantive positions are all in one CG, use III.C.1.c.(1). and III.C.1.c.(2). to determine which pay band level of the CG constitutes the base level of work.

(b) If the remaining substantive positions are in two or more CGs, apply III.C.1.c.(1). and III.C.1.c.(2). to all substantive positions in the supervisor's organization to determine which CG and pay band level constitute the base level of work.

Once the base level is determined, the position's supervisory functions are compared to supervisory descriptors (*see* III.C.2.) to determine the appropriate level, *i.e.*, A, B, C, or D. Career group and pay band level of the base level, in combination with supervisory level, determines the supervisory pay schedule that applies (see Appendix D). Supervisory descriptors are established by ODUSD(CPP).

e. Adjustment to Supervisory Pay Table. When application of base level criteria results in assignment to a supervisory pay table with a lower maximum rate of basic pay than one subordinate employee, the maximum rate of the supervisory pay table may be extended to match or exceed the maximum rate of pay of the highest CG and level supervised by up to ten percent. When a subordinate employee is on pay retention, and the appropriate supervisory pay table does not exceed that subordinate's retained rate of pay, management has the discretion to set the supervisor's pay (including supervisory adjustment) ten percent above the pay of the employee for the duration of the period that the subordinate employee remains on pay retention.

f. Allocation Based on Nonsupervisory Duties. Some supervisory positions perform nonsupervisory work in addition to their supervisory functions. When application of base level criteria to a supervisor A or B position results in a supervisory pay schedule with a maximum rate lower than the maximum rate of pay for the CG and pay band level of nonsupervisory work performed, the supervisor's career group and level will be set by the nonsupervisory functions, while the position will be titled and coded as supervisory (or other authorized title designating supervision).

2. Supervisory Descriptors

Supervisory descriptors define limited supervision (supervisor A), first-level (supervisor B), second-level (supervisor C), and third-level managerial (supervisor D), respectively. To be assigned a supervisory level, a position must meet the narrative criteria in the descriptor and perform such supervisory functions a significant portion of the time. Supervisory descriptors are established by ODUSD(CPP).

IV. Classification System

Personnel Demonstration Project Best Practices uses OPM occupational series and titles for allocation of positions. Allocation of BP positions to the appropriate pay band level and supervisory pay table uses BP criteria instead of OPM grading criteria.

A. Occupational Series

OPM occupational series definitions, series codes, and authorized titles will be used under BP, as well as the OPM designations of white-collar occupational series as professional, administrative, technical, clerical, or other.

B. Classification Standards

The present system of OPM classification standards will be used for determination of occupational series and position titles in BP. References in the OPM position classification standards to grading criteria will not be used. Rather, the nonsupervisory and supervisory descriptors (in combination with base level determinations) will be used for the purpose of determining pay band level and pay table. The nonsupervisory descriptors are derived from the OPM Primary Standard of the Factor Evaluation System. Under this system, each pay band level and supervisory level is represented by a descriptor, against which individual positions are compared in order to establish the appropriate level. Consequently, the need for use of OPM grading criteria is eliminated.

C. Classification Authority

Under BP, classification authority flows from the Secretary of Defense to the Secretaries of the Military Departments, heads of the Defense agencies, and heads of DoD Field Activities with independent appointing

authority. This authority may be redelegated.

D. Position Descriptions

Position descriptions are used to document major duties in writing. A position description is a statement of duties that accurately describes the level of work of a position; has been certified (signed) by the supervisor; and is adequate for determination of occupational series, title, career group, pay band level, and supervisory schedule.

E. Fair Labor Standards Act (FLSA)

Fair Labor Standards Act (FLSA) exemption determinations will be made consistent with criteria in Title 5 of the Code of Federal Regulations (CFR), part 551. All employees are covered by the FLSA unless they meet criteria for exemption. Exemption status of individual positions will be evaluated by comparing duties and responsibilities assigned, the pay band level descriptors, and the 5 CFR part 551 FLSA criteria.

F. Pay Category Reconsideration

An employee may request reconsideration of the pay system, occupational series, title, or pay band level of his/her own position at any time. An employee must raise the areas of concern to the first-line supervisor, a supervisor at supervisor level B or above, or military equivalent. Employees who are not satisfied with the supervisor's response may then request a DoD decision-level reconsideration of the pay category determination. The DoD Civilian Personnel Management Service (CPMS), Field Advisory Services (FAS) Division, is the final level of pay category reconsideration under BP. Decisions by DoD CPMS FAS are final and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Department of Defense.

Employees may file a request for pay category reconsideration at any time. However, when the issue involves a loss in pay, employees must request reconsideration no later than 15 calendar days after the effective date of the subject personnel action in order to preserve any entitlement to retroactive correction. Employees must submit requests for pay category reconsideration through the supporting human resources office. Supporting human resources offices will forward case files to the Department of Defense for decision within 30 days of receipt of the employee's formal request for pay category reconsideration, unless DoD deciding officials grant a longer period of time. The Department of Defense will make final pay category determination decisions within 60 calendar days from date of receipt of a complete file. Pay category reconsideration decisions will use OPM criteria to determine pay system, occupational series, and title. Career group and pay band level decisions under the pay category reconsideration process will be based on BP career group definitions, pay band level descriptors, and other BP criteria, as appropriate.

Under a request to DoD CPMS for BP pay category reconsideration, an employee may not request review of the accuracy of his/her position description, the BP allocation or pay-setting criteria, the propriety of a salary schedule, or matters grievable under an administrative or negotiated grievance procedure or an alternative dispute resolution procedure.

V. Hiring and Appointment Authorities

A. Definitions

The current terms of promotion, reassignment, and change to lower grade that are used to describe an employee's movement from one position to another will be replaced with the following to describe more appropriately movement within a pay banded environment.

1. Job Change—Higher Earning Potential

Movement to a position with higher earning potential (*e.g.*, CG 2, level 1 to CG 1, level 1; CG 1, level 1 to CG 1, level 2).

2. Job Change—No Higher Earning Potential

Movement from one position to another with no higher earning potential (*e.g.*, CG 3, level 2 to CG 4, level 2).

3. Job Change—Lower Earning Potential

Movement from one position to another with lower earning potential (*e.g.*, CG 1, level 1 to CG 2, level 1).

A position is defined by career group, pay band level, title, and series. Job change does not include assignment or termination of supervisory or locality pay.

B. Internal Placement

The following rules will be used to determine when competitive procedures are required for job change and when they are not. Job change does not include assignment of supervisory or locality pay.

1. Competition Upon Job Change

Competition, or an exception to competitive procedures, is required for a job change—higher earning potential. Competition is not required for a job change—no higher earning potential. Competition is not required for a job change—lower earning potential.

2. Expanded Forms of Competition

Competitive procedures and plans under 5 CFR 335 will be supplemented by the procedures listed below.

a. Assessment Boards. Boards of individuals with appropriate levels of knowledge may convene to assess candidates for current and future advancement and distinguish among them for job changes to positions and duties with higher earning potential. Ranking and selection criteria must distinguish among employees. Employees selected must meet qualification standards. An assessment board may be held in conjunction with the annual performance appraisal process or convened on an ad hoc basis. Candidates will be assessed based on order of merit, and can be assigned to positions with higher earning potential without further competitive procedures.

b. Alternative Certification Process (ACP). Two alternative certification processes are described:

i. Management may name request an individual using an ACP. Since management has the right to consider candidates from any appropriate source of agency employees, an employee may be selected, absent formal certification, provided the employee is within the highest quality group for referral for the position. Documentation to support the action includes the source of candidates, name request, and documentation showing the individual meets the required criteria.

ii. A second ACP allows positions to be filled competitively without issuing a formal vacancy announcement. This process may be used when the work unit from which the position will be filled is such that the selecting official has had the opportunity to observe and assess all potential applicants, thus enabling the selecting official to evaluate each candidate equitably. The selecting official must possess enough information about the knowledges, skills, abilities, and experience of each of the candidates being considered to ensure they are assessed fairly. The selecting official must also know that there will be a sufficient number of qualified candidates to consider without formally announcing the vacancy. This determination will be made in conjunction with the human resources office.

3. Exceptions to Competition

Job change (higher earning potential) will be processed under competitive procedures in accordance with merit

principles and requirements of merit promotion plans and procedures of the BP. The following actions are excepted from such competitive procedures:

a. Job change to a position that is in the same pay band/level and career group (or equivalent in another pay system) as the employee previously held on a permanent basis within the competitive service.

b. Job change to a position having higher earning potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service.

c. Job change without current competition when the employee was appointed through competitive procedures to a position with a documented career ladder.

d. Temporary job change for 1 year (and any approved extension as provided for in V.B.5.) to a position with higher earning potential.

e. Job change based on employee's position being officially established at a higher earning level because of additional duties and responsibilities.

f. Job change resulting from the correction of an initial classification or pay category or level error, or the issuance of new classification standards or supervisory and nonsupervisory descriptors.

g. Job change of a candidate not given proper consideration in a competitive action.

h. Individual conversion into system: Job change into a career group/level with higher earning potential within the employee's current series for movements into the system after the mass conversion, *e.g.*, GS–201–12 employee with FAA entering CG–201–2, level 2 position. Absent this provision, there is no equivalent grade to which the employee could be assigned noncompetitively. (This is equal to movement provided employees upon mass conversion).

i. Job change from one career group to another when the series appears in two different career groups, *e.g.*, CG 2, level 1 into CG 1, level 1.

j. Job change of an employee one level above the pay category of the position when the employee adds a significant value to the organization that goes beyond the classifiable duties of the position.

k. Job change as a result of a decision in a negotiated or agency grievance procedure, or by a court or administrative forum with authority to issue such decisions, as the result of the equal employment opportunity (EEO) complaint process, or written settlement agreement that has the approval of the appropriate local authority.

4. Probation Upon Competitive Job Change

a. Basic Requirements. An employee is required to serve a 1-year probationary period upon each competitive job change to a position with higher earning potential. This probationary period will apply to all competitive job changes. For a job change to a position with higher earning potential which is identified as an exception to competitive procedures the selecting official, in coordination with the human resources office, may, at his/her discretion, require an employee to serve a probationary period of up to 1 year.

An employee who has an additional job change to a position with no higher earning potential following the competitive job change will be required to complete the 1 year probationary period, except for those serving on the discretionary probationary period. An employee serving on a discretionary probationary period as a result of a job change to a position with higher earning potential (made as an exception to competitive procedures) will be considered to have completed the probationary period.

This requirement does not apply upon assignment of supervisory duties within the same CG and pay band level.

The duration of the probationary period may be extended only under exceptional circumstances.

The employee is to be given notice of the probationary period requirement before entering the position.

b. Failure to Complete the Probationary Period. Satisfactory completion of the probationary period is a prerequisite for continued service in the position. An employee who, for reasons of performance, does not satisfactorily complete the probationary period is entitled to placement in a position no lower than the CG and pay band level (or equivalent from another pay system) the employee left before accepting the position.

c. Relationship to Other Probationary Period Requirements. In the event an employee is serving the initial probationary period for career appointment (see V.C.2.a.) concurrently with the probation upon competitive job change, the initial probationary period takes precedence.

For an employee who has a job change while serving a probationary period based on a previous job change, that probationary period is considered to have been met and the employee starts the new probationary period on the effective date of the assignment.

No employee will be required to serve the probationary period for competitive job change upon initial mass conversion of their organization, or a portion thereof, into BP.

d. Appeals. An employee who is returned to a position from which competitively assigned is not entitled to appeal rights.

e. A job change returning an employee to his/her former CG/pay band level may include pay increase, pay decrease, or no change in pay.

5. Temporary Job Change

Temporary job changes may be made to cover time-limited needs. Temporary job changes (higher earning potential) are permitted for up to 1 year and may be extended for up to 1 additional year with the approval of the second level supervisor. Temporary job changes effected under this authority may not be made permanent. A temporary job change may include pay increase, pay decrease, or no change in pay. If the job change is voluntary and results in a decrease in pay, appeal rights do not apply.

C. External Hiring and Appointment Authorities

1. Delegated Examining Unit (DEU) Authority

Examining processes under the DEU authority may be used to fill positions, with the exception of the following: positions in the SES or the Executive Assignment System; Senior Level (SL) and Scientific or Professional (ST) positions; positions at CG 1, level 3 and CG 2, level 4; Administrative Law Judge positions; and positions subject to any examining process covered by court order.

a. Referral of All Candidates. At management's option, all qualified candidates may be referred to the selecting official by the human resources support organization.

When there are no veterans' preference eligible applicants and when requested by management, all qualified candidates are referred for consideration. Managers must document the basis for selection.

When there are applicants entitled to 5 or 10 point veterans' preference, other than those with a compensable service-connected disability of 10 percent or more, evaluation, including adding veterans' preference points, will be accomplished by the human resources office before referral to selecting officials. For scientific and professional positions equivalent to GS–9 or higher,

evaluation, including adding veterans' preference points, will be accomplished by the human resources office before referral to selecting officials. For all other positions, where there are disabled veterans who have a compensable service-connected disability of 10 percent or more, they shall be listed at the top of the list in order of their ratings, including preference points. The names of preference eligibles shall be entered ahead of others having the same rating. Where a preference eligible is listed above a nonpreference eligible on any referral list, the preference eligible cannot be passed over for selection without application of passover procedures as authorized by the Department of Defense.

b. Categorical Rating, Ranking, and Referral. When rating and ranking is accomplished, candidates who meet basic (minimum) qualifications shall be assigned to one of three previously defined quality group categories (best qualified, highly qualified, or qualified), depending upon the quality and relevance of their qualifications to the job. Candidates may be further ranked within each quality group. Veterans' preference points will be added to the candidate's overall score. Addition of veterans' preference points does not impact the quality group assignment. For other than scientific and professional positions equivalent to GS–9 or higher, qualified preference-eligibles who have a compensable service-connected disability of 10 percent or more shall be listed at the top of their quality group. For all positions, candidates will be referred by quality group.

Selecting officials should be provided with a reasonable number of qualified candidates from which to choose. All candidates in the highest quality group will be referred for consideration. If management determines there are insufficient numbers of candidates in the highest group, candidates in the next lower group(s) may also be referred. When more than one group is referred, candidates shall be identified in group order from the best-qualified to the qualified group.

Where a preference eligible is listed above a nonpreference eligible on any referral list, the preference eligible cannot be passed over for selection without application of passover procedures as authorized by the Department of Defense.

2. Appointing Authorities

a. Career Appointment and Initial Probationary Period. Personnel Demonstration Project Best Practices will use the career appointment authority for employees upon initial appointment other than to temporary, term, or indefinite positions in the competitive service. An employee on his/her initial career appointment under this authority is appointed as a career employee subject to an initial probationary period of up to 3 years to allow supervisors an adequate amount of time to fully evaluate an employee's performance and conduct.

The Department of Defense shall utilize the probationary period as fully as possible to determine the fitness of the employee. An employee who fails to demonstrate fitness or whose work performance is unsatisfactory shall be separated. The employee will be notified in writing why a separation action is being taken and the effective date of the action. The information in the notification shall, at a minimum, consist of conclusions as to the inadequacies of performance or conduct.

i. *Permanent Status:* A newly appointed employee must serve for up to 3 years of substantially continuous creditable service as a probationary employee. A single break in creditable service of more than 30 calendar days will require the beginning of a new probationary period of up to 3 years upon reappointment. Permanent status is acquired only under a permanent appointment in the competitive service after completing the probationary period.

ii. *Creditable Service:* Prior Federal civilian service (including nonappropriated fund, temporary, or modified term service) will count toward the completion of the probationary period as long as there has been no break in service.

The following provisions apply to the completion of an initial probationary period under special circumstances:

Excepted service employment leading to career status in the competitive service will count toward the completion of the initial probationary period as long as there has been no break in service of more than 30 calendar days.

Intermittent employment, *i.e.*, employment without a regularly scheduled tour of duty, will count toward completion of the initial probationary period of up to 3 years, calculating each day or part of a day in pay status as 1 day of credit toward the requirement of up to 780 days in a pay status.

Employees serving on career conditional appointments in other agencies will not be converted to permanent status until they have met the requirement for up to 3 years of substantially continuous service. The length of time served on career conditional appointment will count toward the probationary requirement.

iii. *Completion of Probationary Period:* The probationary period ends when the employee completes the scheduled tour of duty on the day before the applicable anniversary date of the employee's appointment. For example, when the last workday is a Friday and the anniversary date is the following Monday, the probationer must be separated before the end of the tour of duty on Friday.

Employees who have served continuously the length of time required for probation on a competitively filled modified term appointment will be considered to have met the probationary period upon conversion to permanent status.

iv. *Extensions:* The probationary period required for new appointments is up to 3 years and may be extended only under rare circumstances as provided for in DoD guidance.

v. *Tenure:* Probationary career employees are in tenure group I for reduction in force purposes.

vi. *Appeals:* A probationary employee may appeal to the Merit Systems Protection Board (MSPB) an agency decision to terminate the employee as outlined in 5 CFR 315.806.

b. Modified Term Appointment. The modified term appointment is designed to be used to augment the existing workforce; for special projects, staffing new or existing programs of limited duration; filling a position in activities undergoing review for reduction or closure; and replacing permanent employees who have been temporarily assigned to other positions, are on extended leave, or have entered military service. Modified term appointments differ from term appointments as described in 5 CFR part 316 in that initially they are for a period of over one year but not to exceed 5 years, rather than the traditional 4 years. The appointing official is authorized to extend the modified term for 1 additional year to a maximum length of 6 years.

Absent any DoD specific eligibility or qualifications criteria, appointees must meet OPM qualifications and eligibility requirements for the pay band level and occupation to which appointed.

i. *Noncompetitive modified term appointments.* For time-limited needs, term appointments may be made noncompetitively for up to 5 years, with extensions authorized for up to 1 additional year. Further extensions will not be permitted using the

noncompetitive authority. Notice of positions to be filled under the noncompetitive term appointment authority shall be made to ensure the merit principle of fair and open competition. Employees appointed under this authority may not be converted to career appointments. Time served may be used to satisfy the probationary period service requirement consistent with probationary period guidance. Any candidate who is eligible for veterans' preference under Title 5 of the United States Code (U.S.C.), Section 2108 shall be considered ahead of candidates who are not eligible for preference.

ii. *Competitive modified term appointments.* Rating, ranking, and referral for competitive modified term appointments will be conducted in accordance with provisions contained in V.C.1. Employees hired under this modified term appointment authority may be eligible for conversion to career appointments without further external competition.

To be eligible for conversion to a career appointment, the employee must:

(a) Have been selected for the term position under competitive procedures, with the announcement specifically stating that the individual(s) selected for the term position(s) may be eligible for conversion to career appointment at a later date;

(b) Have served 1 year of continuous service in the term position; and

(c) Have a current assessment documenting adequate performance.

Conversion to a career appointment may be made:

(a) To a permanent position in the same occupational series, CG, and pay band level, or

(b) *Through internal merit procedures.* New modified term employees shall serve the initial probationary period of up to 3 years currently in use for career appointments under this personnel system. Service under the modified term appointment immediately preceding a permanent appointment without a break in service shall count toward the probationary period requirements of the permanent position provided performance is adequate.

c. *Noncompetitive Temporary Appointment.* For time-limited needs, temporary appointments may be made noncompetitively for up to 1 year, with extensions authorized for up to 1 additional year. Further extensions will not be permitted using the noncompetitive authority. Advance notice of positions to be filled under the noncompetitive temporary appointment authority shall be made to ensure the merit principle of fair and open competition.

Absent any DoD specific eligibility or qualifications criteria, appointees must meet OPM qualifications and eligibility requirements for the pay band level and occupation to which appointed.

Any candidate who is eligible for veterans' preference under 5 U.S.C. 2108 shall be considered ahead of candidates who are not eligible for preference.

Appointments made under this authority do not confer competitive status. Time served may be used to satisfy the probationary period service requirement consistent with probationary period guidance above.

d. Scholastic Achievement Appointment. The scholastic achievement appointment provides an alternative examining process to appoint candidates with bachelor or advanced degrees. Advance notice of scholastic achievement appointment and positions to be filled shall be made to ensure the merit principle of fair and open competition. A candidate may be appointed under this procedure if:

i. The candidate meets the minimum standards for the positions as (a) published in OPM's Operating Manual, ''Qualification Standards for General Schedule Positions,'' (available at www.opm.gov/qualifications) or (b) established in DoD alternative qualifications or criteria for specific occupations and/or tailored to the pay banding architecture;

ii. The candidate meets any selective placement factors stated in the vacancy announcement; and

iii. The candidate has an overall grade point average of 3.0 or better on a 4.0 scale (or equivalent on a different scale) grade point average overall, or has either a 3.5 or better cumulative grade point average on a 4.0 scale (or the equivalent on a different scale) in the field of study qualifying for the occupation, or is ranked in the upper 10 percent of the major college or subdivision attended.

Scholastic achievement appointments may also be made on the basis of graduate education, provided the criteria in V.C.2.d.i. through V.C.2.d.iii. are met.

Any candidate who is eligible for veterans' preference under 5 U.S.C. 2108 shall be considered ahead of candidates who are not eligible for preference.

e. On-the-spot hiring. Candidates may be directly appointed using the on-the-spot appointing authority to positions for which it has been determined that one or more of the following conditions apply:

i. There is a severe shortage of candidates;

ii. The position is unique and/or has special qualifications;

iii. The position has a historically high turnover rate;

iv. The occupation is covered by a special salary rate;

v. An exceptional need exists. Requirements for determining exceptional need will be detailed in DoD guidance.

In all cases, the servicing personnel office, in consultation with the activity/organization manager, will determine if a position or group of positions meets the established criteria and will authorize the use of on-the-spot hiring. All determinations must be documented.

Advance notice of on-the-spot appointing authority and positions for which it may be used shall be made to ensure the merit principle of fair and open competition.

Absent any DoD specific eligibility or qualifications criteria, appointees must meet OPM qualifications and eligibility requirements for the pay band level and occupation to which appointed.

Any candidate who is eligible for veterans' preference under 5 U.S.C. 2108 shall be considered ahead of candidates who are not eligible for preference.

f. Use of Other Appointing Authorities. Nothing in BP shall prohibit use of existing competitive service appointing authorities cited in various provisions of 5 CFR (*e.g.*, a preference eligible under Veterans' Employment Opportunity Act (5 CFR 315.611), a family member who served 52 weeks overseas (5 CFR 315.608)) except to the extent that career-conditional appointments shall not be used. Conditions for granting such appointments must be fully met.

Nothing in BP shall prohibit use of existing excepted service appointing authorities cited in 5 CFR 213 (*e.g.*, Veterans' Readjustment Appointment, Student Educational Employment Program). Conditions for granting such appointments must be fully met.

g. Noncitizen Hires. The Department of Defense will have the authority to approve the hiring of noncitizens when qualified United States citizens are not available. As with current 5 CFR requirements, a noncitizen may be appointed only if it has been determined there are no qualified United States citizens. If a noncitizen is the only qualified candidate for the position, the candidate may be appointed. The selection is subject to approval by the appointing official. All security requirements otherwise

applicable to the position continue to apply.

D. DoD Alternative Qualifications or Criteria

DoD has authority to develop qualification standards consistent with the pay banding architecture of the BP or to meet unique position requirements.

VI. Pay Administration

As the rates of the General Schedule are increased due to GS pay increases, the minimum and maximum rates of nonsupervisory pay band levels and supervisory pay tables will also increase. No adjustments in employees' pay are automatic, other than locality adjustments.

A. Special Pay Rules

1. Supervisory Pay Tables

Once the base level of work and supervisor level (A, B, C, or D) are determined, the table at Appendix D is used to determine the salary range (basic pay and supervisory adjustment) for the supervisory position. For supervisory positions in occupational series covered by a special salary rate supplement, as defined in VI.A.2., the maximum rate of the applicable supervisory pay table may be extended to equal the maximum special salary rate for the corresponding grade. A supervisor's pay may be set at any point within the supervisory pay table range that management determines appropriate. The supervisory rate ranges include a supervisory adjustment that corresponds to the supervisory level (*i.e.*, 10, 20, 30, or 45 percent supervisory adjustment for supervisor A, B, C, or D, respectively). The supervisor's total pay will not exceed the maximum rate of the applicable supervisory pay table, adjusted for locality, except under circumstances that meet III.C.1.e., Adjustment to Supervisory Pay Tables. Supervisory adjustments are considered basic pay for purposes of retirement, life insurance, premium pay and for such other purposes as may be expressly provided for by law.

If the employee moves to another position, the supervisory adjustment shall be increased, reduced, or terminated as required under conditions set forth by the agency. The supervisory adjustment shall terminate when the employee moves to a position that does not qualify for a supervisory adjustment and the adjustment shall be recomputed when the employee moves to a supervisory position at a different supervisory level. The reduction or elimination of a supervisory adjustment upon movement to a new position is not appealable.

If levels of supervision are established that the supervisory pay tables at Appendix D do not anticipate, *e.g.*, a supervisor B position over CG 1, level 1 base level, or a supervisor C position over CG 3, level 1 base level, the supervisory pay adjustment may be set up to 20 percent above the maximum rate of pay established for the base level supervised.

2. Special Salary Rate Supplements

When a maximum SSR rate of a GS grade exceeds the maximum rate of the corresponding pay band level under BP, the maximum rate of that pay band level is extended to equal the maximum SSR rate for that grade. Such extension will apply only to occupational series and geographic areas covered by the corresponding GS SSR. Affected employees will be eligible for pay increases up to the maximum of the applicable pay band level table extension. Total pay for these employees will include an SSR supplement.

a. Formula Upon Conversion. When an employee is eligible for an SSR supplement upon conversion into BP, the BP total pay will include an SSR supplement that is determined by applying an SSR factor to the employee's total GS pay.

b. Formula After Conversion. After conversion, when an employee enters a position that is covered by an SSR pay band level extension, the employee will receive the salary set by the supervisor as the BP total pay. The BP total pay will incorporate an SSR supplement.

c. Applicability. Special salary rate supplements do not apply when the maximum SSR of a corresponding GS grade is equal to or less than the maximum rate of a corresponding pay band level. Total pay, in this case, will consist of basic pay plus locality pay.

3. Pay Retention

A nonsupervisory employee, under appointment other than temporary or modified term, is entitled to pay retention when placed involuntarily into a new position for reasons other than those listed under VI.B.3.b. and the employee's current pay is above the maximum rate applicable to the new position. The pay retention entitlement is not to exceed 2 years, or until the rate range of the new position encompasses the employee's retained rate of pay, whichever occurs first. During pay retention, an employee is not eligible for any permanent pay increases, other than locality adjustments.

Employees paid from a supervisory pay table are not eligible for pay retention. (*See* VI.A.1.)

B. Pay Setting

1. Upon Accession (After Mass Conversion of the Organization)

Management may establish pay at any rate up to the maximum of the pay band level, any applicable SSR extension, or any applicable rate from a supervisory pay table. The hiring official will determine starting pay based on available labor market considerations; special qualifications requirements; scarcity of qualified applicants; program needs; education or experience of the candidate; and other criteria, as appropriate.

2. Upon Job Change—No Higher Earning Potential

An employee who moves to a position with the same maximum rate of pay (irrespective of a SSR extension) will have pay set at the existing rate of pay, or with a pay increase up to 5 percent of the existing rate, not to exceed the maximum of the pay band level or the applicable SSR extension.

3. Upon Job Change-Lower Earning Potential

a. Voluntary. An employee may request a voluntary change to a position with a lower maximum rate of pay. The employee's pay may be set at any point within the level but not more than 5 percent above the employee's current base pay. The new salary shall not exceed the maximum rate of the applicable pay table for the position to which assigned.

b. Involuntary-Adverse Action. When an employee is changed, due to an adverse personnel action based on either misconduct or poor performance, to a position with a lower maximum rate of pay, pay retention will not apply. The employee's pay must be reduced by up to five percent. However, in no case will pay be set above the maximum rate of the new range.

c. Involuntary—Inadequate Pay Progression. As a consequence of the administration of the performance payout process, an employee's basic pay may fall below the minimum rate of basic pay for the pay band level to which he/she is assigned. In such cases, supervisors shall initiate an involuntary change to lower level promptly after the pay pool manager approves the annual payout; the employee's position description shall be redescribed accordingly. The employee's rate of basic pay shall remain unchanged. Change to a lower pay band level due

to inadequate pay progression is not considered an adverse action.

d. Involuntary-Management Action. If a job change is the result of a management directed action, *e.g.*, reduction in force or pay category reconsideration, a nonsupervisory employee is entitled to his/her current rate of pay if it is at or below the maximum of the applicable pay table for the new position. If the employee's rate of basic pay exceeds the maximum applicable rate for the new position, the employee is entitled to pay retention not to exceed 2 years. (*See* VI.B.5.a. and VI.B.5.c. for job change—lower earning potential involving supervisors.)

4. Upon Job Change—Higher Earning Potential

When an employee moves to a position with a higher maximum rate of pay, the pay upon job change may include a pay increase, a pay decrease, or no change in pay. The pay will be at least the minimum of the pay band level, and may not exceed the maximum of the applicable pay table. If the job change is voluntary and results in a decrease in pay, it is not considered an adverse action; therefore, appeal rights do not apply.

5. Upon Assignment to and from a Supervisory Position Outside the Existing Pay Band Level

a. Supervisory to Nonsupervisory Position. When an employee paid from a supervisory pay table moves to a nonsupervisory position, the supervisory adjustment will not be retained. Pay will be set at the employee's existing rate of basic pay or at the employee's rate of basic pay in a nonsupervisory position immediately preceding the prior movement to the supervisory position, whichever is higher. If the employee's rate of basic pay exceeds the new rate range, pay will be set at the maximum of the pay band level.

b. Nonsupervisory to Supervisory Position. When an employee paid from a nonsupervisory pay table moves to a supervisory position, pay will be set at the employee's existing rate of basic pay, or a rate determined by management not to exceed the maximum of the applicable supervisory pay table. If the employee's existing rate of pay exceeds the maximum of the applicable supervisory pay table, and the employee is placed involuntarily for reasons other than VI.B.3.b., the employee's pay will be set not to exceed 20 percent above the maximum rate payable for the subordinate base level for a period not to exceed 2 years, as a supervisory adjustment.

c. Supervisory to Supervisory Position. When an employee paid from a supervisory pay table moves to another position paid from a supervisory pay table, pay will be within the applicable new rate range to include a supervisory adjustment that corresponds to the supervisory level (*i.e.*, 10, 20, 30, or 45 percent for supervisor A, B, C, or D, respectively).

VII. Pay-for-Performance (PFP) Evaluation System

A. Overview

The purpose of the PFP evaluation system is to provide an equitable method for appraising and compensating covered employees. It is essential for the development of a highly productive workforce and to provide management, at the lowest practical level, the authority, control, and flexibility needed to accomplish the mission and meet organizational goals, including the requirements of the organization's strategic plan. PFP allows for more employee involvement in the evaluation process, increases communication between supervisor and employee, promotes a clear accountability of contribution by each employee, facilitates employee progression by linking individual employee performance to mission accomplishment, and provides an understandable basis for salary and structural changes.

B. Performance Objectives

Performance objectives are an individual's job assignments or position responsibilities that contribute to accomplishing the mission and goals of the organization during the rating cycle. Performance objectives deal with outputs and outcomes of a particular job. At the beginning of the rating cycle, employees and supervisors will jointly develop performance objectives that reflect the types of duties and responsibilities expected at the respective pay band level. These objectives are to be based on the work unit's mission and goals and must be consistent with the employee's position description. Performance objectives will be tailored to each individual employee's job assignments or position responsibilities. The supervisor makes the final decision concerning the development of performance objectives.

The performance objectives, representing joint efforts of employees and their rating chains, should be in place within 30 days from the beginning of each rating cycle. Performance objectives may be modified and/or changed as appropriate during the rating cycle. It is appropriate to change objectives when mission or workload changes occur. How well performance objectives are accomplished will be measured by a series of performance factors, which may be weighted.

C. Performance Factors

Performance factors are used to evaluate accomplishment of performance objectives. The use of factors for scoring purposes helps to ensure comparable scores are assigned while accommodating diverse individual objectives that contribute to accomplishment of the mission and goals of the organization. The DoD Component has the discretion to weight performance factors based on the importance in accomplishing an individual's performance objectives. This discretion may be redelegated.

When weighting performance factors, each performance factor used is assigned a weight within a specified range. Where performance factors are not weighted, it is understood that all factors used are of equal point value. The total value of all performance factors used, weighted or unweighted, is 100 points.

The seven performance factors used to evaluate accomplishment of performance objectives are as follows: Technical Competence/Problem Solving; Cooperation/Teamwork; Communication; Customer Care; Resource Management; Leadership/Supervision; and Contribution to Mission Accomplishment. Additional factors may not be created without Office of the Secretary of Defense approval. However, management may exclude any performance factor that does not apply to a specific position. These seven performance factors are generally described:

1. Technical Competence/Problem Solving

Demonstrates the knowledge and skills required to execute the position's assigned duties and responsibilities; ability to apply the knowledge and skills to solve problems. Exhibits and maintains current technical knowledge, skills, and abilities to produce timely and quality work with the appropriate level of supervision. Makes prompt, technically sound decisions and recommendations that add value to mission priorities and needs. Flexibility, adaptability, and decision-making are exercised appropriately.

2. Cooperation/Teamwork

Demonstrates traits of flexibility, adaptability, and decisiveness and the ability to exhibit and foster cooperation

in team efforts and organizational settings. Personal and organizational interactions exhibit and foster cooperation and teamwork. Accepts personal responsibility for assigned tasks. Is considerate of others' views and open to compromise on areas of difference. Exercises tact and diplomacy and maintains effective relationships, particularly in immediate work environment and/or teaming situations. Readily/willingly gives assistance. Shows appropriate respect and courtesy.

3. Communication

Demonstrates effective listening, writing, and oral communication skills. Provides or exchanges oral/written ideas and information that are timely, accurate, and easily understood. Listens effectively so that resultant actions show understanding of what was said. Coordinates so that all relevant individuals and functions are included in, and informed of, decisions and actions.

4. Customer Care

Demonstrates effective interactions with internal and external customers. Demonstrates care for customers through respectful, courteous, reliable, and conscientious actions. Seeks out, develops, and/or maintains solid working relationships with customers to identify their needs, quantifies those needs, and develops practical solutions. Keeps customer informed. Within the scope of job responsibility, seeks out and develops new programs and/or reimbursable customer work.

5. Resource Management

Demonstrates effective use/management of personal and organizational resources such as time, personnel, equipment, and/or funds. Meets schedules and deadlines, and accomplishes work in order of priority (set by the employee's supervisor or team leader); generates and accepts new ideas and methods for increasing work efficiency; effectively utilizes and properly controls available resources; supports organization's resource development and conservation goals.

6. Leadership/Supervision

This factor (VII.C.6.a. and VII.C.6.b.) is mandatory for supervisory/designated team leader positions. This factor is optional for all other employees using description VII.C.6.a. only.

a. Demonstrates effective individual and organizational leadership to assess situations realistically; identifies and recommends or implements needed changes. Actively furthers the mission of the organization. Exercises leadership skills within the environment to include sensitivity to diversity and to ensure equity and fairness, as appropriate. (Description VII.C.6.a. may be applied to all employees, *e.g.*, employee leads work group on special projects ensuring organizational mission and program success; employee effectively represents the interests of the organization on inter-agency groups, etc.)

b. Works toward recruiting, developing, motivating, and training quality employees; initiates timely/appropriate personnel actions; applies EEO/merit principles; communicates mission and organizational goals; by example, creates a positive, safe, and challenging work environment; distributes work and empowers employees. (Description VII.C.6.b. may only be applied to supervisory/designated team leader positions.)

7. Contribution to Mission Accomplishment

Executes the position's assigned duties in a manner that contributes to the successful outcome of strategic goals and objectives. Within the scope of job responsibility, develops approaches or solutions to tasks and problems impacting mission in a positive manner.

D. Benchmark Performance Standards

Benchmark performance standards are descriptors that are used to measure, evaluate, and score each performance factor with regard to the accomplishment of performance objectives. Benchmark performance standards for each performance factor are established by ODUSD(CPP). The descriptors for these benchmark performance standards indicate the level of performance appropriate for the high end of each score range for the performance factor. These performance standards will assist the supervisor in determining the percentage of the performance factor that the employee actually attained. The DoD Component has the discretion to supplement standards to describe levels of performance throughout the score range. This discretion may be redelegated.

E. Performance Rating Process

1. Duration of the Rating Cycle

The duration of the rating cycle will be 12 months. The rating cycle shall be October 1 through September 30 each year.

2. Minimum Rating Period

In order to provide for meaningful evaluation of an employee's performance, the minimum rating period will be 90 days.

3. Communication at the Beginning of the Rating Cycle

Within 30 days from the beginning of each rating cycle, the performance factors and benchmark performance standards should be provided to employees, so that they know the basis on which their performance and contributions will be assessed. At this time, employees and supervisors will jointly develop performance objectives as noted in VII.B. Supervisors are encouraged to cite specific examples to each employee of how to achieve the benchmark performance standards at each level of performance. The supervisor will define or clarify key terms for the employee.

4. Feedback During the Rating Cycle

The supervisor may provide on-going feedback as necessary to employees on how well they are accomplishing performance objectives. Additionally, employees may request periodic feedback on how well they are performing. If the supervisor judges that the employee is not performing at an acceptable level on one or more performance factors, the supervisor must inform the employee and document the problem. This feedback will be provided at any time during the rating cycle. Deficiencies identified will be accompanied by a plan, if necessary, to correct them as noted in section VIII.

5. End-of-Cycle Evaluation

a. Performance Feedback. At the end of the rating period, the supervisor may request that the employee provide narrative comments describing accomplishment of his/her performance objectives throughout the year. These narrative comments will permit the supervisor to evaluate more fully the performance of the employee during the rating period.

The supervisor must communicate to the employee the supervisor's appraisal of the employee's performance on performance objectives, and the employee's performance score and rating on performance factors. Communication may occur through use of, but is not limited to, a performance review meeting to discuss job performance and accomplishments.

b. Performance Scores. Following a review of the employee's accomplishments, the supervisor will score each relevant performance factor by assigning a value to each performance factor. Using the benchmark performance standards as a guideline, the supervisor will determine the level of performance actually performed or accomplished by the

employee and assign the appropriate point value to arrive at a total performance score. This performance score may total as high as 100 points. In addition to determining the employee's performance score, a supervisor may provide a narrative evaluation of an employee's potential to perform in positions of greater responsibility or for other appropriate matters. Such narrative evaluations of potential may only be provided in accordance with DoD Component policy.

c. Score Ranges and Shares for Payout. The overall score is the sum of the individual performance factor scores. The scores will be used to determine basic pay increases and/or performance incentives.

FIGURE 3.—SCORE RANGES AND SHARES FOR PAYOUT

Score range	Performance payout (shares)
98–100	13, 14, 15, or 16
95–97	11 or 12
91–94	9 or 10
86–90	7 or 8
81–85	5 or 6
66–80	3 or 4
51–65	1 or 2
0–50	0

An employee will receive a performance payout as a percentage of current basic pay. This percentage is based on the number of shares that equate to his/her final rating score. After a rating has been assigned, the rater will recommend the number of shares that should be granted. The rater has discretion in determining the recommended number of shares within the framework listed above. The rater will take into consideration several factors, *e.g.*, the score, the employee's current basic pay, and overall funding availability. The shares earned by an employee will be used in calculating the employee's performance payout as outlined in the payout formula in VII.F.1.

d. Use of Performance Review Board. A performance review board or an equivalent process for oversight will be established for reviewing supervisors' preliminary scores and recommendations for the number of shares to be granted. The DoD Components may determine the composition of the review board. This review process gives raters the opportunity to verify that their evaluations and approach to scoring conform to that of other raters within the pay pool and ensures that performance assessments of employees are comparable and equitable within the pay pool. An order of merit listing will be developed by each rater and provided to the performance review board. Each listing will include all employees supervised by the rater, their corresponding scores, and recommended shares. This listing will be ordered from highest scores received to lowest scores received to facilitate the review process. If there are employees with identical scores, the rater will differentiate between these employees and prioritize them in the appropriate order on the listing. Consistent with BP requirements in this notice, this order of merit listing may be considered in determining such matters as reduction in force, promotions, training assignments, basic pay determinations or other matters deemed appropriate by the DoD Component. Listings may be developed for each career group to facilitate making distinctions between occupations if necessary. Operating procedures for the performance review board will be developed by each DoD Component.

F. Payout Process

Each Component shall determine the pay pool structure. Authority to determine pay pool structure may be redelegated. Generally, pay pools are combinations of organizational elements (*e.g.* Divisions, Branches, etc.) that are defined for purposes of determining performance payouts under the PFP system. Typically, pay pools may range from as small as 25 to as large as 500 employees. Decisions regarding the amount of the performance payout are based on the established performance payout calculations. Each DoD Component shall establish a pay pool manager for each pay pool. The pay pool manager is responsible for ensuring that distribution of funds is based upon employees' performance and contributions. A pay pool manager's final yearly pay adjustment decisions may still be subject to higher management review. Generally, supervisors will be placed in a pay pool separate from their employees.

1. Basic Pay Increases and Performance Incentives

The amount of money available for performance payouts is divided into two elements, basic pay increases and performance incentives. The payouts made to employees from the performance pay pool will be basic pay increases and/or performance incentive payments, subject to the amounts available in the respective funds.

The amount of money available within a pay pool for basic pay increases is determined by the general pay increase (GPI) and the money that would have been available for quality step increases, within-grade increases, and promotions between grades that are banded. This amount will be established at a certain percentage of the total of basic pay salaries in the pay pool (typically 2 to 2.4 percent plus the GPI), as determined by the pay pool manager. Performance incentive payments are funded separately, but the amount of money available for performance incentive payments must be equivalent to a minimum of 1 percent of total salary dollars (typically 1.3 to 1.8 percent). The sum of these two factors is referred to as the pay pool payout factor (*e.g.*, 4.0 percent performance basic pay, including the GPI, +1.3 percent performance incentive).

Performance pay increases (*i.e.*, basic pay increases) will not be granted to employees at the top of their pay band or in a pay retention status. In these cases, payouts earned as a function of performance may be paid as a performance incentive to the maximum authorized. A local activity may reallocate to employees not at the top of their pay band (uncapped employees) some or all of any unexpended basic pay funds for employees at the top of their pay band (capped employees). This reallocation is placed back into the pay pool and distributed to the uncapped employees based on shares earned. Any increase in an uncapped employee's basic pay as a result of this reallocation will be offset by an equivalent reduction in the employee's performance incentive payment. Thus, the uncapped employee's total performance payout is unchanged.

Consistent with the requirements of DoD Component policy, the pay pool payout factor may be adjusted as necessary. Performance payouts will be calculated and administered so that a pay pool manager will not exceed the resources that are available in the pay pool.

In making the annual performance payouts, the amount of that year's pay pool and share value will be determined as follows:

a. The pay pool payout factor must be determined first. The pay pool payout factor is the percentage amount budgeted for basic pay increases and performance incentives. For purposes of illustration, assume that the organization has budgeted 4.2 percent for basic pay increases and 1.2 percent for performance incentive payments. Therefore, the pay pool payout factor is 5.4 percent.

b. Next, the pay pool value is determined by multiplying the pay pool payout factor determined in VII.F.1.a. by the sum of the combined basic pay

salaries of all employees in the pay pool as follows:

Pool Value = Pay pool payout factor × Total Salaries of all employees

Continuing the illustration from VII.F.1.a., assume there are 40 employees in the pay pool with total combined basic pay salaries of $2,377,888. The total combined salaries is multiplied by the pay pool payout factor of 5.4 percent to provide an available total pay pool of $128,406 for basic pay increases and performance incentive payments. Based on the percentages budgeted by the organization in VII.F.1.a., $ 98,871 would be for basic pay increases with the remaining $28,535 for performance incentive payments.

c. Next, the share value is calculated. Each individual employee's basic pay salary is multiplied by the number of shares awarded to that employee (Salary × Shares). The sum total of (Salary × Shares) for all employees in the pay pool is divided into the pool value to arrive at the share value as follows:

Share Value = Pool Value/(Sum Total (Salary × Shares))

The share value represents a fixed percentage basic pay increase for each employee. The value of a share cannot be exactly determined until the rating and review board process is complete. Continuing the illustration from VII.F.1.b., the pay pool amount of $128,406 is divided by 2,377,888 (which represents the sum total of each individual employee's basic pay multiplied by the number of shares awarded to that employee). This results in a share value of 0.00847059 or 0.85%.

d. An employee's total performance payout is the share value multiplied by the employee's end-of-rating cycle basic pay salary multiplied by the number of shares earned by the employee.

Employee Performance Payout = Salary × Shares × Share Value

This is illustrated by highlighting the performance payout of one of the employees in the example pay pool. The employee's end-of rating cycle basic pay salary is $75,112. The employee earned 15 shares. The salary is multiplied by the number of shares (15) multiplied by the share value (0.00847059). This results in a total performance payout of $9,544 with $7,423 as a basic pay increase and $2,121 as a performance incentive payout based on the percentages budgeted by the organization in VII.F.1.a.

2. College Cooperative Education Program

Career group 5 employees shall not be assigned to any pay pool and shall not participate in PFP payouts. Salary adjustments, including the GPI, will be funded outside of the pay pools. CG 5 employees will be placed in the PFP system for payout purposes when they successfully complete the college cooperative education program and are converted to a career appointment.

3. Awards

Awards may be used to acknowledge an employee's extraordinary contributions or exceptional accomplishments. Consistent with current DoD Component/activity awards authorities and delegations, awards may be granted to employees, either as individuals or as members of a team, consistent with DoD Component awards regulations. Awards are not part of the PFP system. The granting of such awards shall be based on a suggestion, invention, superior accomplishment, productivity gain, or other personal effort that contributes to the efficiency, economy, or other improvement to Government operations or achieves a significant reduction in paperwork. The award itself may be monetary, non-monetary, informal recognition, honorary, time-off, or a combination thereof.

The awards budget is separate from money used for base pay increases and performance incentives. The amount of money available for awards must be equivalent to a minimum of one-half percent of total salary dollars.

G. Grievance Procedures

An employee may grieve the performance score. If an employee is covered by a negotiated grievance procedure that permits grievances over performance scores, then the employee must resolve a grievance over the performance score under that procedure (*i.e.*, that procedure is the sole and exclusive procedure for resolving such grievances for bargaining unit employees). If an employee is not in a bargaining unit, or is in a bargaining unit but grievances over performance scores are not covered under the negotiated grievance procedure, then the employee may use the appropriate administrative grievance procedure. Base pay increases and performance incentive payments will not be delayed as a result of an employee filing a grievance concerning the performance score. Any decisions on the grievance shall not affect other employees' performance payouts.

VIII. Performance That Fails To Meet Expectations

A. Notice to Employee and Performance Improvement Plan

Informal employee performance reviews will be provided on an on-going basis, so that corrective action, to include placing an employee on a performance improvement plan (PIP), may be taken at any time during the rating cycle. Whenever a supervisor determines that an employee's overall performance score falls below 51 points, the supervisor will immediately inform the employee. The reasons for the unacceptable performance will be identified and communicated to the employee as follows.

The supervisor will provide written notification outlining the unacceptable performance to the employee. At this point, an opportunity to improve will be structured in a PIP. The employee will be required to identify to the supervisor what actions the employee will take to improve the items identified by the supervisor as needing correction or improvement. The employee will also recommend a time frame for making such corrections or improvements. The supervisor makes the final determination on the actions necessary to correct or improve the employee's performance and the required time frame. If the employee's unacceptable performance impacts the employee's performance payout, the PIP shall be a minimum of 90 days. In all other instances, PIPs should generally be no less than 30 days. The employee will be provided with any available assistance, as appropriate. The supervisor will monitor the employee's progress during the PIP, counsel the employee, and document all counseling sessions. If the employee fails to achieve a level of performance that is at least equal to that of an overall performance score of 51 points or higher following completion of the PIP, the supervisor will take appropriate action as outlined in VIII.B.

B. Action Upon Completion of Performance Improvement Period

If the employee's performance is acceptable at the conclusion of the PIP, no further action is necessary. If a PIP ends before the end of the annual rating cycle and the employee's performance improves to an acceptable level, the employee is appraised at the end of the annual rating cycle.

If the employee fails to improve during the PIP, the employee will be given written notice of the proposed personnel action. This action may include reduction in pay, reduction in pay band level, change in position or

occupational family at a lower rate of pay, or removal from the Federal Service. The advance written notice period will be a minimum of 15 calendar days, and the employee will have 7 calendar days in which to reply. The employee will be given a written notice of decision to include all applicable grievance and appeal rights, as appropriate.

Employees who fail to improve performance to a level that is at least equal to that of an overall performance score of 51 points or higher may not remain at their current salary and may be reduced in pay, pay band level or removed from Federal service. Reductions in salary within the same pay band or changes to a lower pay band will be up to 5 percent of base pay.

All relevant documentation concerning a reduction in pay or removal based on unacceptable performance will be preserved and made available for review by the affected employee or a designated representative. As a minimum, the record will consist of a copy of the notice of proposed personnel action and the employee's written reply, if any, or a summary when the employee makes an oral reply. Additionally, the record will contain the written notice of decision and the reasons therefore, along with any supporting material (including documentation regarding the opportunity afforded the employee to demonstrate improved performance and any input the employee provided on what actions the employee would take to correct or improve their performance).

With regard to an employee who successfully completes a performance improvement period, management may reduce in pay, reduce in pay band level, change in position or occupational family at a lower rate of pay, or remove the employee with no additional improvement opportunity within 2 years following successful completion of the PIP if the employee's performance deteriorates to an overall performance score less than 51 points or the employee fails to perform at an acceptable level in a performance factor. The employee will be given written notice of the proposed personnel action. The advance written notice period will be a minimum of 15 calendar days, and the employee will have 7 calendar days in which to reply. The employee will be given a written notice of decision to include all applicable grievance and appeal rights, as appropriate.

IX. Expanded Sabbatical Authority

DoD activities have the authority to grant paid sabbaticals to career employees to permit them to engage in study or uncompensated work experience that will contribute to their development and effectiveness. One developmental opportunity for a sabbatical (3–12 months in duration) may be granted to an employee in any 10-year period. Employees will be eligible after completion of 7 years of full-time Federal service. Each opportunity must result in a product, service, report, or study that will benefit the DoD activity mission as well as increase the employee's individual effectiveness. Various learning or developmental experiences may be considered, such as advanced academic teaching; study; research; self-directed or guided study; and on-the-job work experience with a public, private commercial, or private nonprofit organization. Employees approved for a paid sabbatical must sign a service obligation agreement to continue in service for a period equivalent to the length of the sabbatical. If an employee voluntarily leaves Federal service before this service obligation is completed, the employee is liable for repayment of any expenses associated with the sabbatical. Conflict of interest laws and regulations continue to apply.

X. Volunteer Emeritus Program

The volunteer emeritus program will provide continued quality experience and technical support while reducing the overall salary line by allowing higher paid individuals to accept retirement incentives with the opportunity to retain a presence in the organization. Each activity head will have the authority to offer retired or separated individuals volunteer assignments in support of the continuance of specialized work projects or to retain corporate knowledge as advisors or mentors, but not to perform duties that would otherwise be performed by DoD employees, including the duties that the separated or retired employee performed before leaving the Department of Defense. Volunteer emeritus program assignments are not considered employment by the Federal Government (except for purposes of injury compensation). Thus, such assignments do not affect an employee's entitlement to buy-outs or severance payments based on an earlier separation from Federal Service. This program will be of most benefit during manpower reductions, as senior members of the workforce could accept retirement and return to provide valuable on-the-job training or mentoring to less experienced employees.

Volunteer service shall not be used to replace any employee, or interfere with career opportunities of employees. In addition, an employee may not continue to perform his/her former duties as a volunteer emeritus.

To be accepted into the emeritus corps, a volunteer must be recommended by a supervisor and approved by the activity head. An individual wanting consideration for the emeritus corps may submit a request to his/her decision-making authority; however, no one who applies is entitled to a volunteer assignment.

The volunteer's Federal retirement pay (whether military or civilian) will not be affected while serving in a volunteer capacity. Retired or separated Federal employees may accept an emeritus position without a break in service or mandatory waiting period.

Volunteer emeritus corps members will not be permitted to perform any inherently Governmental functions, including monitoring contracts on behalf of the Government. The volunteers may be required to submit a financial disclosure form annually and will not be permitted to participate on any contracts or other activities where a conflict of interest exists. The same rules that currently apply to source selection members will apply to volunteers.

In each case, there must be a written agreement between the volunteer, the decision-making authority, and the personnel servicing activity stating the volunteer's duties and agreement by the volunteer that he or she is not entitled to any pay or compensation for performance of volunteer duties. The agreement must be finalized before the assumption of duties.

XI. Revised Reduction-in-Force (RIF) Procedures

RIF shall be conducted according to the following provisions.

Policy: The DoD policy is to accomplish required civilian personnel reductions through attrition whenever practicable. Involuntary separation or furlough of employees will occur only when other prudent actions cannot accomplish the required results.

Competition in RIF: Employees compete for retention within their retention levels and the next lower retention level for positions with the same title and in the same series during RIF competition. When positions are abolished, employees are released from their retention levels in inverse order of their retention standing, beginning with the employee having the lowest standing. If an employee is reached for release from a retention level, he or she

could have a right to be assigned to another position in the next lower retention level containing positions with the same title and series. If so, the employee must be offered that position or an equivalent one.

A. Competitive Area

The competitive area may be determined by career groups, lines of business, product line(s), organizational unit(s), funding lines and/or geographical location, or a combination of these elements, and must include all employees within the defined competitive area. Descriptions of all competitive areas must be made readily available for review.

B. Retention Level

1. Separate retention levels are established for all positions, based on the following:

a. Service (competitive and excepted service).

b. Within the excepted service, for each different appointment authority (*e.g.*, Veterans' Readjustment Appointment, Schedule A authority).

c. Career group.

d. Title/specialization, series, pay band level (may include primary functional code, as appropriate).

e. Work schedule (full-time, part-time, intermittent, seasonal, or on-call basis). No distinction may be made on the basis of number of hours or weeks scheduled to be worked.

f. Trainee status (formally designated trainee or development program having all the characteristics covered in 5 CFR 351.702(e)(1) through (e)(4)). Trainees may be placed in a separate competitive area.

2. Factors that do not justify establishment of separate retention levels:

a. Rotating shift requirements.

b. Supervisory positions.

Supervisors compete in the career group and level of the work supervised, or the technical work accomplished, that forms the basis for the classification of the position.

C. Retention List

The retention list consists of all positions in a retention level and contains the name of each competing employee who is officially assigned to that level in retention standing order. Retention determinations are based on each employee's official position, not the employee's personal qualifications.

D. Retention Standing

Competing employees shall be listed on the retention list according to their retention standing. Preference eligibles with a service-connected disability of 30 percent or more and whose current performance score exceeds 50 will be listed at the top of the list for the retention level according to their tenure group in individual performance score order. If there is more than one preference eligible with a service-connected disability of 30 percent or more in a tenure group, they shall be ordered by individual performance score.

Retention standing for all other employees shall be based on the following factors:

1. Tenure

Tenure group I includes all career employees, including those serving on an initial probationary period. Tenure group II includes those employees on indefinite appointments, temporary appointments for more than 12 months pending establishment of a register, status quo appointments, term appointments, and any other nonstatus nontemporary appointments, which meet the definition of provisional appointments contained in 5 CFR 316.401 and 316.403. The tenure group provisions apply equally to employees in both the competitive and excepted services.

2. Performance

Within each tenure group, employees will be listed in individual performance score order. Employees with performance scores between 0 and 50 are ineligible to compete in RIF, regardless of tenure or preference.

3. Veterans' Preference

Within each performance score, employees will be sorted by veterans' preference. The A sort includes preference eligibles other than those with a service-connected disability of 30 percent or more. Sort B includes nonpreference eligibles.

Ties will be broken first by RIF service computation date and second by order of merit ranking.

E. Credit for Performance

Prior to the initial rating of record under the BP schema, employees are entitled to retention credit based on 5 CFR 351.504, ''Credit for performance.''

After the initial rating of record under the BP PFP management system, employees are entitled to retention credit based on the employee's performance scores. (*See* VII.E.5.d.) This includes employees converted during system stand-up and all employees converted at a later time. Employees receive retention credit for up to a maximum of three performance scores received during the 4-year period before the date of the issuance of RIF notices or cut-off date, as follows:

1. First Cycle

After completion of the first rating cycle, employees will be provided credit for performance based on their actual performance scores.

2. Second Cycle

After completion of the second rating cycle, employees will be provided performance credit based on the average of their first two performance scores.

3. Third Cycle

After completion of the third rating cycle, employees will be provided performance credit based on the average of their last three performance scores.

4. Accessions After First Cycle

Employees entering this system after the first rating cycle has been accomplished will be assigned a performance score based on the modal score range for the competitive area. This includes employees who have not been in this system 90 days and have not received a rating during any cycle.

5. Cutoff Dates

To provide adequate time to determine employee retention standing, organizations may provide for a cutoff date, a specified number of days prior to the issuance of RIF notices, after which no new ratings of record will be used. When a cutoff date is used, an employee will receive performance credit for the three most recent performance scores received during the 4-year period before the cutoff date. Regardless of the number of applicable ratings, the average will be used to determine retention standing, unless only a modal rating has been assigned. In this circumstance, only the modal rating will be used.

To be creditable for retention standing, a performance score must have been issued to the employee, with all appropriate reviews and signatures, and must be on record (*i.e.*, the performance score is available for use by the office responsible for establishing retention lists).

F. Assignment Rights

Employees can displace other employees with lower retention standing in the same or next lower retention level for positions with the same title and series within the competitive area of the RIF. When a tenure group I competitive service employee with a current performance score of 51 or higher is reached for

release from the retention list for that employee's retention level, an offer of assignment shall be made to another competitive service position which requires no reduction, or the least possible reduction, in earning potential.

Vacancies may be used (within the employee's assignment rights). Additionally, an employee reached for release from the retention list shall be offered assignment (as defined in XI.F.) to another position encumbered by an employee with lower retention standing. If the employee accepts, the employee shall be assigned to the position offered. If the employee has no assignment right or does not accept an offer of assignment, the employee shall be furloughed or separated.

Employees reached for release who qualify for positions occupied by employees with lower retention may displace a lower standing employee as long as undue interruption does not occur, except that they may not displace employees who occupy positions with higher earning potential. Undue interruption means the degree of interruption that would prevent the completion of required work by the employee 90 days after the employee has been placed in a different position.

If there is no placement within the employee's retention level, a displaced employee may be assigned to a position in the next lower retention level (level determined on same retention level factors including same title and series) from which the employee is being displaced in accordance with the assignment rights designated as follows.

Assignment rights are determined by retention level and may be defined by (1) the pay band level within a given career group and (2) the pay schema (*e.g.*, displacement within a pay band level may extend no lower than 75 percent of the affected employee's current base pay). When the assignment range (*e.g.*, 75 percent of base pay) exceeds the pay band level, assignment may be made in a lower pay band level within a retention level defined by the same factors. If assignment is offered into a lower pay band level, employees (other than 30 percent compensably disabled veterans) may displace only within the highest 25 percent of the salary rate range for the career group and lower pay band level. Thirty percent compensably disabled veterans may displace within a range of 100 percent of basic pay within their current career group and pay band level; additionally, when the range exceeds the current pay band level, such veterans may displace within the highest 50 percent of the salary rate range for the level lower and within the retention level defined by the same factors.

XII. Evaluation Plan

Chapter 47 of 5 U.S.C. requires that an evaluation be performed to measure the results of a demonstration project and its impact on improving public management (5 U.S.C. 4703(h)). A comprehensive evaluation plan for the entire science and technology (S&T) reinvention laboratory demonstration program was developed by a joint OPM/DoD Evaluation Committee in 1995, and the resultant final summative evaluation report covering 1997–2001 (the first 5 years of operation) was issued in August 2002. As noted in the Supplementary Information section of this notice, best practices were identified through a review of initiatives that have been subject to testing and evaluation in demonstrations and alternative personnel systems (APSs). An evaluation plan is established by ODUSD(CPP) to assess program results as the S&T reinvention laboratory demonstrations continue in operation under best practices. Under this plan, evaluation of S&T laboratory demonstration program results and the program's impact on improving DoD human resources management will continue to address six general issues, as follows:

A. The degree to which the program's purpose and goals are met;
B. Cost;
C. Project implementation and operation;
D. Impact on veterans, minorities, and women;
E. Impact on merit system principles and prohibited personnel practices; and
F. Degree of potential applicability of the program to other groups within the Department of Defense.

XIII. Project Duration

Section 342 of Pub. L. 103–337 removed any mandatory expiration date for the S&T reinvention laboratory demonstration project program. Major changes and modifications to the demonstration project plan contained in this amendment can be made through announcement in the **Federal Register**.

XIV. Required Waivers and Adaptations of Law and Regulation

Section 342 of Pub. L. 103–337, as amended, gave the Department of Defense the authority to experiment with several personnel management innovations in the Department of Defense science and technology (S&T) reinvention laboratories. In addition to the authorities granted by the law, the following are waivers and adaptations of law and regulation that will be necessary for implementation of best practices in the S&T reinvention laboratory demonstration project program. In due course, additional laws and regulations may be identified for waiver.

Those personnel policies, programs, and entitlements not included as part of the demonstration project best practices (*e.g.*, discipline, benefits, and entitlements) will be administered in accordance with existing statutes and regulations. The following waivers and adaptations of certain provisions are required only to the extent that these statutory provisions limit or are inconsistent with the actions contemplated under demonstration project best practices.

Waivers and Adaptations of Title 5, United States Code (U.S.C.)

Chapter 5, Section 552a: Records Maintained on Individuals. This section is adapted only to the extent necessary to allow volunteers under the volunteer emeritus program to be treated as ''Federal personnel,'' as that term is defined in this section.

Chapter 31, Section 3132: The Senior Executive Service; Definitions and Exclusions. This section is adapted to the extent necessary to allow creation of pay band level 3, CG 1, Science and Engineering Research, and pay band level 4, CG 2, Professional and Administrative Management.

Chapter 33, Section 3308: Competitive Service; Examinations; Educational Requirements Prohibited; Exceptions. This section is waived with respect to the scholastic achievement appointment authority.

Chapter 33, Section 3317(a): Competitive Service; Certification from Registers. This section is waived to eliminate the ''rule of three.''

Chapter 33, Section 3318(a): Competitive Service; Selection from Certificates. This section is waived to eliminate the ''rule of three'' and to allow preference eligibles to be passed over.

Chapter 33, Section 3319: Alternative Ranking and Selection Procedures. This section is adapted only to the extent necessary to give the Department of Defense authority to use alternative ranking and selection procedures without OPM regulation, and to allow rating, ranking, and referral by quality groups of all candidates, including disabled veterans with a compensable service-connected disability of 10 percent or more.

Chapter 33, Section 3321(a)(2): This section is waived to eliminate the

requirement for probationary period before initial appointment as a supervisor or manager.

Chapter 33, Section 3324: Appointment to Positions Classified Above GS–15. This section is waived to allow creation of pay band level 3, CG 1, Science and Engineering Research, and pay band level 4, CG 2, Professional and Administrative Management.

Chapter 33, Section 3341: Details; Within Executive or Military Departments. This section is adapted to allow details to extend beyond 120 days.

Chapter 35, Section 3502(c): This section is waived to allow performance score as a retention factor before veterans' preference.

Chapter 43, Section 4301(3): Definitions. This section is waived to allow a different definition of the term, ''unacceptable performance.''

Chapter 43, Section 4302: Establishment of Performance Appraisal Systems. This section is adapted to allow pay banding and to accommodate performance-focused pay features of the PFP evaluation system.

Chapter 43, Section 4302(a)(3): Establishment of Performance Appraisal Systems. This section is adapted to replace the term ''grade'' with ''pay band level'' and accommodate best practices procedures for taking actions on unacceptable performance.

Chapter 43, Section 4302(b)(1): Establishment of Performance Appraisal Systems. This section is waived to accommodate demonstration project best practices establishment of benchmark performance standards.

Chapter 43, Section 4302(b)(2): Establishment of Performance Appraisal Systems. This section is adapted only to the extent necessary to replace the term ''critical elements'' with ''performance objectives and performance factors.''

Chapter 43, Sections 4303(a), (b), and (c): Actions Based on Unacceptable Performance. These sections are adapted to replace the term ''grade'' with ''pay band level'' and accommodate demonstration project best practices procedures for taking actions based on unacceptable performance. Appeal rights apply as provided for in BP requirements.

Chapter 43, Sections 4304(b)(1) and (3): Responsibilities of the Office of Personnel Management. These sections are waived to reflect changes in responsibilities authorized by section 342 of Pub. L. 103–337, as amended by section 1114 of Pub. L. 106–398.

Chapter 51, Sections 5101–5115: Classification. These sections regarding classifying and grading positions are waived to permit allocation of demonstration project best practices positions to pay band levels on the basis of descriptors.

Chapter 53, Sections 5301; 5302(1), (8), and (9); 5303; and 5304: Pay Comparability System. These sections are adapted to: (1) Allow employees in CG 1, level 3, Science and Engineering Research, and CG 2, level 4, Professional and Administrative Management, to be treated as ST employees; (2) allow supervisor B and C employees of CG 1, level 2; supervisor D employees of CG 2, level 2; and supervisor B and C of CG 2, level 3, to be treated as ST employees; (3) allow all other demonstration project best practices employees to be treated as GS employees; and (4) allow basic rates of pay under demonstration project best practices to be treated as scheduled rates of basic pay. These adaptations do not apply to ST employees, who will continue to be covered by these title 5 statutory provisions, as appropriate.

Chapter 53, Section 5305: Special Pay Authority. This section is waived to make special salary rates inapplicable to BP employees after their conversion into demonstration project best practices and to allow special salary rate supplements only when specifically incorporated through the use of the SSR supplement provisions of demonstration project best practices.

Chapter 53, Section 5305 Special Pay Authority Reference to Federal Employees Pay Comparability Act of 1990 (Public Law 101–509): Federal Law Enforcement Pay Reform. This title is adapted only to allow law enforcement officers covered by demonstration project best practices to be treated as law enforcement officers under the GS.

Chapter 53, Section 5306: Pay Fixed By Administrative Action. This section is adapted to the extent that pay may not be paid, through the exercise of authority under this section, at a rate in excess of the rate of basic pay payable for SES level 4 (ES–4).

Chapter 53, Sections 5331–5338: General Schedule Pay Rates. These sections are waived to allow career groups and pay band levels and accommodate performance-focused pay features of demonstration project best practices.

Chapter 53, Sections 5361–5366: Grade and Pay Retention. These sections are waived to: (1) Eliminate grade retention; (2) eliminate pay retention provisions for reductions in pay due solely to the removal or reduction of supervisory pay upon leaving a supervisory position; (3) provide that pay retention provisions apply to nonsupervisory employees for a maximum of two years after pay is reduced; (4) provide that pay retention provisions do not apply to conversions from GS special rates to demonstration project best practices pay, as long as total pay is not reduced; (5) provide that pay retention does not apply to reduction in basic pay due solely to the reallocation of demonstration project best practices pay rates in the implementation of a SSR supplement; (6) provide that, for employees assigned to level 3, CG 1, Science and Engineering Research, and employees assigned to level 4, CG 2, Professional and Administrative Management, pay retention is not applicable and pay retention provisions are modified so that no rate established under these provisions may exceed the rate of basic pay for GS–15, step 10 (*i.e.*, there is no entitlement to retained rate); and (7) otherwise allow demonstration project best practices employees to be treated as GS employees. These adaptations do not apply with respect to coverage for ST employees, except when an ST employee moves to a GS-equivalent position within demonstration project best practices under conditions that trigger entitlement to pay retention.

Chapter 55, Sections 5542(a)(1)–(2): Overtime Rates; Computation. These sections are adapted only to the extent necessary to provide that the GS–10 minimum special rate (if any) for the special rate category to which a demonstration project best practices employee belongs is deemed to be the ''applicable special rate'' in applying the pay cap provisions in 5 U.S.C. 5542.

Chapter 55, Section 5543: Compensatory Time Off. This section is adapted only to the extent necessary to provide that the GS–10 maximum special rate (if any) for the special rate category to which a demonstration project best practices employee belongs is deemed to be the ''applicable special rate'' in applying the compensatory time off provisions in 5 U.S.C. 5543.

Chapter 55, Section 5545(d): Hazardous Duty Differential. This section is adapted to allow demonstration project best practices employees to be treated as GS employees. However, this adaptation does not apply to ST employees or employees in CG 1, level 3, Science and Engineering Research, and CG 2, level 4, Professional and Business Management; supervisor B and C employees of CG 1, level 2; supervisor D employees of CG 2, level 2; and supervisor B and C of CG 2, level 3. They are excluded from coverage under 5 U.S.C. 5545(d).

Chapter 55, Section 5547(a)–(b): Limitation on Premium Pay. These sections are adapted only to the extent necessary to provide that the GS–15 maximum special rate (if any) for the

special rate category to which a project employee belongs is deemed to be the ''applicable special rate'' in applying the pay cap provisions in 5 U.S.C. 5547.

Chapter 57, Sections 5753, 5754, and 5755: Recruitment and Relocation Bonuses; Retention Allowances; and Supervisory Differentials. These sections are adapted only to: (1) Allow employees in CG 1, level 3, Scientific and Engineering Research, and CG 2, level 4, Professional and Business Management; (supervisor B and C employees of CG 1, level 2; supervisor D employees of CG 2, level 2; and supervisor B and C of CG 2, level 3 to be treated as ST employees; (2) allow all other demonstration project best practices employees to be treated as GS employees; and (3) allow basic rates of pay under demonstration project best practices to be treated as scheduled rates of basic pay. However, these adaptations do not apply to ST employees, who will continue to be covered by these Title 5 statutory provisions, as appropriate.

Chapter 59, Section 5941: Allowances Based on Living Costs and Conditions of Environment; Employees Stationed Outside Continental United States or in Alaska. This section is adapted only to the extent necessary to provide that cost of living allowances (COLAs) paid to employees under demonstration project best practices are paid in accordance with regulations prescribed by the President (as delegated to OPM).

Chapter 71: Labor-Management Relations. This chapter is waived only to the extent that its provisions (*e.g.,* 5 U.S.C. 7103(a)(12) and 7116) would prohibit management or the union from unilaterally terminating negotiations over whether employees represented by the union will be converted into this demonstration project.

Chapter 75, Section 7512(3) and (4): Adverse Actions. These sections are adapted only to the extent necessary (1) to replace ''grade'' with ''pay band level,'' (2) to provide that reductions in pay band level not accompanied by a reduction in pay are not covered by chapter 75, subchapter II, (3) to ensure that adverse action provisions do not apply (a) to conversions from GS special rates to demonstration project pay or from other demonstration project pay to this demonstration project pay, as long as total pay is not reduced, and (b) to supervisory pay when an employee moves to a lower level supervisory position or to a nonsupervisory position, and (4) to otherwise accommodate demonstration project best practices features.

Chapter 75, Section 7513: Cause and Procedure. This section is adapted only to the extent necessary to accommodate demonstration project best practices features.

Waivers and Adaptations of Title 5, Code of Federal Regulations (CFR)

Section 213.3102(bb): Excepted Schedules. This section is adapted to eliminate the requirement for prior OPM approval.

Sections 300.601–300.605: Time-in-Grade Restrictions. These sections are waived to eliminate time-in-grade restrictions under this demonstration project.

Sections 315.801 and 315.802: Probationary Period. These sections are adapted only to the extent necessary to allow extended probationary periods up to three years, as specified in the project plan for this demonstration project.

Section 315.901–315.909: Probation on Initial Appointment to a Supervisory or Managerial Position. These sections are waived to eliminate supervisory probationary period.

Section 316.301: Term Employment; Purpose and Duration. This section is adapted to allow modified term employee appointments to cover a maximum period of 6 years.

Section 316.303: Tenure of Term Employees. This section is adapted to allow employees on demonstration project modified term employee appointments to compete for permanent status through local merit promotion plans.

Section 332.402: Regular Order of Certification for Appointment. This section is waived.

Section 332.404: Order of Selection from Certificates. This section is adapted to eliminate the ''rule of three'' under this demonstration project.

Section 332.406: Objections to Eligibles. This section is adapted only to the extent necessary to allow the Department of Defense to act on objections to eligibles.

Part 333: Recruitment and Selection for Temporary and Term Appointments Outside the Register. This section is adapted to allow noncompetitive temporary and term appointments.

Section 335.103 (c)(i): Agency Promotion Programs. This section is adapted only to the extent necessary to allow temporary job changes of 2 years or less to a position in a higher pay band level and to expand discretionary exemptions to agency promotion programs.

Section 339.306: Processing Medical Eligibility Determinations on Certificates of Eligibles. Adapted to allow the Department of Defense to make the necessary medical determinations.

Part 351: Reduction in Force. This part is adapted to the extent necessary to allow provisions of the RIF plan as described in this **Federal Register** notice for this demonstration project. Specific adaptations and waivers include:

Section 351.203: Definitions. This section is adapted to conform to **Federal Register** notice and best practices.

Section 351.205: Authority of OPM. This section is waived.

Section 351.402(b): Competitive Area. This section is waived only to the extent necessary to allow competitive area to be defined by career group, line of business, product line, organization unit, funding line, and/or geographic location.

Section 351.403: Competitive Level. This section is waived.

Section 351.404: Retention Register. This section is eliminated to allow establishment of retention levels and retention register as provided in this **Federal Register** notice for this demonstration project.

Sections 351.501–351.504: These sections are waived.

Section 351.701: Assignment Involving Displacement. This section is waived.

Part 430, Subpart B: Performance Appraisal for General Schedule, Prevailing Rate, and Certain Other Employees. This subpart is waived to accommodate the establishment of this demonstration project's pay for performance evaluation system.

Part 432: Performance Based Reduction in Grade and Removal. This part is adapted to (1) allow employees to be removed, reduced in pay band level with a reduction in pay, reduced in pay without a reduction in pay band level, and reduced in pay band level without a reduction in pay based on unacceptable performance, (2) eliminate performance standards and critical elements, (3) incorporate what constitutes ''acceptable performance'' and ''unacceptable performance,'' as defined in the demonstration project plan, (4) replace the term ''grade'' with ''pay band level,'' and (5) provide that, for employees who are reduced in pay band level without a reduction in pay, Sections 432.105 and 432.106(a) do not apply.

Section 432.102: Coverage. This section is adapted to the extent necessary to replace ''grade'' with ''pay band level.''

Sections 432.104 and 432.105: Addressing Unacceptable Performance; Proposing and Taking Action Based on Unacceptable Performance. These sections are waived to allow the establishment of alternative procedures

under the pay for performance evaluation system.

Part 511, Sections 511.101–511.703: Classification Under the General Schedule. These sections are waived to: (1) Permit allocation of best practices positions to pay band levels on the basis of pay band level descriptors; (2) permit reconsideration of pay system, occupational series, title, or pay band level according to the procedures established by the BP.

Part 530, Subpart C: Special salary rates. This subpart is waived to the extent necessary to provide that special salary rates are inapplicable to BP employees after their conversion into BP.

Part 531, Subpart C: Special Pay Adjustments for Law Enforcement Officers. This subpart is adapted only to: (1) Allow law enforcement officers in CG 2, level 4, Professional and Administrative Management, to be treated as ST employees; (2) allow all other law enforcement officers to be treated as GS employees; and (3) allow basic rates of pay under BP to be treated as scheduled rates of basic pay. However, these adaptations do not apply to ST employees, who will continue to be covered by these Title 5 regulatory provisions, as appropriate.

Part 531, Subparts B, D and E: Determining Rates of Basic Pay; Within-Grade Increases; and Quality Step Increases. These subparts are waived to allow pay banding and accommodate performance-focused pay features of this demonstration project's pay for performance evaluation system.

Part 531, Subpart F: Locality-Based Comparability Payments. This subpart is adapted only to the extent necessary to: (1) Allow employees in CG 1, leve1 3, Scientific and Engineering Research, and CG 2, level 4, Professional and Administrative Management, to be treated as ST employees; (2) allow supervisor B and C employees of CG 1, level 2; supervisor D employees of CG 2, level 2; and supervisor B and C employees of CG 2, level 3 to be treated as ST employees; (3) allow all other BP employees to be treated as GS employees; and (4) allow basic rates of pay under best practices to be treated as scheduled rates of basic pay. However, these adaptations do not apply to ST employees, who will continue to be covered by these Title 5 regulatory provisions, as appropriate.

Part 536: Grade and Pay Retention. This part is adapted to: (1) Eliminate grade retention; (2) eliminate pay retention provisions for reductions in pay due solely to the removal of or reduction in a supervisory adjustment upon leaving a supervisory position for another supervisory position or a nonsupervisory position; (3) provide that pay retention provisions do not apply to conversions from GS special rates to BP pay, as long as total pay is not reduced; (4) provide that pay retention provisions do not apply to reductions in basic pay due solely to the reallocation of BP pay rates in the implementation of a SSR supplement; (5) provide that pay retention provisions apply to nonsupervisory employees for a maximum of two years after pay is reduced; and (6) ensure that for employees of CG 1, level 3, Scientific and Engineering Research, and CG 2, level 4, Professional and Administrative Management, pay retention is not applicable and pay retention provisions are modified so that no rate established under these provisions may exceed the rate of basic pay for GS–15, step 10 (*i.e.*, there is no entitlement to retained rate). These adaptations do not apply with respect to coverage for ST employees, except when an ST employee moves to a GS-equivalent position within BP under conditions that trigger entitlement to pay retention.

Part 550, Sections 550.105–550.106: Biweekly and Annual Maximum Earnings Limitations. These sections are adapted only to the extent necessary to provide that the GS–15 maximum special rate (if any) for the special rate category to which a BP employee belongs is deemed to be the ''applicable special rate'' in applying the pay cap provisions in 5 U.S.C. 5547.

Part 550, Section 550.113(a): Computation of Overtime Pay. This section is adapted only to the extent necessary to provide that the GS–10 minimum special rate (if any) for the special rate category to which a BP employee belongs is deemed to be the ''applicable special rate'' in applying the pay cap provisions in 5 U.S.C. 5542.

Section 550.703: Definitions. This section is adapted only to the extent necessary to modify the definition of ''reasonable offer'' by replacing ''two grade or pay levels'' with ''one pay band level'' and ''grade or pay level'' with ''pay band level.''

Section 550.902: Hazardous Duty Differential. This section is adapted only to the extent necessary to allow BP employees to be treated as GS employees. However, this adaptation does not apply to ST employees or employees in CG 1, level 3, Scientific and Engineering Research; CG 2, level 4, Professional and Administrative Management; supervisor B and C employees of CG 1, level 2; supervisor D employees of CG 2, level 2; and supervisor B and C employees of CG 2, level 3. They are excluded from coverage under section 550.902.

Part 575, Subparts A, B, C, and D: Recruitment Bonuses; Relocation Bonuses; Retention Allowances; and Supervisory Differentials. These subparts are adapted only to the extent necessary to: (1) Allow employees in CG 1, level 3, Scientific and Engineering Research; CG 2, level 4, Professional and Administrative Management; supervisor B and C employees of CG 1, level 2; supervisor D employees of CG 2, level 2; and supervisor B and C employees of CG 2, level 3, to be treated as ST employees; (2) allow all other BP employees to be treated as GS employees; and (3) allow basic rates of pay under BP to be treated as scheduled rates of basic pay. However, these adaptations do not apply to ST employees, who will continue to be covered by these Title 5 regulatory provisions, as appropriate.

Part 591, Subpart B: Cost-of-Living Allowances and Post Differential—Nonforeign Areas. This subpart is adapted only to the extent necessary to allow BP employees to be treated as employees under the GS, and employees in CG 1, level 3, Scientific and Engineering Research; CG2, level 4, Professional and Administrative Management; supervisor B and C employees of CG 1, level 2; supervisor D employees of CG 2, level 2; and supervisor B and C employees of CG 2, level 3, to be treated as ST employees.

Section 731.202: Criteria. Adapted to allow DoD to make all suitability determinations.

Part 752, Subpart D: Regulatory Requirements for Removal, Suspension for More than 14 Days, Reduction in Grade or Pay, or Furlough for 30 Days or Less. This subpart is waived.

Appendix A: Occupational Series in Career Group 2, Professional and Administrative Management

Series	Occupational series title
0006 ..	Correctional Institution Administration.
0018 ..	Safety and Occupational Health Management.
0020 ..	Community Planning.
0023 ..	Outdoor Recreation Planning.
0025 ..	Park Ranger.
0028 ..	Environmental Protection Specialist.
0030 ..	Sports Specialist.
0050 ..	Funeral Directing.
0060 ..	Chaplain.
0062 ..	Clothing Design.
0072 ..	Fingerprint Identification.
0080 ..	Security Administration.
0082 ..	US Marshall.
0101 ..	Social Science.
0110 ..	Economist.
0130 ..	Foreign Affairs.

Series	Occupational series title
0131 ..	International Relations.
0132 ..	Intelligence.
0135 ..	Foreign Agricultural Affairs.
0142 ..	Manpower Development.
0150 ..	Geography.
0160 ..	Civil Rights Analysis.
0170 ..	History.
0180 ..	Psychology.
0184 ..	Sociology.
0185 ..	Social Work.
0188 ..	Recreation Specialist.
0190 ..	General Anthropology.
0193 ..	Archeology.
0201 ..	Human Resources Management.
0222 ..	Occupational Analysis.
0223 ..	Salary and Wage Administration.
0243 ..	Apprenticeship and Training.
0246 ..	Contractor Industrial Relations.
0249 ..	Wage and Hour Compliance.
0260 ..	Equal Employment Opportunity.
0301 ..	Miscellaneous Administration and Program.
0334 ..	Computer Specialist.
0340 ..	Program Management.
0341 ..	Administrative Officer.
0342 ..	Support Services Supervisor.
0343 ..	Management and Program Analysis.
0346 ..	Logistics Management.
0360 ..	Equal Opportunity Compliance.
0391 ..	Telecommunications.
0401 ..	General Biological Science.
0403 ..	Microbiology.
0405 ..	Pharmacology.
0408 ..	Ecology.
0410 ..	Zoology.
0413 ..	Physiology.
0414 ..	Entomology.
0415 ..	Toxicology.
0430 ..	Botany.
0434 ..	Plant Pathology.
0435 ..	Plant Physiology.
0437 ..	Horticulture.
0440 ..	Genetics.
0454 ..	Rangeland Management.
0457 ..	Soil Conservation.
0460 ..	Forestry.
0470 ..	Soil Science.
0471 ..	Agronomy.
0480 ..	General Fish and Wildlife Administration.
0482 ..	Fishery Biology.
0486 ..	Wildlife Biology.
0487 ..	Animal Science.
0493 ..	Home Economics.
0501 ..	Financial Administration and Program.
0505 ..	Financial Management.
0510 ..	Accounting.
0511 ..	Auditing.
0526 ..	Tax Specialist.
0560 ..	Budget Analysis.
0592 ..	Tax Examining Series.
0601 ..	General Health Science.
0603 ..	Physician's Assistant.
0610 ..	Nurse.
0630 ..	Dietitian and Nutritionist.
0631 ..	Occupational Therapist.
0633 ..	Physical Therapist.
0638 ..	Recreation/Creative Arts Therapist.
0639 ..	Educational Therapist.
0644 ..	Medical Technologist.
0660 ..	Pharmacist.
0662 ..	Optometrist.
0665 ..	Speech Pathology and Audiology.
0668 ..	Podiatrist.
0669 ..	Medical Records Administration.
0670 ..	Health System Administration.
0671 ..	Health System Specialist.
0673 ..	Hospital Housekeeping Management.
0680 ..	Dentist.
0685 ..	Public Health Program Specialist.
0688 ..	Sanitarian.
0690 ..	Industrial Hygiene.
0701 ..	Veterinary Medical Science.
0801 ..	General Engineering.
0803 ..	Safety Engineering.
0804 ..	Fire Protection Engineering.
0806 ..	Materials Engineering.
0807 ..	Landscape Architecture.
0808 ..	Architecture.
0810 ..	Civil Engineering.
0819 ..	Environmental Engineering.
0828 ..	Construction Analyst.
0830 ..	Mechanical Engineering.
0840 ..	Nuclear Engineering.
0850 ..	Electrical Engineering.
0854 ..	Computer Engineering.
0855 ..	Electronics Engineering.
0858 ..	Biomedical Engineering.
0861 ..	Aerospace Engineering.
0871 ..	Naval Architecture.
0873 ..	Ship Surveying.
0881 ..	Petroleum Engineering.
0890 ..	Agricultural Engineering.
0892 ..	Ceramic Engineering.
0893 ..	Chemical Engineering.
0894 ..	Welding Engineering.
0896 ..	Industrial Engineering.
0901 ..	General Legal and Kindred Administration.
0904 ..	Law Clerk.
0905 ..	General Attorney.
0930 ..	Hearings and Appeals.
0950 ..	Paralegal Specialist.
0967 ..	Passport and Visa Examining.
0991 ..	Workers' Compensation Claims Examining.
1001 ..	General Arts and Information.
1008 ..	Interior Design.
1010 ..	Exhibits Specialist.
1015 ..	Museum Curator.
1016 ..	Museum Specialist and Technician.
1020 ..	Illustrating.
1035 ..	Public Affairs.
1040 ..	Language Specialist.
1051 ..	Music Specialist.
1054 ..	Theater Specialist.
1056 ..	Art Specialist.
1060 ..	Photography.
1071 ..	Audiovisual Production.
1082 ..	Writing and Editing.
1083 ..	Technical Writing and Editing.
1084 ..	Visual Information.
1101 ..	General Business and Industry.
1102 ..	Contracting.
1103 ..	Industrial Property Management.
1104 ..	Property Disposal.
1130 ..	Public Utilities Specialist.
1140 ..	Trade Specialist.
1144 ..	Commissary Store Management.
1150 ..	Industrial Specialist.
1152 ..	Production Control.
1160 ..	Financial Analysis.
1163 ..	Insurance Examining.
1170 ..	Realty.
1171 ..	Appraising.
1173 ..	Housing Management.
1176 ..	Building Management.
1221 ..	Patent Adviser.
1222 ..	Patent Attorney.
1301 ..	General Physical Science.
1306 ..	Health Physics.
1310 ..	Physics.
1313 ..	Geophysics.
1315 ..	Hydrology.
1320 ..	Chemistry.
1321 ..	Metallurgy.
1330 ..	Astronomy and Space Science.
1340 ..	Meteorology.
1350 ..	Geology.
1360 ..	Oceanography.
1361 ..	Navigational Information.
1370 ..	Cartography.
1372 ..	Geodesy.
1373 ..	Land Surveying.
1382 ..	Food Technology.
1384 ..	Textile Technology.
1386 ..	Photographic Technology.
1397 ..	Document Analysis.
1410 ..	Librarian.
1412 ..	Technical Information Services.
1420 ..	Archivist.
1510 ..	Actuary.
1515 ..	Operations Research.
1520 ..	Mathematics.
1529 ..	Mathematical Statistician.
1530 ..	Statistician.
1550 ..	Computer Science.
1601 ..	General Facilities and Equipment.
1630 ..	Cemetery Administration.
1640 ..	Facility Management.
1654 ..	Printing Management.
1658 ..	Laundry and Dry Cleaning Plant Management.
1667 ..	Steward.
1670 ..	Equipment Specialist.
1701 ..	General Education and Training.
1702 ..	Education and Training Technician.
1710 ..	Education and Vocational Training.
1712 ..	Training Instruction.
1720 ..	Education Program.
1725 ..	Public Health Educator.
1740 ..	Education Services.
1750 ..	Instructional Systems.
1801 ..	General Inspection, Investigation, and Compliance.
1810 ..	General Investigating.
1811 ..	Criminal Investigating.
1812 ..	Game Law Enforcement.
1815 ..	Air Safety Investigating.
1825 ..	Aviation Safety.
1831 ..	Securities Compliance Examining.
1890 ..	Customs Inspection.
1910 ..	Quality Assurance.
1980 ..	Agricultural Commodity Grading.
2001 ..	General Supply.
2003 ..	Supply Program Management.
2010 ..	Inventory Management.
2030 ..	Distribution Facilities and Storage Management.
2032 ..	Packaging.
2050 ..	Supply Cataloging.
2101 ..	Transportation Specialist.
2110 ..	Transportation Industry Analysis.
2123 ..	Motor Carrier Safety.
2130 ..	Traffic Management.
2150 ..	Transportation Operations.
2152 ..	Air Traffic Control.
2161 ..	Marine Cargo.
2181 ..	Aircraft Operation.
2183 ..	Air Navigation.

Series	Occupational series title
2185 ..	Aircrew Technician.
2210 ..	Information Technology Management.

Appendix B: Occupational Series in Career Group 3, Engineering, Scientific, and Medical Support

Series	Occupational series title
0102 ..	Social Science Aid and Technician.
0119 ..	Economics Assistant.
0181 ..	Psychology Aid and Technician.
0186 ..	Social Services Aid and Assistant.
0187 ..	Social Services.
0404 ..	Biological Science Technician.
0455 ..	Range Technician.
0458 ..	Soil Conservation Technician.
0462 ..	Forestry Technician.
0620 ..	Practical Nurse.
0621 ..	Nursing Assistant.
0625 ..	Autopsy Assistant.
0636 ..	Rehabilitation Therapy Assistant.
0640 ..	Health Aid and Technician.
0642 ..	Nuclear Medicine Technician.
0644 ..	Medical Technologist.
0645 ..	Medical Technician.
0646 ..	Pathology Technician.
0647 ..	Diagnostic Radiologic Technician.
0648 ..	Therapeutic Radiologic Technician.
0649 ..	Medical Instrument Technician.
0651 ..	Respiratory Therapist.
0661 ..	Pharmacy Technician.
0667 ..	Orthotist and Prosthetist.
0681 ..	Dental Assistant.
0682 ..	Dental Hygiene.
0683 ..	Dental Laboratory Aid and Technician.
0698 ..	Environmental Health Technician.
0704 ..	Animal Health Technician.
0802 ..	Engineering Technician.
0809 ..	Construction Control.
0817 ..	Surveying Technician.
0818 ..	Engineering Drafting.
0856 ..	Electronics Technician.
0895 ..	Industrial Engineering Technician.
1311 ..	Physical Science Technician.
1316 ..	Hydrologic Technician.
1341 ..	Meteorological Technician.
1371 ..	Cartographic Technician.
1374 ..	Geodetic Technician.
1521 ..	Mathematics Technician.
1531 ..	Statistical Assistant.

Appendix C: Occupational Series in Career Group 4, Business and Administrative Support

Series	Occupational series title
0019 ..	Safety Technician.
0021 ..	Community Planning Technician.
0025 ..	Park Ranger.
0029 ..	Environmental Protection Assistant.
0081 ..	Fire Protection and Prevention.
0083 ..	Police.
0085 ..	Security Guard.
0086 ..	Security Clerical and Assistance.
0090 ..	Guide.
0120 ..	Food Services.
0134 ..	Intelligence Aid and Clerk.
0189 ..	Recreation Aid and Assistant.
0203 ..	Human Resources Assistance.
0302 ..	Messenger.
0303 ..	Miscellaneous Clerk and Assistant.
0304 ..	Information Receptionist.
0305 ..	Mail and File.
0309 ..	Correspondence Clerk.
0312 ..	Clerk-Stenographer and Reporter.
0313 ..	Work Unit Supervising.
0318 ..	Secretary.
0319 ..	Closed Microphone Reporting.
0322 ..	Clerk-Typist.
0326 ..	Office Automation Clerical and Assistance.
0332 ..	Computer Operation.
0335 ..	Computer Clerk and Assistant.
0342 ..	Support Services Supervisor.
0344 ..	Management and Program Clerical and Assistance.
0350 ..	Equipment Operator.
0351 ..	Printing Clerical.
0355 ..	Calculating Machine Operation.
0356 ..	Data Transcriber.
0357 ..	Coding.
0361 ..	Equal Opportunity Assistance.
0382 ..	Telephone Operating.
0390 ..	Telecommunications Processing.
0392 ..	General Telecommunications.
0394 ..	Communications Clerical.
0503 ..	Financial Clerical and Technician.
0525 ..	Accounting Technician.
0530 ..	Cash Processing.
0540 ..	Voucher Examining.
0544 ..	Civilian Pay.
0545 ..	Military Pay.
0561 ..	Budget Clerical and Assistance.
0622 ..	Medical Supply Aide and Technician.
0664 ..	Restoration Technician.
0675 ..	Medical Records Technician.
0679 ..	Medical Support Assistance.
0962 ..	Contact Representative.
0963 ..	Legal Instruments Examining.
0986 ..	Legal Assistance.
0994 ..	Unemployment Compensation Claims Examining.
0995 ..	Dependent and Estate Claims Examining.
0998 ..	Claims Assistance and Examining.
1001 ..	General Arts and Information.
1021 ..	Office Drafting.
1046 ..	Language Clerical.
1087 ..	Editorial Assistance.
1101 ..	General Business and Industry.
1105 ..	Purchasing.
1106 ..	Procurement Clerical and Technician.
1107 ..	Property Disposal Clerical and Technician.
1182 ..	Retail Manager.
1202 ..	Patent Technician.
1411 ..	Library Technician.
1421 ..	Archives Technician.
1702 ..	Education and Training Technician.
1802 ..	Compliance Inspection and Support.
1860 ..	Public Health Inspection.
1863 ..	Food Inspection.
1890 ..	Customs Inspection.
1897 ..	Customs Aid.
2005 ..	Supply Clerical and Technician.
2091 ..	Sales Store Clerical.
2102 ..	Transportation Clerk and Assistant.
2111 ..	Transportation Rate and Tariff Examining.
2131 ..	Freight Rate.
2135 ..	Transportation Loss and Damage Claims Examining.
2144 ..	Cargo Scheduling.
2151 ..	Dispatching.
2154 ..	Air Traffic Assistance.

Appendix D: Supervisory Pay Tables

(Based on 2003 Basic General Schedule Salary Table)

The supervisory rate ranges include basic pay and supervisory adjustment in the following percentages:

Supervisor A—10%
Supervisor B—20%
Supervisor C—30%
Supervisor D—45%

Locality pay adjustments will apply to the nonsupervisory and supervisory pay ranges, as appropriate

Career Group 1	Level 1 rate range $23,442–$66,961	Level 2 rate range $61,251–$110,682	Level 3 rate range $102,168–$133,800	Level 4 does not exist in this Career Group
Supervisor A	N/A	N/A	N/A	
Supervisor B	N/A	$61,241–$129,498	N/A	
Supervisor C	N/A	$61,251–$150,865 **	N/A	
Supervisor D	N/A	N/A	N/A	

Career Group 2	Level 1 rate range $23,442–$55,873	Level 2 rate range $51,508–$79,629	Level 3 rate range $72,381–$110,682	Level 4 rate range $102,168–$133,800
Supervisor A	$23,442–$61,460	$51,508–$87,592	N/A	N/A
Supervisor B	$23,442–$66,961	$51,508–$94,098	$72,381–$129,498	N/A

Career Group 2	Level 1 rate range $23,442–$55,873	Level 2 rate range $51,508–$79,629	Level 3 rate range $72,381–$110,682	Level 4 rate range $102,168–$133,800
Supervisor C	$23,442–$79,629	$51,508–$110,682	$72,381–$150,865**	N/A
Supervisor D	$23,442–$94,098	$51,508–$129,498	N/A	N/A

Career Group 3	Level 1 rate range $15,214–$27,234	Level 2 rate range $23,442–$37,749	Level 3 rate range $32,158–$55,873	Level 4 does not exist in this Career Group
Supervisor A	$15,214–$28,868	$23,442–$40,014	$32,158–$61,460	
Supervisor B	$15,214–$30,471	$23,442–$41,806	$32,158–$66,961	
Supervisor C	N/A	$23,442–$46,175	$32,158–$79,629	
Supervisor D	N/A	$23,442–$50,851	N/A	

Career Group 4	Level 1 rate range $15,214–$27,234	Level 2 rate range $23,442–$37,749	Level 3 rate range $32,158–$50,851	Level 4 does not exist in this Career Group
Supervisor A	$15,214–$28,868	$23,442–$40,014	$32,158–$55,936	
Supervisor B	$15,214–$30,471	$23,442–$41,806	$32,158–$61,021	
Supervisor C	N/A	$23,442–$46,175	$32,158–$66,961	
Supervisor D	N/A	$23,442–$50,851	N/A	

Career Group 5 Does Not Have Associated Supervisory Tables.

** Not to exceed SES level 4 (ES–4 = $133,800)

Note: The basis for ''N/A'' is that establishment of supervisory positions at these levels is not anticipated. However, if a supervisory position is established at such a level, the maximum rate of pay is 20 percent above the maximum rate for the base level supervised (see VI.A.1). However, in no case will pay exceed the rate of basic pay for SES level 4 (ES–4).

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Part III

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 740, et al.

Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR); Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR parts 740, 742, and 774

[Docket No. 030304054–3054–01]

RIN 0694–AC22

Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR)

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Commerce Control List (CCL) to reflect the reformatted Missile Technology Control Regime (MTCR) Annex of October 14, 1999. This final rule also amends Country Group A:2, MTCR, to add the Czech Republic, Korea (Republic of), Poland, Turkey, and Ukraine to reflect their membership in the MTCR. This revision also corrects the control text in 9B106 that erroneously captures standalone altitude chambers, and corrects the MT/NP reason for control of spin forming and flow forming machines described in 2B009.

DATES: This rule is effective April 2, 2003.

FOR FURTHER INFORMATION CONTACT: Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, Telephone: (202) 482–2440.

SUPPLEMENTARY INFORMATION: The Missile Technology Control Regime (MTCR) is an export control arrangement among 33 nations including the world's most advanced suppliers of ballistic missiles and missile-related materials and equipment. The regime is designed to stem the spread of rockets and unmanned air vehicles systems capable of delivering weapons of mass destruction by establishing a common export control policy (the Guidelines) and a shared list of controlled items (the Annex) that each country implements with its own national legislation.

While the MTCR was originally meant to prevent the spread of missiles capable of carrying a nuclear warhead, it was expanded in January 1993 to also cover delivery systems for chemical and biological weapons. The only absolute prohibition in the regime's Guidelines is on the transfer of complete ''production facilities'' for specially designed items in Category I of the MTCR Annex.

Unlike the Nuclear Non-Proliferation Treaty, which seeks to prevent the spread of nuclear weapons, the MTCR is neither an international treaty nor a legally binding agreement. MTCR members voluntarily pledge to adopt the regime's export Guidelines and to restrict the export of items contained in the regime's Annex. Except for production facilities specially designed for Category I items, trade of MTCR controlled items is not absolutely prohibited by the Guidelines, but is constrained by national export control laws and policies.

Membership

The current membership of the MTCR includes: Argentina, Australia, Austria, Belgium, Brazil, **Canada,** the Czech Republic, Denmark, Finland, **France, Germany,** Greece, Hungary, Iceland, Ireland, *Italy, Japan,* Korea (Republic of), Luxembourg, The Netherlands, New Zealand, Norway, Poland, Portugal, Russia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, **United Kingdom,** and **United States** (original members in bold).

While all nations have been encouraged to abide by the MTCR's terms, not all states have been invited to become formal regime members. Membership decisions, like all other regime decisions, are made only by consensus. Regime partners attend annual meetings, share information about other nations' export control programs and proliferation concerns, conduct export control workshops and are involved in revising and updating the regime's Guidelines and technical Annex. Meetings are not public due to the sensitive nature of the discussions.

This final rule amends Country Group A:2, Missile Technology Control Regime (MTCR), to add the Czech Republic, Korea (Republic of), Poland, Turkey, and Ukraine. Country Groups are used to identify groups of countries for ease of reference when stating license requirements, license review policy or eligibility for License Exceptions. These countries were admitted to the MTCR. Consequently, the Export Administration Regulations (EAR) are amended to reflect the new status of these countries.

This rule also amends the Commerce Control List (CCL) to reflect the reformatted MTCR Annex of October 14, 1999 (Noordwijk/TEM). The reformatting of the MTCR Annex was an exercise in redrafting the Annex to conform to the former CoCom List structure that contains five individual groupings for the ''Equipment, Assemblies and Components'', ''Test and Production Equipment'', ''Materials'', ''Software'' and ''Technology''. Most of our MTCR partners are intimately familiar with such a list structure and it facilitates ease in translating the MTCR Annex changes to national legislation. This is the same structure used in the CCL and European Union List. As a result of reformatting and the need to succinctly separate software and technology controls, the revisions in this rule provide clarity and ensure consistent interpretations. The MTCR adopted a software definition, general software note and general technology note, consistent with those outlined in the Wassenaar Arrangement. The reformatted MTCR Annex includes adopted changes to clarify the equipment intended to be controlled by the MTCR for testing, calibrating and aligning inertial equipment (*e.g.*, balancing machines, motion simulators/rate tables, positioning tables, etc.), production equipment for manufacturing propellants, and control of certain specialty steels for manufacturing missiles. These changes were published in the **Federal Register**/Vol. 64, No. 25 on February 8, 1999. However, our MTCR partners chose to wait for the adoption of the reformatted Annex before publishing these changes. Consequently, in this revision to the EAR, several Export Control Classification Numbers (ECCNs) had to be renumbered and/or subdivided into multiple entries. For example, the balancing machines, motion simulators/rate tables, positioning tables, and centrifuges controlled in 7B104.a through .e have been moved to new individual entries under 2B119 through 2B122. Continuous mixers and fluid energy mills controlled in 1B117 have been moved to new ECCNs 1B118 and 1B119, respectively. Other revisions to the EAR include relaxation in the controls of certain metal fuels described in 1C111 by reducing their particle size. The metal fuels include magnesium, beryllium, boron, zirconium and spherical aluminum powders. For spherical aluminum powder an additional parameter on particle size distribution has been introduced to ensure that a sufficient amount of such powder with small enough particle sizes remains controlled. This revision also corrects the control text in 9B106 that erroneously captures standalone altitude chambers, and corrects the MT/NP reason for control of spin forming and flow forming machines described in 2B009.

This rule replaces references to the ''Office of Defense Trade Controls'' with the ''Directorate of Defense Trade Controls,'' because the State Department realigned responsibilities for

administering defense trade controls, on January 16, 2003.

The summary of changes listed here shows those ECCNs that are impacted by the reformatting and is not intended to be a comprehensive list of changes.

Newly Added Export Control Classification Numbers (ECCNs)

1A101—Devices for reduced observables (previously 1C101).
1B102—Metal powder ''production equipment'' (formerly 1B117.d).
1B118—Continuous mixers (formerly 1B117.b).
1B119—Fluid energy mills (formerly 1B117.c).
1C102—Resaturated pyrolized carbon-carbon materials (previously 1A102)
2B119—Balancing machines and related equipment (previously 7B104.a and b)
2B120—Motion simulators or rate tables (equipment capable of simulating motion) (previously 7B104.c)
2B121—Positioning tables (equipment capable of precise rotary position in any axis), other than those controlled in 2B120 (previously 7B104.d)
2B122—Centrifuges able to imparting accelerations above 100 g and having slip rings capable of transmitting electrical power and signal information (previously 7B104.e)
6A103—Radomes usable in protecting rockets against nuclear effects. (DTC jurisdiction)
9C110—Resin impregnated fiber prepeg materials (previously 9A110)
9D104—Moved former 9D102 to this new entry and removed ''use'' software for those composite structures and prepregs controlled in 9A110.
9D105—Software which coordinates the function of more than one subsystem. (new entry under DTC jurisdiction).

Deleted ECCN's

1D102—Removed ''development'' and ''production'' software in 1D102 for items in 1A, 1B and 1C. Other specially designed software for the ''use'' of MT items in 1A, 1B and 1C are now covered in 1D101.
3D102—No MT controls on development and production software for radiation hardened IC's (3A001.a.1.a) or accelerators (3A101).
4D102—No MT controls on software for the development, production, and use of equipment in 4A101.
5E111—Moved technology for the development, production and use of software controlled by 5D101, to 5E101.
6D104—Removes ''use'' software controls for optical detectors (6A002), cameras (6A003), gravity meters & gravity gradiometers (6A007), radiation hardened detectors (6A102) and radar cross section measurement systems (6B108).
6E102—No MT controls on ''use'' technology for 6D001 & 6D002.
7B104—Moved specific production equipment for inertial systems to 2B119 through 2B122.
9D102—''Use'' software combined into 9D104.

Revisions

1A102—Moves materials to 1C102. This entry now controls carbon-carbon components, only.
1B101—Expands heading to clarify that this entry also controls equipment for the ''production'' of fibers, prepregs or preforms.
1B115—Combines 1B115 with 1B117.e and .f. This entry formerly controlled liquid propellant production equipment; but now controls both liquid and solid propellant production equipment, n.e.s.
1B117—Splits entry. This entry formerly controlled solid propellant production equipment; but now controls only batch mixers (previously 1B117.a) [.b moved to 1B118; .c moved to 1B119; .d moved to 1B102; .e moved to 1B115.b; and .f moved to heading of 1B115]
1C010—Adds 9C110 to the Related Controls paragraph.
1C101—Splits the ''devices'' from this ECCN and moved them to 1A101.
1C107—Harmonizes list of items controlled with MTCR.
1C111—Relaxes controls on certain metal fuels, by reducing particle size for certain metal fuels.
1C118—Revises the heading, and harmonized the numbering with the EU list.
1D002—Removes MT controls, the MTCR does not control software for the development of organic matrix, metal matrix, or carbon matrix laminates or composites.
1D101—Adds MT controls for ''use'' software for propellant production equipment described in 1B102, 1B115, 1B117 to 1B119.
1D103—Revises the Heading, and adds a note in the Related Controls paragraph of the List of Items Controlled section that alerts exporters that similar items are controlled on the USML in the ITAR and clarifies what is controlled in this entry.
1E001—Conforming changes to MT controls.
1E101—Conforming changes to heading, added 1A101, 1B102, 1B115, 1B118, and 1B119.
1E102—Adds a note from the MTCR (17E1) to the Related Controls paragraph.
1E103—Clarifies the technology control to harmonize with the MTCR Annex (6.E.2).
1E104—Harmonizes the heading with the EU and MTCR Annex (7.E.1).
2B009—Corrects the MT reason for control.
2B104—Adds a technical note to the related definitions section.
2B109—Adds components to units paragraph and moves ECCN Notes to Technical notes.
2B116—Moves the definition of ''bare table'' from the Related Definitions paragraph to a technical note below paragraph .d in the list of items.
2D101—Adds software controls for the use of 2B119 to 2B122.
2E001, 2E002—Adds MT controls to technology for items controlled by 2B119 to 2B122.
2E101—Revised to make conforming change, because of revisions to 7B104 and 2B104, and adds 2D002 to heading and NP controls paragraph.
3A001—Clarifies MT control.
3A101—Harmonizes 3A101.b with MTCR Annex (15.b.5), to clarify that this commodity is controlled when usable in ''missiles'' or subsystems for ''missiles.''
3D101—Revises the heading by adding the phrase ''or modified'' to conform with the MTCR Annex.
3E101—Revises the heading to clarify controls for 3A001 and adds 3D101.
4D001—Removed MT controls on software for the development, production and use of equipment in 4A001 to 4A003, as this software is not on the MTCR annex.
4D002—Removed MT controls on software for the development, production and use of technology controlled by 4E that was controlled for MT reasons, as this software is not on the MTCR annex.
4D994—Adds 4A101 to the heading.
4E001—Removes MT controls on technology for the development, production and use of equipment in 4A001.b, 4A002, 4A003, and software in 4D001, 4D002 & 4D102.
5A101—Adds clarifying language.
5D101—Removes MT controls on development and production software for telemetry equipment. Retained MT controls on the ''use'' software.

5E101—Adds technology for the development, production and use of software controlled by 5D101 (formerly 5E111).
6A002 & 6A102—Clarifies language for MT controls.
6A107—Adds harmonization language to heading and reformatted entry.
6A108—Adds clarifying language to .b.1.
6B108—Adds clarifying language.
6D102—Adds clarifying language to heading.
6D103—Adds clarifying language to heading.
6E101—Clarifies language in note 2 of the Related Definitions paragraph.
7B001—Clarifies language in the Related Controls paragraph.
7B003—Added related control to reference 7B994.
7B101—Makes conforming change, because 7B104 moved to 2B119 to 2B122.
7B102—Replaces the word ''measurement'' with ''threshold'' in the list of items.
7D101—Adds 7A116 to heading.
7D102—Limits integration software for inertial navigation systems to those that are specially designed.
7E001 & 7E101—Added a reference to 7D101, 7D102.a and 7D103 in ''Related Controls.''
7E104—Adds clarifying language to the heading.
9A106—Adds harmonization language to heading.
9A110—Moves materials described in heading to 9C110.
9A115—Adds clarifying language.
9A117—Adds clarifying language.
9B005—Removes MT controls.
9B106—Restructures the control text to capture specific environmental and anechoic chambers to conform to the MTCR Annex. This correction clarified the controls on standalone altitude chambers which are now properly classified as EAR99.
9B116—Add 9A012 to Heading.
9D001 & 9D002—Removes MT controls for development and production software that was not reflected on the MTCR Annex.
9D101—Adds the word ''modified'', and changes the word ''goods'' to ''commodities'' in the heading.
9D102—Moves to 9D104, and removed MT controls on ''use'' software for those composite structures and prepregs controlled in 9A110.
9E101—Revises Heading and Related Controls to reflect movement of 9A120 to 9A012, adds technology controls for 9D101 and 9D103 to reflect MTCR Annex controls; and adds new entries 9D104 and 9D105.
9E102—Revises Heading to harmonize with European Union List with regard to 9A004, revises Related Controls to reflect movement of 9A120 to 9A012, and adds new ECCN entries 9D104 and 9D105.

Saving Clause

This rule revises the numbering and structure of certain entries on the Commerce Control List. For items under such entries and for July 1, 2003, BIS will accept license applications for items described either by the entries in effect immediately before April 2, 2003 or the entries described in this rule. Shipments of items removed from License Exception eligibility or NLR authorization as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on April 2, 2003, pursuant to actual orders for export to a foreign destination, may proceed to that destination under the previous License Exception eligibility or NLR authorization provisions so long as they have been exported from the United States before June 2, 2003. Any such items not actually exported before midnight, on June 2, 2003, require a license in accordance with this regulation.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (66 FR 44025, August 22, 2001), as extended by the Notice of August 14, 2002 (67 FR 53721, August 16, 2002), continues the Regulations in effect under the International Emergency Economic Powers Act.

Rule Making Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a current valid OMB Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694–0088. There are neither additions nor subtractions to these collections due to this rule.

3. This rule does not contain policies with Federalism as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

15 CFR Parts 742 and 774

Exports, Foreign trade.

■ Accordingly, parts 740, 742, and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

PART 740—[AMENDED]

■ 1. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901–911, Pub. L. 106–387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR., 2001 Comp., p. 783; Notice of August 14, 2002, 67 FR 53721, August 16, 2002.

■ 2. Supplement No. 1 to part 740, Country Groups, Country Group A, is amended in Column A:2, Missile Technology Control Regime, by adding an ''X'' for countries: ''Czech Republic'', ''Korea, South'', ''Poland'', ''Turkey'', and ''Ukraine''.

PART 742—[AMENDED]

■ 3. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR,

1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR., 2001 Comp., p. 783; Notice of November 9, 2001, 66 FR 56965, 3 CFR, 2001 Comp., p. 917; Notice of August 14, 2002, 67 FR 53721, August 16, 2002.

■ 4. Section 742.5 is amended by revising the phrase ''ECCN 1B115.a'' to read ''ECCN 1B117'' in paragraph (c)(1).

PART 774—[AMENDED]

■ 5. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR., 2001 Comp., p. 783; Notice of August 14, 2002, 67 FR 53721, August 16, 2002.

■ 6. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by adding Export Control Classification Number (ECCN) 1A101, to read as follows:

1A101 Devices for reduced observables such as radar reflectivity, ultraviolet/infrared signatures and acoustic signatures, for applications usable in ''missiles'' and their subsystems.

License Requirements

Reason for Control: MT, AT

Control(s)	Country Chart
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: $ value
Related Controls: See also 1C101. For commodities that meet the definition of defense articles under 22 CFR 120.3 of the International Traffic in Arms Regulations (ITAR), see also 22 CFR 121.16, Item 17-Category II of the (ITAR), which describes similar commodities under the jurisdiction of the Department of State, Directorate of Defense Trade Control.
Related Definitions: N/A
Items: The list of items controlled is contained in the ECCN heading.

■ 7. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by revising the heading of Export Control Classification Number (ECCN) 1A102, to read as follows:

1A102 Resaturated pyrolized carbon-carbon components designed for ''missiles.'' (These items are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. See 22 CFR part 121.)

■ 8. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by revising the heading and the Related Definitions paragraph of the List of Items Controlled section of Export Control Classification Number (ECCN) 1B101, to read as follows:

1B101 Equipment, other than that controlled by 1B001, for the ''production'' of structural composites, fibers, prepregs or preforms as follows (see List of Items Controlled); and specially designed components, and accessories therefor.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: Examples of components and accessories for the machines controlled by this entry are molds, mandrels, dies, fixtures and tooling for the preform pressing, curing, casting, sintering or bonding of composite structures, laminates and manufactures thereof.
Items:
* * * * *

■ 9. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by adding Export Control Classification Number (ECCN) 1B102 to follow ECCN 1B101, to read as follows:

1B102 Metal powder ''production equipment,'' other than that specified in 1B002, and components as follows (see List of Items Controlled).

License Requirements

Reason for Control: MT, AT

Control(s)	Country Chart
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: Equipment in number; components in $ value
Related Controls: 1.) See also 1B115.b.
Related Definitions: N/A
Items:

a. Metal power ''production equipment usable for the ''production,'' in a controlled environment, of spherical or atomized materials specified in 1C011.a, 1C011.b, 1C111.a.1, 1C111.a.2, or on the U.S. Munitions List.

b. Specially designed components for ''production equipment'' specified in 1B002 or 1B102.a.

Note: 1B102 includes:

a. Plasma generators (high frequency arc-jet) usable for obtaining sputtered or spherical metallic powders with organization of the process in an argon-water environment;

b. Electroburst equipment usable for obtaining sputtered or spherical metallic powders with organization of the process in an argon-water environment;

c. Equipment usable for the ''production'' of spherical aluminum powders by powdering a melt in an inert medium (*e.g.*, nitrogen).

■ 10. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1B115 is amended by revising the Heading, and the Related Controls and Items paragraphs in the List of Items Controlled section, to read as follows:

1B115 Equipment, other than that controlled in 1B002 or 1B102, for the ''production'' of propellant or propellant constituents, and specially designed components therefor.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: For the control of batch mixers, continuous mixers and fluid energy mills, see 1B117, 1B118 and 1B119.
Related Definitions: * * *
Items:

a. ''Production equipment'' for the ''production'', handling or acceptance testing of liquid propellants or propellant constituents controlled by 1C011.a, 1C011.b, 1C111 or on the U.S. Munitions List;

b. ''Production equipment,'' for the production, handling, mixing, curing, casting, pressing, machining, extruding or acceptance testing of solid propellants or propellant constituents described in 1C011.a, 1C011.b or 1C111, or on the U.S. Munitions List.

Note: 1B115.b does not control batch mixers, continuous mixers or fluid energy mills. For the control of batch mixers, continuous mixers and fluid energy mills see 1B117, 1B118, and 1B119.

Note 1: [RESERVED].

Note 2: 1B115 does not control equipment for the ''production,'' handling and acceptance testing of boron carbide.

■ 11. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1B117 is amended by revising the Heading and the *Related Controls,* the *Related Definitions,* and the *Items* paragraphs in the List of Items Controlled section, to read as follows:

1B117 Batch mixers with provision for mixing under vacuum in the range from zero to 13.326 kPa and with temperature control capability of the mixing chamber and having all of the following characteristics (see List of Items Controlled), and specially designed components therefor.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: N/A

Related Definitions: N/A

Items:

a. A total volumetric capacity of 110 liters (30 gallons) or more; and

b. At least one mixing/kneading shaft mounted off center.

■ 12. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by adding Export Control Classification Number (ECCN) 1B118 to follow ECCN 1B117, to read as follows:

1B118 Continuous mixers with provision for mixing under vacuum in the range from zero to 13.326 kPa and with temperature control capability of the mixing chamber and having all of the following characteristics (see List of Items Controlled), and specially designed components therefor.

License Requirements

Reason for Control: MT, AT

Control(s)	Country chart
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: Equipment in number; components in $ value
Related Controls: N/A
Related Definitions: N/A
Items:

a. Two or more mixing/kneading shafts; and

b. Capability to open the mixing chamber.

■ 13. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by adding Export Control Classification Number (ECCN) 1B119 to follow ECCN 1B118, to read as follows:

1B119 Fluid energy mills usable for grinding or milling propellant or propellant constituents specified in 1C011.a, 1C011.b or 1C111, or on the U.S. Munitions List, and specially designed components therefor.

License Requirements

Reason for Control: MT, AT

Control(s)	Country chart
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: Equipment in number; components in $ value
Related Controls: N/A
Related Definitions: N/A
Items: The list of items controlled is contained in the ECCN heading.

■ 14. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by revising the Related Controls paragraph in the List of Items Controlled section of Export Control Classification Number (ECCN) 1C010, to read as follows:

1C010 ''Fibrous or filamentary materials'' which may be used in organic ''matrix'', metallic ''matrix'' or carbon ''matrix'' ''composite'' structures or laminates, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: (1) See ECCNs 1E001 (''development'' and ''production'') and 1E201 (''use'') for technology for items controlled by this entry. (2) Also see ECCNs 1C210 and 1C990. (3) See also 9C110 for material not controlled by 1C010.e, as defined by notes 1 or 2.
Related Definitions: * * *
Items:

* * * * *

■ 15. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by revising the Heading and the *Unit*, the *Related Controls*, and the *Items* paragraphs in the List of Items Controlled section of Export Control Classification Number (ECCN) 1C101, to read as follows:

1C101 Materials for reduced observables such as radar reflectivity, ultraviolet/infrared signatures and acoustic signatures (i.e., stealth technology), other than those controlled by 1C001, for applications usable in ''missiles'' and their subsystems.

* * * * *

List of Items Controlled

Unit: $ value
Related Controls: (1) Materials controlled by this entry include structural materials and coatings (including paints), specially designed for reduced or tailored reflectivity or emissivity in the microwave, infrared or ultraviolet spectra. (2) This entry does not control coatings (including paints) when specially used for the thermal control of satellites. (3) For commodities that meet the definition of defense articles under 22 CFR 120.3 of the International Traffic in Arms Regulations (ITAR), see 22 CFR 121.16, Item 17-Category II of the (ITAR), which describes similar commodities under the jurisdiction of the Department of State, Directorate of Defense Trade Control.
Related Definitions: * * *
Items: The list of items controlled is contained in the ECCN heading.

■ 16. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by adding Export Control Classification

Number (ECCN) 1C102 to follow ECCN 1C101, to read as follows:

1C102 Resaturated pyrolized carbon-carbon materials designed for space launch vehicles specified in 9A004 or sounding rockets specified in 9A104. (These items are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. See 22 CFR part 121.)

■ 17. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by revising the *Related Controls* paragraph and the *Items* paragraph in the List of Items Controlled of Export Control Classification Number (ECCN) 1C107, to read as follows:

1C107 Graphite and ceramic materials, other than those controlled by 1C007, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) See also OC005 and 1C004. (2) For commodities that meet the definition of defense articles under 22 CFR 120.3 of the ITAR, see 22 CFR 121.16, Item 8-Category II of the International Traffic in Arms Regulations (ITAR), which describes similar commodities under the jurisdiction of the Department of State, Directorate of Defense Trade Control.

Related Definitions: * * *

Items:

a. Fine grain recrystallized bulk graphites with a bulk density of 1.72 g/cm^3 or greater, measured at 288 K (15 °C), and having a particle size of 100 micrometers or less, usable for rocket nozzles and reentry vehicle nose tips as follows:

a.1. Cylinders having a diameter of 120 mm or greater and a length of 50 mm or greater;

a.2. Tubes having an inner diameter of 65 mm or greater and a wall thickness of 25 mm or greater and a length of 50 mm or greater;

a.3. Blocks having a size of 120 mm x 120 mm x 50 mm or greater.

b. Pyrolytic or fibrous reinforced graphites, usable for rocket nozzles and reentry vehicle nose tips;

c. Ceramic composite materials (dielectric constant less than 6 at frequencies from 100 Hz to 10 GHz), for use in ''missile'' radomes; and

d. Bulk machinable silicon-carbide reinforced unfired ceramic, usable for nose tips.

■ 18. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by revising the Heading and the *Related Controls* and the *Items* paragraphs in the List of Items Controlled section of Export Control Classification Number (ECCN) 1C111, to read as follows:

1C111 Propellants and constituent chemicals for propellants, other than those specified in 1C011, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: Butacene as defined by 1C111.c.1 is subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (See 22 CFR 121.12.(b)(6), other ferrocene derivatives)

Related Definitions: * * *

Items:

a. Propulsive substances:

a.1. Spherical aluminum powder, other than that specified on the U.S. Munitions List, with particles of uniform diameter of less than 200 micrometer and an aluminum content of 97% by weight or more, if at least 10 percent of the total weight is made up of particles of less than 63 micrometer, according to ISO 2591:1988 or national equivalents such as JIS Z8820.

Technical Note: A particle size of 63 micrometer (ISO R–565) corresponds to 250 mesh (Tyler) or 230 mesh (ASTM standard E–11).

a.2. Metal fuels, other than that controlled by the U.S. Munitions List, in particle sizes of less than 60×10^{-6} m (60 micrometers), whether spherical, atomized, spheroidal, flaked or ground, consisting 97% by weight or more of any of the following:

a.2.a. Zirconium;

a.2.b Beryllium;

a.2.c Magnesium; or

a.2.d Alloys of the metals specified by a.2.a to a.2.c above.

Technical Note: The natural content of hafnium in the zirconium (typically 2 % to 7%) is counted with the zirconium.

a.3. Liquid oxidizers, as follows:

a.3.a. Dinitrogen trioxide;

a.3.b. Nitrogen dioxide/dinitrogen tetroxide;

a.3.c. Dinitrogen pentoxide;

b. Polymeric substances:

b.1. Carboxy-terminated polybutadiene (CTPB);

b.2. Hydroxy-terminated polybutadiene (HTPB), other than that controlled by the U.S. Munitions List;

b.3. Polybutadiene-acrylic acid (PBAA);

b.4. Polybutadiene-acrylic acid-acrylonitrile (PBAN);

c. Other propellant additives and agents:

c.1. Butacene ;

c.2. Triethylene glycol dinitrate (TEGDN);

c.3. 2-Nitrodiphenylamine;

c.4. Trimethylolethane trinitrate (TMETN);

c.5. Diethylene glycol dinitrate (DEGDN).

■ 19. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1C118 is amended by revising the Heading and the Items paragraph in the List of Items Controlled section, to read as follows:

1C118 Titanium-stabilized duplex stainless steel (Ti-DSS), having all of the following characteristics (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Having all of the following characteristics:

a.1. Containing 17.0–23.0 weight percent chromium and 4.5–7.0 weight percent nickel;

a.2. Having a titanium content of greater than 0.10 weight percent; *and*

a.3. A ferritic-austenitic microstructure (also referred to as a two-phase microstructure) of which at least 10 percent is austenite by volume (according to ASTM E–1181–87 or national equivalents), *and*

b. Having any of the following forms:

b.1. Ingots or bars having a size of 100 mm or more in each dimension;

b.2. Sheets having a width of 600 mm or more and a thickness of 3 mm or less; *or*

b.3. Tubes having an outer diameter of 600 mm or more and a wall thickness of 3 mm or less.

■ 20. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by removing ECCN 1D102.

■ 21. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by revising the License Requirements section and the License Exceptions section of Export Control Classification Number (ECCN) 1D002, to read as follows:

1D002 ''Software'' for the ''development'' of organic

''matrix'', metal ''matrix'' or carbon ''matrix'' laminates or ''composites''.

License Requirements

Reason for Control: NS, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 1
AT applies to entire entry	AT Column 1

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under Exceptions.

License Exceptions

CIV: Yes
TSR: Yes
* * * * *

■ 22. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1D101 is amended by revising the Heading, to read as follows:

1D101 ''Software'' specially designed or modified for the ''use'' of commodities controlled by 1B101, 1B102, 1B115, 1B117, 1B118, or 1B119.

* * * * *

■ 23. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1D103 is amended by revising the Heading, and Related Controls paragraph of the List of Items Controlled section, to read as follows:

1D103 ''Software'' specially designed for reduced observables such as radar reflectivity, ultraviolet/infrared signatures and acoustic signatures, for applications usable in ''missiles'' or their subsystems.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: (1) This entry includes ''software'' specially designed for analysis of signature reduction. (2) For software that meets the definition of defense articles under 22 CFR 120.3 of the International Traffic in Arms Regulations (ITAR), see 22 CFR 121.16, Item 17-Category II of the (ITAR), which describes similar software that are under the jurisdiction of the Department of State, Directorate of Defense Trade Control.
Related Definitions: * * *
Items: * * *

■ 24. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1E001 is amended by revising the Heading, and the License Requirements section, to read as follows:

1E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of items controlled by 1A001.b, 1A001.c, 1A002, 1A003, 1A005, 1A101, 1B, or 1C (except 1C355, 1C980 to 1C984, 1C988, 1C990, 1C991, 1C992, and 1C995).

License Requirements

Reason for Control: NS, MT, NP, CB, AT

Control(s)	Country chart
NS applies to ''technology'' for items controlled by 1A001.b and .c, 1A002, 1A003, 1A005, 1B001 to 1B003, 1B018, 1C001 to 1C010, or 1C018.	NS Column 1
MT applies to ''technology'' 1 for items controlled by 1A101, 1B001, 1B101, 1B102, 1B115 to 1B119, 1C001, 1C007, 1C011, 1C101, 1C102, 1C107, 1C111, 1C116, 1C117, or 1C118 for MT reasons.	MT Column
NP applies to ''technology'' for items controlled by 1A002, 1B001, 1B101, 1B201, 1B225 to 1B233, 1C002, 1C010, 1C116, 1C202, 1C210, 1C216, 1C225 to 1C240 for NP reasons.	NP Column 1
CB applies to ''technology'' for items controlled by 1C351, 1C352, 1C353, or 1C354.	CB Column 1
CB applies to ''technology'' for materials controlled by 1C350.	CB Column 2
AT applies to entire entry.	AT Column 1

License Requirements Note: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

■ 25. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins) is amended by revising the Heading of Export Control Classification Number (ECCN) 1E101, to read as follows:

1E101 ''Technology'', in accordance with the General Technology Note, for the ''use'' of commodities and software controlled by 1A101, 1A102, 1B001, 1B101, 1B102, 1B115 to 1B119, 1C001, 1C007, 1C011, 1C101, 1C107, 1C111, 1C116, 1C117, 1C118, 1D001, 1D101, or 1D103.

* * * * *

■ 26. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1E102 is amended by revising the Heading, and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

1E102 ''Technology'' according to the General Technology Note for the ''development'' of software controlled by 1D001, 1D101 or 1D103.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: This entry includes databases specially designed for analysis of signature reduction.
Related Definitions: * * *
Items: * * *

■ 27. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1E103 is amended by revising the Heading, to read as follows:

1E103 ''Technical data'' (including processing conditions) and procedures for the regulation of temperature, pressure or atmosphere in autoclaves or hydroclaves, when used for the ''production'' of ''composites'' or partially processed ''composites'', usable for equipment or materials specified in 1C007, 1C102, 1C107, 1C116, 1C117, 1C118, 9A110, and 9C110.

* * * * *

■ 28. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1E104 is amended by revising the Heading and the Related Controls paragraph in the List of Items Controlled section, to read as follows:

1E104 Technology'' for the ''production'' of pyrolytically derived materials formed on a mold, mandrel or other substrate from precursor gases which

decompose in the 1,573 K (1,300°C) to 3,173 K (2,900°C) temperature range at pressures of 130 Pa (1 mm Hg) to 20 kPa (150 mm Hg), including ''technology'' for the composition of precursor gases, flow-rates and process control schedules and parameters.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: N/A
Related Definitions: * * *
Items: * * *

■ 29. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2 (Materials Processing), ECCN 2B009 is amended by revising the License Requirements and the *Related Controls* paragraph and the *Items* paragraphs in the List of Items Controlled section, to read as follows:

2B009 Spin-forming machines and flow-forming machines, which, according to the manufacturer's technical specifications, can be equipped with ''numerical control'' units or a computer control and having all the characteristics (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, NP, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 2
MT applies to: spin-forming machines combining the functions of spin-forming and flow-forming; and flow-forming machines that meet or exceed the parameters of 2B009.a and 2B109.	MT Column 1
NP applies to flow-forming machines, and spin-forming machines capable of flow-forming functions, that meet or exceed the parameters of 2B209.	NP Column 1
AT applies to entire entry	AT Column 1

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: (1) See ECCN 2D001 for ''software'' for items controlled under this entry. (2) See ECCNs 2E001 (''development''), 2E002 (''production''), and 2E101 (''use'') for technology for items controlled under this entry. (3) Also see ECCNs 2B109 and 2B209 for additional flow-forming machines for MT and NP reasons.
Related Definitions: N/A
Items:

a. Two or more controlled axes of which at least two can be coordinated simultaneously for ''contouring control''; *and*

b. A roller force more than 60 kN.

Technical Note: Machines combining the function of spin-forming and flow-forming are for the purpose of 2B009 regarded as flow-forming machines.

■ 30. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2 (Materials Processing), ECCN 2B104 is amended by revising the *Related Definitions* paragraph in the List of Items Controlled section, to read as follows:

2B104 ''Isostatic presses'', other than those controlled by 2B004, having all of the following characteristics (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: The inside chamber dimension is that of the chamber in which both the working temperature and the working pressure are achieved and does not include fixtures. That dimension will be the smaller of either the inside diameter of the pressure chamber or the inside diameter of the insulated chamber, depending on which of the two chambers is located inside the other.
Items: * * *

■ 31. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2 (Materials Processing), ECCN 2B109 is amended by removing the *ECCN Controls* paragraph in the List of Items Controlled section and by revising the *Unit* paragraph, the *Related Controls* paragraph, and the *Items* paragraph in the List of Items Controlled section, to read as follows:

2B109 Flow-forming machines, other than those controlled by 2B009, and specially designed components therefor.

* * * * *

List of Items Controlled

Unit: Equipment in number; components in $ value.
Related Controls: (1) See ECCN 2D101 for ''software'' for items controlled under this entry. (2) See ECCNs 2E001 (''development''), 2E002 (''production''), and 2E101 (''use'') for technology for items controlled under this entry. (3) Also see ECCNs 2B009 and 2B209.
Related Definitions: * * *
Items:

a. Flow-forming machines having all of the following:

a.1. According to the manufacturer's technical specification, can be equipped with ''numerical control'' units or a computer control, even when not equipped with such units at delivery; *and*

a.2. Have more than two axes which can be coordinated simultaneously for ''contouring control.''

b. Specially designed components for flow-forming machines controlled in 2B009 or 2B109.a.

Technical Notes: 1. Machines combining the function of spin-forming and flow-forming are for the purpose of 2B109 regarded as flow-forming machines.

2. 2B109 does not control machines that are not usable in the ''production'' of propulsion components and equipment (*e.g.* motor cases) for systems in 9A005, 9A007.a, or 9A105.a.

■ 32. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2 (Materials Processing), ECCN 2B116 is amended by revising the *Related Definitions* paragraph and the *Items* paragraph in the List of Items Controlled section, to read as follows:

2B116 Vibration test systems, equipment and components therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: Vibration test systems incorporating a digital controller are those systems, the functions of which are, partly or entirely, automatically controlled by stored and digitally coded electrical signals.
Items:

a. Vibration test systems employing feedback or closed loop techniques and incorporating a digital controller, capable of vibrating a system at 10 g RMS or more over the entire range 20 Hz to 2,000 Hz and imparting forces of 50 kN (11,250 lbs.), measured ''bare table'', or greater;

b. Digital controllers, combined with specially designed vibration test ''software'', with a real-time bandwidth greater than 5 kHz and designed for use with vibration test systems described in 2B116.a;

c. Vibration thrusters (shaker units), with or without associated amplifiers, capable of imparting a force of 50 kN (11,250 lbs.), measured 'bare table', or greater, and usable in vibration test systems described in 2B116.a;

d. Test piece support structures and electronic units designed to combine multiple shaker units into a complete shaker system capable of providing an effective combined force of 50 kN,

measured 'bare table', or greater, and usable in vibration test systems described in 2B116.a.

Technical Note: 'bare table' means a flat table, or surface, with no fixture or fitting.

■ 33. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2 (Materials Processing) is amended by adding ECCNs 2B119, 2B120, 2B121, and 2B122, following ECCN 2B117, to read as follows:

2B119 Balancing machines and related equipment, as follows (see List of Items Controlled).

License Requirements

Reason for Control: MT, AT

Control(s)	Country chart
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: $ value
Related Controls: See also 2B219, 7B101.
Related Definitions: N/A
Items:

a. Balancing machines having all the following characteristics:

a.1. Not capable of balancing rotors/assemblies having a mass greater than 3 kg;

a.2. Capable of balancing rotors/assemblies at speeds greater than 12,500 rpm;

a.3. Capable of correcting unbalance in two planes or more; and

a.4. Capable of balancing to a residual specific unbalance of 0.2 g mm per kg of rotor mass.

Note: 2B119.a. does not control balancing machines designed or modified for dental or other medical equipment.

b. Indicator heads designed or modified for use with machines specified in 2B119.a.

Note: Indicator heads are sometimes known as balancing instrumentation.

2B120 Motion simulators or rate tables (equipment capable of simulating motion), having all of the following characteristics (see List of Items Controlled).

License Requirements

Reason for Control: MT, AT

Control(s)	Country chart
MT applies to entire entry	MT column 1
AT applies to entire entry	AT column 1

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: $ value
Related Controls: (1) Rate tables not controlled by 2B120 and providing the characteristics of a positioning table are to be evaluated according to 2B121. (2) Equipment that has the characteristics specified in 2B121, which also meets the characteristics of 2B120 will be treated as equipment specified in 2B120. (3) See also 2B008, 2B121, 7B101 and 7B994.
Related Definitions: N/A
Items:

a. Two axes or more;

b. Slip rigs capable of transmitting electrical power and/or signal information; *and*

c. Having any of the following characteristics:

c.1. For any single axis having all of the following:

c.1.a. Capable of rates of rotation of 400 degrees/s or more, or 30 degrees/s or less, *and*

c.1.b. A rate resolution equal to or less than 6 degrees/s and an accuracy equal to or less than 0.6 degrees/s; or

c.2. Having a worst-case rate stability equal to or better (less) than plus or minus 0.05% averaged over 10 degrees or more; *or*

c.3. A positioning accuracy equal to or better than 5 arc-second.

Note: 2B120 does not control rotary tables designed or modified for machine tools or for medical equipment. For controls on machine tool rotary tables see 2B008.

2B121 Positioning tables (equipment capable of precise rotary position in any axis), other than those controlled in 2B120, having all the following characteristics (See List of Items Controlled).

License Requirements

Reason for Control: MT, AT

Control(s)	Country chart
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: $ value
Related Controls: (1) Equipment that has the characteristics specified in 2B121, which also meets the characteristics of 2B120 will be treated as equipment specified in 2B120.
(2) See also 2B008, 2B120, 7B101 and 7B994.
Related Definitions: N/A
Items:

a. Two axes or more; *and*

b. A positioning accuracy equal to or better than 5 arc-second.

Note: 2B121 does not control rotary tables designed or modified for machine tools or for medical equipment. For controls on machine tool rotary tables see 2B008.

2B122 Centrifuges capable of imparting accelerations above 100 g and having slip rings capable of transmitting electrical power and signal information.

License Requirements

Reason for Control: MT, AT

Control(s)	Country chart
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: $ value
Related Controls: See also 7B101.
Related Definitions: N/A
Items: The list of items controlled is contained in the ECCN heading.

■ 34. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2 (Materials Processing) is amended by revising the Heading of ECCN 2D101, to read as follows:

2D101 ''Software'' specially designed or modified for the ''use'' of equipment controlled by 2B104, 2B105, 2B109, 2B116, 2B117, or 2B119 to 2B122.

* * * * *

■ 35. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2 (Materials Processing), ECCN 2E001 is amended by revising the License Requirements section, to read as follows:

2E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment or ''software'' controlled by 2A (except 2A991, 2A993, or 2A994), 2B (except 2B991, 2B993, 2B996, 2B997, or 2B998), or 2D (except 2D991, 2D992, or 2D994).

License Requirements

Reason for Control: NS, MT, NP, CB, AT

Control(s)	Country chart
NS applies to ''technology'' for items controlled by 2A001, 2B001 to 2B009, 2D001, or 2D002.	NS Column 1
MT applies to ''technology'' for items controlled by 2B004, 2B009, 2B018, 2B104, 2B105, 2B109, 2B116, 2B117, 2B119 to 2B122, 2D001, or 2D101 for MT reasons.	MT Column 1
NP applies to ''technology'' for items controlled by 2A225, 2A226, 2B001, 2B004, 2B006, 2B007, 2B009, 2B104, 2B109, 2B116, 2B201, 2B204, 2B206, 2B207, 2B209, 2B225 to 2B232, 2D001, 2D002, 2D101, 2D201 or 2D202 for NP reasons.	NP Column 1
NP applies to ''technology'' for items controlled by 2A290 to 2A293, 2B290, or 2D290 for NP reasons.	NP Column 2
CB applies to ''technology'' for equipment controlled by 2B350 to 2B352.	CB Column 3
AT applies to entire entry	AT Column 1

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

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■ 36. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2 (Materials Processing), ECCN 2E002 is amended by revising the License Requirements section, to read as follows:

2E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment controlled by 2A (except 2A991, 2A993, or 2A994) or 2B (except 2B991, 2B993, 2B996, 2B997, or 2B998).

License Requirements

Reason for Control: NS, MT, NP, CB, AT

Control(s)	Country chart
NS applies to ''technology'' for equipment controlled by 2A001, 2B001 to 2B009.	NS Column 1
MT applies to ''technology'' for equipment controlled by 2B004, 2B009, 2B018, 2B104, 2B105, 2B109, 2B116, 2B117, or 2B119 to 2B122 for MT reasons.	MT Column 1
NP applies to ''technology'' for equipment controlled by 2A225, 2A226, 2B001, 2B004, 2B006, 2B007, 2B009, 2B104, 2B109, 2B116, 2B201, 2B204, 2B206, 2B207, 2B209, 2B225 to 2B232 for NP reasons.	NP Column 1
NP applies to ''technology'' for equipment controlled by 2A290 to 2A293, 2B290 for NP reasons.	NP Column 2
CB applies to ''technology'' for equipment controlled by 2B350 to 2B352.	CB Column 3
AT applies to entire entry	AT Column 1

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

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■ 37. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2 (Materials Processing), ECCN 2E101 is amended by revising the Heading, the License Requirements section, and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

2E101 ''Technology'' according to the General Technology Note for the ''use'' of equipment or ''software'' controlled by 2B004, 2B009, 2B104, 2B105, 2B109, 2B116, 2B117, 2B119 to 2B122, 2D001, 2D002 or 2D101.

License Requirements

Reason for Control: MT, NP, AT

Control(s)	Country chart
MT applies to ''technology'' for items controlled by 2B004, 2B009, 2B104, 2B105, 2B109, 2B116, 2B117, 2B119 to 2B122, 2D001, or 2D101 for MT reasons.	MT Column 1
NP applies to ''technology'' for items controlled by 2B004, 2B009, 2B104, 2B109, 2B116, 2D001, 2D002 or 2D101 for NP reasons.	NP Column 1
AT applies to entire entry.	AT Column 1

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: (1) This entry controls only ''technology'' for 2B009 and 2B109 for spin forming machines combining the functions of spin forming and flow forming, and flow forming machines.
Related Definitions: * * *
Items: * * *

■ 38. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3 (Electronics), ECCN 3A001 is amended by revising the License Requirement section, to read as follows:

3A001 Electronic components, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, NP, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 2
MT applies to 3A001.a.1.a when usable in ''missiles''; and to 3A001.a.5.a when ''designed or modified'' for military use, hermetically sealed and rated for operation in the temperature range from below −54°C to above +125°C.	MT Column 1
NP applies to pulse discharge capacitors in 3A001.e.2 and superconducting solenoidal electromagnets in 3A001.e.3 that meet or exceed the technical parameters in 3A201.a and 3A201.b, respectively.	NP Column 1
AT applies to entire entry	AT Column 1

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■ 39. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3 (Electronics), ECCN 3A101 is amended by revising the Items paragraph in the List of Items Controlled section to read as follows:

3A101 Electronic equipment, devices and components, other than those controlled by 3A001, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. Analog-to-digital converters, usable in ''missiles'', designed to meet military specifications for ruggedized equipment;

b. Accelerators capable of delivering electromagnetic radiation produced by

bremsstrahlung from accelerated electrons of 2 MeV or greater, and systems containing those accelerators, usable for the ''missiles'' or the subsystems of ''missiles''.

Note: 3A101.b above does not include equipment specially designed for medical purposes.

■ 40. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3 (Electronics) is amended by removing ECCN 3D102.

■ 41. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3 (Electronics) is amended by revising the heading of ECCN 3D101, to read as follows:

3D101 ''Software'' specially designed or modified for the ''use'' of equipment controlled by 3A101.b.

* * * * *

■ 42. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3 (Electronics), ECCN 3E101 is amended by revising the Heading, to read as follows:

3E101 ''Technology'' according to the General Technology Note for the ''use'' of equipment or ''software'' controlled by 3A001.a.1 or .2, 3A101, or 3D101.

* * * * *

■ 43. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4 (Computers), ECCN 4D001 is amended by revising the License Requirements and License Exceptions sections, to read as follows:

4D001 ''Software'' specially designed or modified for the ''development'', ''production'' or ''use'' of equipment or ''software'' controlled by 4A001 to 4A004, or 4D (except 4D980, 4D993 or 4D994).

License Requirements

Reason for Control: NS, CC, AT, NP, XP

Control(s)	Country chart
NS applies to ''software'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003.	NS Column 1
CC applies to ''software'' for computerized fingerprint equipment controlled by 4A003 for CC reasons.	CC Column 1
AT applies to entire entry	AT Column 1

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''software'' for computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

License Exceptions

CIV: N/A

TSR: (a) N/A for:

(1) ''Software'' for equipment or ''software'' requiring a license; or

(2) ''Software'' described by TSR paragraph (b)(1)(ii) of this License Exception section, when exported or reexported to a destination not included in TSR paragraph (b)(1)(i) of this License Exception section.

(b) Yes for:

(1) ''Software'':

(i) Exported or reexported to Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, or the United Kingdom; and

(ii) Specially designed for the ''development'' or ''production'' of any of the following:

(A) ''Digital'' computers controlled by 4A003.b and having a CTP exceeding than 33,000 MTOPS; or

(B) ''Electronic assemblies'' controlled by 4A003.c and capable of enhancing performance by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds 33,000 MTOPS; and

(2) All other ''software'' not described in TSR paragraphs (a) or (b)(1) of this License Exception section.

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■ 44. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4 (Computers), ECCN 4D002 is amended by revising the License Requirements and the License Exceptions sections, to read as follows:

4D002 ''Software'' specially designed or modified to support ''technology'' controlled by 4E (except 4E980, 4E992, and 4E993).

License Requirements

Reason for Control: NS, AT, NP, XP

Control(s)	Country chart
NS applies to entire entry	NS Column 1
AT applies to entire entry	AT Column 1

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''software'' for computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

License Exceptions

CIV: N/A

TSR: Yes, except N/A for ''software'' specifically designed or modified to support ''technology'' for computers requiring a license.

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■ 45. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4 (Computers) is amended by removing ECCN 4D102.

■ 46. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4 (Computers), ECCN 4D994 is amended by revising the Heading, to read as follows:

4D994 ''Software'' specially designed or modified for the ''development'', ''production'', or ''use'' of equipment controlled by 4A101, 4A994, 4B994, and materials controlled by 4C994.

* * * * *

■ 47. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4 (Computers), ECCN 4E001 is amended by revising the License Requirements section, to read as follows:

4E001 ''Technology'' according to the General Technology Note, for the ''development'', ''production'' or ''use'' of equipment or ''software'' controlled by 4A (except 4A980, 4A993 or 4A994) or 4D (except 4D980, 4D993, 4D994).

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP

Control(s)	Country chart
NS applies to ''technology'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003.	NS Column 1
MT applies to ''technology'' for items controlled by 4A001.a and 4A101 for MT reasons.	MT Column 1
CC applies to ''technology'' for computerized fingerprint equipment controlled by 4A003 for CC reasons.	CC Column 1
AT applies to entire entry	AT Column 1

NP applies, unless a License Exception is available. See § 742.3(b) of

the EAR for information on applicable licensing review policies.

XP applies to ''technology'' for computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use, however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

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■ 48. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5 (Telecommunications and ''Information Security''), Part I. (Telecommunications), ECCN 5A101 is amended by revising the Heading and the Items paragraph in the List of Items Controlled section, to read as follows:

5A101 Telemetering and telecontrol equipment as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. Usable for unmanned air vehicles or rocket systems; *and*

b. Usable for ''missiles.''

Note: 5A101 does not control telecontrol equipment specially designed to be used for remote control of recreational model planes, boats or vehicles and having an electric field strength of not more than 200 microvolts per meter at a distance of 500 meters.

■ 49. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5 (Telecommunications and ''Information Security''), Part I. (Telecommunications), ECCN 5D101 is amended by revising the Heading, to read as follows:

5D101 ''Software'' specially designed or modified for the ''use'' of items controlled by 5A101.

* * * * *

■ 50. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5 (Telecommunications and ''Information Security''), Part I. (Telecommunications) is amended by removing 5E111.

■ 51. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5 (Telecommunications and ''Information Security''), Part I. (Telecommunications), ECCN 5E101 is amended by revising the Heading, to read as follows:

5E101 ''Technology'' according to the General Technology Note for the ''development,'' ''production'' or ''use'' of equipment or software controlled by 5A101 or 5D101.

* * * * *

■ 52. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers), ECCN 6A002 is amended by revising the License Requirements section, to read as follows:

6A002 Optical sensors.

License Requirements

Reason for Control: NS, MT, CC, RS, AT, UN

Control(s)	Country chart
NS applies to entire entry	NS Column 2
MT applies to optical detectors in 6A002.a.1, a.3, or .e that are specially designed or modified to protect ''missiles'' against nuclear effects (*e.g.*, Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects), and usable for ''missiles''.	MT Column 1
RS applies to 6A002.a.1, a.2, a.3, .c, and .e.	RS Column 1
CC applies to police-model infrared viewers in 6A002.c.	CC Column 1
AT applies to entire entry	AT Column 1
UN applies to 6A002.a.1, a.2 a.3 and c.	Rwanda.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

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■ 53. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers), ECCN 6A102 is amended by revising the Heading, to read as follows:

6A102 Radiation hardened detectors, other than those controlled by 6A002, specially designed or modified for protecting against nuclear effects (e.g., Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects) and usable for ''missiles,'' designed or rated to withstand radiation levels which meet or exceed a total irradiation dose of 5 x 10^5 rads (silicon).

* * * * *

■ 54. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers) is amended by adding ECCN 6A103, to read as follows:

6A103 Radomes designed to withstand a combined thermal shock greater than 100 cal/sq cm accompanied by a peak over pressure of greater than 50 kPa, usable in protecting ''missiles'' against nuclear effects (e.g., Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects), and usable for ''missiles.'' (These items are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. See 22 CFR part 121.)

■ 55. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers), ECCN 6A107 is amended by revising the Heading and the Items paragraph in the List of Items Controlled section, to read as follows:

6A107 Gravity meters (gravimeters) and specially designed components for gravity meters and gravity gradiometers, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. Gravity meters (gravimeters), other than those controlled by 6A007.b, designed or modified for airborne or marine use, and having a static or operational accuracy of 7 x 10^{-6} m/s^2 (0.7 milligal) or better, and having a time to steady-state registration of two minutes or less, usable for ''missiles'';

b. Specially designed components for gravity meters controlled in 6A007. b or 6A107.a and gravity gradiometers controlled in 6A007.c.

■ 56. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers), ECCN 6A108 is amended by revising the Items paragraph in the List of Items Controlled section, to read as follows:

6A108 Radar systems and tracking systems, other than those controlled by 6A008, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. Radar and laser radar systems designed or modified for use in ''missiles'';

Note: 6A108.a includes the following:
a. Terrain contour mapping equipment;
b. Imaging sensor equipment;
c. Scene mapping and correlation (both digital and analog) equipment;
d. Doppler navigation radar equipment.

b. Precision tracking systems, usable for ''missiles'', as follows:

b.1. Tracking systems which use a code translator installed on the rocket or

unmanned air vehicle in conjunction with either surface or airborne references or navigation satellite systems to provide real-time measurements of in-flight position and velocity;

b.2. Range instrumentation radars including associated optical/infrared trackers with all of the following capabilities:

b.2.a. Angular resolution better than 3 milliradians (0.5 mils);

b.2.b. Range of 30 km or greater with a range resolution better than 10 m rms;

b.2.c. Velocity resolution better than 3 m/s.

■ 57. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers), ECCN 6B108 is amended by revising the Heading, to read as follows:

6B108 Systems, other than those controlled by 6B008, specially designed for radar cross section measurement usable for ''missiles'' and their subsystems.

* * * * *

■ 58. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers), ECCN 6D102 is amended by revising the Heading, to read as follows:

6D102 ''Software'' specially designed or modified for the ''use'' of goods controlled by 6A108.

* * * * *

■ 59. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers), ECCN 6D103 is amended by revising the Heading, to read as follows:

6D103 ''Software'' that processes post-flight, recorded data, enabling determination of vehicle position throughout its flight path, specially designed or modified for ''missiles''.

* * * * *

■ 60. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers) is amended by removing ECCN 6D104.

■ 61. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers) is amended by removing ECCN 6E102.

■ 62. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6 (Sensors and Lasers), ECCN 6E101 is amended by revising the Related Definitions paragraph of the List of Items Controlled section, to read as follows:

6E101 ''Technology'' according to the General Technology Note for the ''use'' of equipment or ''software'' controlled by 6A002, 6A007.b and .c, 6A008, 6A102, 6A107, 6A108, 6B108, 6D102 or 6D103.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: (1) This entry only controls ''technology'' for equipment controlled by 6A008 when it is designed for airborne applications and is usable in ''missiles''. (2) This entry only controls ''technology'' for items in 6A002.a.1, a.3, and .e that are specially designed or modified to protect ''missiles'' against nuclear effects (*e.g.*, Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects), and usable for ''missiles.'' (3) This entry only controls ''technology'' for items in 6A007.b and .c when the accuracies in 6A007.b.1 and b.2 are met or exceeded.

Items: * * *

■ 63. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics), ECCN 7B001 is amended by revising the Related Controls paragraph in the List of Items Controlled section, to read as follows:

7B001 Test, calibration or alignment equipment specially designed for equipment controlled by 7A (except 7A994).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) See also 7B101, 7B102 and 7B994. (2) This entry does not control test, calibration or alignment equipment for Maintenance level I.

Related Definition: * * *

Items: * * *

■ 64. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics), ECCN 7B003 is amended by revising the Related Controls paragraph of the List of Items Controlled section, to read as follows:

7B003 Equipment specially designed for the ''production'' of equipment controlled by 7A (except 7A994).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) See also 7B103, (this entry is subject to the licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (*see* 22 CFR part 121)) and 7B994. (2) This entry includes: Inertial Measurement Unit (IMU module) tester; IMU platform tester; IMU stable element handling fixture; IMU platform balance fixture; gyro tuning test station; gyro dynamic balance station; gyro run-in/motor test station; gyro evacuation and fill station; centrifuge fixtures for gyro bearings; accelerometer axis align station; and accelerometer test station.

Related Definitions: * * *

Items: * * *

■ 65. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics), ECCN 7B101 is amended by revising the Heading and the Related Controls paragraph in the List of Items Controlled section, to read as follows:

7B101 ''Production equipment'', and other test, calibration, and alignment equipment, other than that described in 2B119 to 2B122, 7B003, and 7B102, designed or modified to be used with equipment controlled by 7A001 to 7A004 or 7A101 to 7A104.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) *See also* 2B119 to 2B122, 7B003, 7B102, and 7B994. (2) This entry includes: inertial measurement unit (IMU module) tester; IMU platform tester; IMU stable element handling fixture; IMU platform balance fixture; gyro tuning test station; gyro dynamic balance stations; gyro run-in/motor test stations; gyro evacuation and filling stations; centrifuge fixtures for gyro bearings; accelerometer axis align stations; and accelerometer test stations.

Related Definitions: * * *

Items: * * *

■ 66. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics), ECCN 7B102 is amended by revising the Items paragraph of the List of Items Controlled section, to read as follows:

7B102 Equipment, other than those controlled by 7B002, designed or modified to characterize mirrors, for laser gyro equipment, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Scatterometers having a threshold accuracy of 10 ppm or less (better).

b. Reflectometers having a threshold accuracy of 50 ppm or less (better).

c. Prolifometers having a threshold accuracy of 0.5nm (5 angstrom) or less (better).

■ 67. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics) is amended by removing ECCN 7B104.

■ 68. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics), ECCN 7D101 is amended by revising the Heading, to read as follows:

7D101 ''Software'' specially designed or modified for the ''use'' of equipment controlled by 7A001 to 7A006, 7A101 to 7A106, 7A115, 7A116, 7B001, 7B002, 7B003, 7B101, 7B102, or 7B103.

* * * * *

■ 69. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics), ECCN 7D102 is amended by revising the Heading and the Items paragraph of the List of Items Controlled section, to read as follows:

7D102 Integration ''software'', as follows (See List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. Integration ''software'' for the equipment controlled by 7A103.b.

b. Integration ''software'' specially designed for the equipment controlled by 7A003 or 7A103.a.

■ 70. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics) is amended by revising the *Reason for Control* paragraph in the License Requirements section, the Related Controls paragraph in the List of Items Controlled section, and removing the second Related Controls paragraph that reads ''Related Controls: N/A'' of ECCN 7E001, to read as follows:

7E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment or ''software'' controlled by 7A (except 7A994), 7B (except 7B994) or 7D (except 7D994).

License Requirements

Reason for Control: NS, MT, RS, AT

Control(s)	Country chart
* * * * *	

List of Items Controlled

Unit: * * *
Related Controls: (1) See also 7E101 and 7E994. (2) The ''technology'' related to 7A003.b, 7A005, 7A007, 7A103.b, 7A105, 7A106, 7A115, 7A116, 7A117, 7B103, software in 7D101 specified in the Related Controls paragraph of ECCN 7D101, 7D102.a, or 7D103 are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Control (see 22 CFR part 121).
Related Definitions: * * *
Items: * * *

■ 71. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics), ECCN 7E101 is amended by revising the Heading and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

7E101 ''Technology'', according to the General Technology Note for the ''use'' of equipment controlled by 7A001 to 7A006, 7A101 to 7A106, 7A115 to 7A117, 7B001, 7B002, 7B003, 7B101, 7B102, 7B103, or 7D101 to 7D103.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: (1) The ''technology'' related to 7A003.b, 7A005, 7A103.b, 7A105, 7A106, 7A115, 7A116, 7A117, 7B103, software specified in the Related Controls paragraph of ECCN 7D101, 7D102.a, or 7D103 are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. (See 22 CFR part 121.) (2) ''Technology'' for inertial navigation systems and inertial equipment, and specially designed components therefor, not for use on civil aircraft are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. (See 22 CFR part 121.)
Related Definitions: * * *
Items: * * *

■ 72. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7 (Navigation and Avionics), revise ECCN 7E104, to read as follows:

7E104 Design ''Technology'' for the integration of the flight control, guidance, and propulsion data into a flight management system, designed or modified for ''missiles'', for optimization of rocket system trajectory. (This entry is subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. See 22 CFR part 121.)

■ 73. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9A106 is amended by revising the Heading, to read as follows:

9A106 Systems or components, other than those controlled by 9A006, usable in ''missiles'', as follows (see List of Items Controlled), and specially designed for liquid rocket propulsion systems.

* * * * *

■ 74. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9A110 is amended by revising the Heading and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

9A110 Composite structures, laminates and manufactures thereof, other than those controlled by entry 9A010, specially designed for use in ''missiles'' or the subsystems controlled by entries 9A005, 9A007, 9A105.a, 9A106 to 9A108, 9A116, or 9A119.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: (1) See also 1A002. (2) ''Composite structures, laminates, and manufactures thereof, specially designed for use in missile systems are under the licensing authority of the Directorate of Defense Trade Controls, U.S. Department of State, except those specially designed for non-military unmanned air vehicles controlled in 9A012.
Related Definitions: * * *
Items: * * *

■ 75. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), revise ECCNs 9A115 and 9A117, to read as follows:

9A115 Apparatus, devices and vehicles, designed or modified for the transport, handling, control, activation and launching of ''missiles''. (These items are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. See 22 CFR part 121.)

* * * * *

9A117 Staging mechanisms, separation mechanisms, and interstages therefor, usable in ''missiles''. (These items are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. See 22 CFR part 121.)

■ 76. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9B005 is

amended by revising the License Requirements section, to read as follows:

9B005 On-line (real time) control systems, instrumentation (including sensors) or automated data acquisition and processing equipment, specially designed for use with any of the following wind tunnels or devices (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 1
AT applies to entire entry	AT Column 1

* * * * *

■ 77. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9B106 is amended by revising the Items paragraph of the List of Items Controlled section, to read as follows:

9B106 Environmental chambers and anechoic chambers, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. Environmental chambers capable of simulating all of the following flight conditions:

a.1. Vibration environments of 10 g RMS or greater between 20 Hz and 2,000 Hz imparting forces of 5 kN or greater; *and*

a.2. Any of the following:

a.2.a. Altitude of 15,000 m or greater; *or*

a.2.b. Temperature range of at least 223 K (−50oC) to 398 K (+125°C);

b. Anechoic chambers capable of simulating all of the following flight conditions:

b.1. Acoustic environments at an overall sound pressure level of 140 dB or greater (referenced to 2×10^{-5} N/m^2) or with a rated power output of 4kW or greater; *and*

b.2. any of the following:

b.2.a. Altitude of 15,000 m or greater; *or*

b.2.b. Temperature range of at least 223K (−50°C) to 398 K (+125°C).

■ 78. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9B116 is amended by revising the Heading, to read as follows:

9B116 Specially designed ''production facilities'' for the systems, subsystems, and components controlled by 9A004 to 9A009, 9A011, 9A012, 9A101, 9A104 to 9A109, 9A111, 9A116 to 9A119.

* * * * *

■ 79. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment) is amended by adding ECCN 9C110 in Product Group C, Materials, to read as follows:

9C110 Resin impregnated fiber prepregs and metal coated fiber preforms therefor, for composite structures, laminates and manufactures specified in 9A110, made either with organic matrix or metal matrix utilizing fibrous or filamentary reinforcements having a specific tensile strength greater than 7.62×10^4 m and a specific modulus greater than 3.18×10^6 m.

License Requirements

Reason for Control: MT, AT

Control(s)	Country chart
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

License Exceptions

LVS: N/A

GBS: N/A

CIV: N/A

List of Items Controlled

Unit: Kilograms

Related Controls: (1) See also 1C010 and 1C210.c. (2) The only resin impregnated fiber prepregs controlled by entry 9C110 are those using resins with a glass transition temperature (T_g), after cure, exceeding 418 K (145 °C) as determined by ASTM D4065 or national equivalents.

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

■ 80. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9D001 is amended by revising the License Requirements section, and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

9D001 ''Software'' specially designed or modified for the ''development'' of equipment or ''technology'' controlled by 9A (except 9A018, 9A990 or 9A991), 9B (except 9B990 or 9B991) or 9E003.

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to ''software'' for items controlled by 9A001 to 9A003, 9A012, 9B001 to 9B009, and 9E003.	NS Column 1
MT applies to ''software'' for equipment controlled by 9A106.a and .b, or 9B116 for MT reasons.	MT Column 1
AT applies to entire entry	AT Column 1

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) ''Software'' ''required'' for the ''development'' of items controlled by 9A004 is subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. (*See* 22 CFR part 121.) (2) ''Software'' ''required'' for the ''development'' of equipment or ''technology'' subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls is also subject to the same licensing jurisdiction. (*See* 22 CFR part 121.)

Related Definitions: * * *

Items: * * *

■ 81. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9D002 is amended by revising the Heading and the License Requirements section, to read as follows:

9D002 ''Software'' specially designed or modified for the ''production'' of equipment controlled by 9A (except 9A018, 9A990, or 9A991) or 9B (except 9B990 or 9B991).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to ''software'' for equipment controlled by 9A001 to 9A003, 9A012, 9B001 to 9B009, or 9E003.	NS Column 1
MT applies to ''software'' for equipment controlled by 9B116 for MT reasons.	MT Column 1
AT applies to entire entry	AT Column 1

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

■ 82. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9D101 is amended by revising the Heading, to read as follows:

9D101 ''Software'' specially designed or modified for the ''use'' of commodities controlled by 9B105, 9B106, 9B116, or 9B117.

* * * * *

■ 83. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment) is amended by removing ECCN 9D102.

■ 84. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment) is amended by adding ECCN 9D104 to follow 9D103, to read as follows:

9D104 ''Software'' specially designed and modified for the ''use'' of equipment controlled by 9A001, 9A005, 9A006.d, 9A006.g, 9A007.a, 9A008.d, 9A009.a, 9A010.d, 9A011, 9A012 (for MT controlled items only), 9A101, 9A105, 9A106.c and .d, 9A107, 9A108.c, 9A109, 9A111, 9A115.a, 9A116.d, 9A117, or 9A118.

License Requirements

Reason for Control: MT, AT

Control(s)	Country chart
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

License Exceptions

CIV: N/A
TSR: N/A

List of Items Controlled

Unit: $ value
Related Controls: ''Software'' for commodities controlled by 9A005 to 9A011, 9A105, 9A106.c, 9A107 to 9A109, 9A111, 9A115, 9A116, 9A117, and 9A118 are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (see 22 CFR part 121).
Related Definitions: N/A
Items: The list of items controlled is contained in the ECCN heading.

■ 85. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment) is amended by adding ECCN 9D105 to follow the new ECCN 9D104, to read as follows:

9D105 ''Software'' that coordinates the function of more than one subsystem, specially designed or modified for ''use'' in ''missiles.'' (These items are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. See 22 CFR part 121.)

■ 86. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9E101 is amended by revising the Heading, and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

9E101 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of commodities or software controlled by 9A012, 9A101, 9A104 to 9A111, 9A115 to 9A119, 9D101, 9D103, 9D104 or 9D105.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: ''Technology'' controlled by 9E101 for items in 9A012, 9A101.b, 9A104, 9A105, to 9A109, 9A110 that are specially designed for use in missile systems and subsystems, 9A111, 9A115, 9A116 to 9A119, 9D103, and 9D105 are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (see 22 CFR part 121).
Related Definitions: * * *
Items: * * *

■ 87. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9 (Propulsion Systems, Space Vehicles and Related Equipment), ECCN 9E102 is amended by revising the Heading, and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

9E102 ''Technology'' according to the General Technology Note for the ''use'' of space launch vehicles specified in 9A004, or commodities or software controlled by 9A005 to 9A012, 9A101, 9A104 to 9A111, 9A115 to 9A119, 9B105, 9B106, 9B115, 9B116, 9B117, 9D101, 9D103, 9D104 or 9D105.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: (1) For the purpose of this entry, ''use'' ''technology'' is limited to items controlled for MT and their subsystems. (2) ''Technology'' controlled by 9E102 for commodities or software subject to the export licensing jurisdiction of the Department of State in 9A004 to 9A012, 9A101.b, 9A104, 9A105, 9A106.a to .c, 9A107 to 9A109, 9A110 that are specially designed for use in missile systems and subsystems, 9A111, 9A115 to 9A119, 9B115, 9B116, 9D103, specified software in 9D104, and 9D105 are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (see 22 CFR part 121).
Related Definitions: * * *
Items: * * *

Dated: March 25, 2003.

James J. Jochum,

Assistant Secretary for Export Administration.

[FR Doc. 03–7695 Filed 4–1–03; 8:45 am]
BILLING CODE 3510–33–P

Federal Register

Wednesday,
April 2, 2003

Part IV

Department of Labor

29 CFR Parts 96 and 99

Audit Requirements for Grants, Contracts, and Other Agreements; Audits of States, Local Governments, and Non-profit Organizations; Final Rules

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 96

RIN 1291–AA26

Audit Requirements for Grants, Contracts, and Other Agreements

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule; no material change.

SUMMARY: The Department of Labor hereby finalizes its regulation on ''Audit Requirements For Grants, Contracts, and Other Agreements,'' to ensure consistency with previously published amendments to ''Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments and International Organizations'' and ''Uniform Administrative Requirements for Grants, and Cooperative Agreements to State and Local Governments.''

EFFECTIVE DATE: Effective May 2, 2003.

FOR FURTHER INFORMATION CONTACT: Jeff Saylor, Acting Director, Division of Acquisition Management Services, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5425, Washington, DC 20210. Telephone (202) 693–7285. E-mail: *OASAMRegComments@dol.gov.*

SUPPLEMENTARY INFORMATION: The Single Audit Act Amendments of 1996, (Public Law 104–156, 110 Stat. 1396), and the June 24, 1997, revision of OMB Circular A–133, ''Audits of States, Local Governments, and Non-Profit Organizations'' (62 FR 35278, June 30, 1997), required agencies to adopt in codified regulations the standards in the revised Circular A–133 by August 29, 1997, so that they will apply to audits of fiscal years beginning after June 30, 1996. The revised Circular A–133 co-located audit requirements for States, local governments, and non-profit organizations. As a consequence, OMB rescinded OMB Circular A–128, ''Audits of State and Local Governments.'' The Department's interim final rule has been in effect since March 25, 1999 (64 FR 14539). No comments were received on this rule. Accordingly, the interim rule amending 29 CFR part 96 is being adopted as a final rule without change.

Paperwork Reduction Act

This regulation is subject to the Paperwork Reduction Act. Information is submitted on the Standard Form SF–SAC, entitled ''Data Collection Form for Reporting on Audits of States, Local Governments, and Non-Profit Organizations for Fiscal Year Ending Dates On or After January 1, 2001.'' The U.S. Census Bureau is acting as the collection agent for OMB. OMB has issued approval number 0348–0057 for this data collection.

Executive Order 12866 and Significant Regulatory Actions

This rule is considered by the Department of Labor to be a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly this rule has been submitted to and approved by the Office of Management and Budget.

This rule will not have a significant economic impact on a substantial number of small entities. This final rule does not affect the amount of funds provided in the covered programs, but rather increases the threshold for non-Federal entities subject to audit, thereby reducing burden on some small entities. Accordingly, the Department determined that this rule will not have a significant economic impact on a substantial number of small entities. The Department certified to this effect to the Chief Counsel for Advocacy of the U.S. Small Business Administration when the interim rule was published. Therefore, no Regulatory Flexibility Analysis was required. No comments were received on any aspect of the rule or these conclusions as set forth in the interim rule.

Small Business Regulatory Enforcement Fairness Act

This rule is not a ''major rule'' under the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effects on Families

This rule has been assessed under section 654 of the Treasury and General Government Appropriations Act, 1999, for its effect on family well-being and we hereby certify that the rule will not adversely affect the well-being of families.

Consistent with the Small Business Regulatory Enforcement Act of 1996, DOL will submit to Congress a report regarding the issuance of today's final rule prior to the effective date set forth at the outset of this notice. The report will note the Office of Management and Budget's determination that this rule does not constitute a major rule under that Act 5 U.S.C. 801, 804.

List of Subjects in 29 CFR Part 96

Audit Requirements For Grants, Contracts, And Other Agreements.

Signed at Washington, DC, on March 26, 2003.

Elaine L. Chao,

Secretary of Labor.

[FR Doc. 03–7887 Filed 4–1–03; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 99

RIN 1291–AA27

Audits of States, Local Governments, and Non-Profit Organizations

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule; no material change.

SUMMARY: The Department of Labor hereby finalizes its regulation on ''audits of states, local governments, and non-profit organizations'' which codifies in (DOL) regulations the revised Office of Management and Budget (OMB) Circular A–133 in its entirety.

EFFECTIVE DATE: Effective May 2, 2003.

FOR FURTHER INFORMATION CONTACT: Jeff Saylor, Acting Director, Division of Acquisition Management Services, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5425, Washington, DC 20210. Telephone (202) 693–7285. E-mail: *OASAMRegComments@dol.gov.*

SUPPLEMENTARY INFORMATION: The Single Audit Act Amendments of 1996, (Public Law 104–156, 110 Stat. 1396), and the June 24, 1997, revision of OMB Circular A–133, ''Audits of States, Local Governments, and Non-Profit Organizations'' (62 FR 35278, June 30, 1997), required agencies to adopt in codified regulations the standards in the revised Circular A–133 by August 29, 1997, so that they will apply to audits of fiscal years beginning after June 30, 1996. The Department's interim final rule has been in effect since March 25, 1999 (64 FR 14539). No comments were received on the rule. Accordingly, the interim rule adding 29 CFR part 99 which was published at 64 FR 14539 on

March 25, 1999 is being adopted as a final rule without change.

Paperwork Reduction Act

This regulation is subject to the Paperwork Reduction Act. Information is submitted on the Standard Form SF–SAC, entitled ''Data Collection Form for Reporting on Audits of States, Local Governments, and Non-Profit Organizations for Fiscal Year Ending Dates On or After January 1, 2001.'' The U.S. Census Bureau is acting as the collection agent for OMB. OMB has issued approval number 0348–0057 for this data collection.

Executive Order 12866 and Significant Regulatory Actions

This rule is considered by the Department of Labor to be a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly this rule has been submitted to and approved by the Office of Management and Budget.

This rule will not have a significant economic impact on a substantial number of small entities. This final rule does not affect the amount of funds provided in the covered programs, but rather increases the threshold for non-Federal entities subject to audit, thereby reducing burden on some small entities. Accordingly, the Department determined that this rule will not have a significant economic impact on a substantial number of small entities. The Department certified to this effect to the Chief Counsel for Advocacy of the U.S. Small Business Administration when the interim rule was published. Therefore, no Regulatory Flexibility Analysis was required. No comments were received on any aspect of the rule or these conclusions as set forth in the interim rule.

Small Business Regulatory Enforcement Fairness Act

This rule is not a ''major rule'' under the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) because it is not likely to result in (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effects on Families

This rule has been assessed under section 654 of the Treasury and General Government Appropriations Act, 1999, for its effect on family well-being and we hereby certify that the rule will not adversely affect the well-being of families.

Consistent with the Small Business Regulatory Enforcement Act of 1996, DOL will submit to Congress a report regarding the issuance of today's final rule prior to the effective date set forth at the outset of this notice. The report will note the Office of Management and Budget's determination that this rule does not constitute a major rule under that Act 5 U.S.C. 801, 804.

List of Subjects in 29 CFR Part 99

Audits of States, Local Governments, and Non-Profit Organizations.

Signed at Washington, DC, on March 26, 2003.

Elaine L. Chao,

Secretary of Labor.

[FR Doc. 03–7888 Filed 4–1–03; 8:45 am]

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