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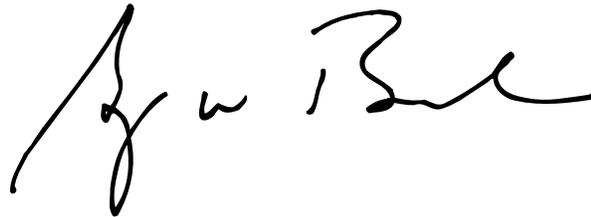
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Title 3—**Presidential Determination No. 2003–24 of May 29, 2003****The President****Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority for Vietnam****Memorandum for the Secretary of State**

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93–618, 88 Stat. 1978 (hereinafter the “Act”), I determine, pursuant to section 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by section 402 of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to Vietnam will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the **Federal Register**.



THE WHITE HOUSE,
Washington, May 29, 2003.

Presidential Documents

Presidential Determination No. 2003-25 of May 29, 2003

Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority for the Republic of Belarus

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93-618, 88 Stat. 1978 (hereinafter the "Act"), I determine, pursuant to section 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by section 402 of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to Belarus will substantially promote the objectives of section 402 of the Act. You are authorized and directed to publish this determination in the **Federal Register**.



THE WHITE HOUSE,
Washington, May 29, 2003.

Rules and Regulations

Federal Register

Vol. 68, No. 115

Monday, June 16, 2003

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

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 00–102–2]

Tuberculosis Testing for Imported Cattle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the animal import regulations to require that an import permit be obtained for the importation of cattle from Mexico; to require certification regarding the tuberculosis history of the herds from which a group of cattle is assembled for export to the United States; to require information regarding each premises where cattle intended for export to the United States have resided; and to add a definition for *herd of origin* and revise the definitions of *herd*, *official tuberculin test*, and *whole herd test*. This action is necessary to help us better ensure that imported cattle are free of tuberculosis, thereby protecting against the spread of tuberculosis within the United States.

DATES: This interim rule is effective June 16, 2003. We will consider all comments that we receive on or before August 15, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 00–102–2, 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. 00–102–2. 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. 00–102–2” on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Glen I. Garris, Senior Staff Officer, Assistant to the Associate Deputy Administrator, Animal Health Programs, VS, APHIS, 4700 River Road Unit 33, Riverdale, MD 20737–1231; (301) 734–5875.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 prohibit or restrict the importation of certain animals and birds into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart D of part 93 (referred to below as the regulations) governs the importation of ruminants.

In an interim rule effective and published in the **Federal Register** on April 20, 2001 (66 FR 20187–20190, Docket No. 00–102–1), we amended the regulations to require that all cattle imported into the United States, except cattle imported for immediate slaughter, and except cattle from Canada, be tested twice with negative results for tuberculosis. (The interim rule provided that Canada would have the option of following the new requirements or the existing requirements in § 93.418.) These new requirements were located in amended § 93.406, and all previous tuberculosis testing requirements for imported cattle, except cattle from Canada, were removed.

We solicited comments concerning the interim rule for 60 days ending June 19, 2001. We received four comments by that date. The comments generally supported the establishment of more stringent tuberculosis testing requirements for cattle imported into the United States. Some of the commenters, however, expressed concern that the provisions of our interim rule were not stringent enough. Others suggested specific changes to the interim rule.

In this interim rule, we are making additional amendments to the regulations based on some of the comments we received. Specifically, this interim rule amends the regulations to require that an import permit be obtained for the importation of cattle from Mexico; to require certification regarding the tuberculosis history of the herds from which a group of cattle is assembled for export to the United States; to require information regarding each premises where cattle intended for export to the United States have resided; and to add a definition for *herd of origin* and revise the definitions of *herd*, *official tuberculin test*, and *whole herd test*. These changes are necessary to help us better ensure that imported cattle are free of tuberculosis, thereby protecting against the spread of tuberculosis within the United States. Our rationale for each of these changes is presented below in the discussion of the comments.

Cattle Imported from Canada

One commenter objected to the provision in the interim rule that allowed importers of cattle from Canada to import animals under either the requirements of the interim rule or the provisions of § 93.418, which were in place prior to the interim rule. Under the existing provisions in § 93.418, cattle from Canada may be imported without being quarantined in the United States or being held at the border for additional testing. The commenter recommended that cattle imported from Canada be subject to the same requirements as cattle from other foreign countries.

We are making no changes based on this comment at this time. However, we will review the status of Canada and other countries or regions regarding their approach to managing tuberculosis as part of a proposed rulemaking we

intend to undertake regarding the importation of cattle into the United States. Currently, we consider the conditions in § 93.418 under which cattle may be imported from Canada into the United States to be adequate.

Reliable Testing

One commenter expressed concern about the reliability of the tuberculosis testing within Mexico and urged that such testing be reviewed by the U.S./Mexico Bi-National Tuberculosis Committee.

From our long history of cooperation with Mexico, we are confident that the tuberculosis testing protocols used in Mexican States for the export of cattle to the United States are reliable. Those testing protocols are reviewed by the U.S./Mexico Bi-National Tuberculosis Committee, which was created in 1994 to assist Mexico with its tuberculosis eradication efforts. Furthermore, in an effort to implement its tuberculosis eradication program, Mexico's Secretariat of Agriculture, Livestock, Rural Development, Fisheries, and Food (SAGARPA) conducts an annual review of testing procedures in Mexico. The eradication program has been successful to the point where there has been a reduction in the prevalence of tuberculosis in cattle in certain regions of Mexico.

Permit Requirement

One commenter stated that the Animal and Plant Health Inspection Service (APHIS) should hold SAGARPA accountable for the accuracy of certificates of origin issued in Mexico for cattle intended for export, and that APHIS should work with SAGARPA to ensure that certificates of origin are not endorsed by SAGARPA for cattle that originate from Mexican States that do not meet minimum standards equivalent to those for the "accreditation preparatory" classification in the United States. The commenter expressed concern that the process for disease risk classification of cattle in Mexico may be unreliable.

Mexican authorities have demonstrated that certificates of origin are issued in many Mexican States according to an assurance program equivalent to that applied in the United States. Under this program, all certificates of origin must be signed by an accredited veterinarian and endorsed by SAGARPA. APHIS and SAGARPA have been working together in an effort to identify and control the movement of cattle from Mexican States and regions that are at high risk of containing tuberculosis-infected animals to reduce the likelihood that these animals will be

moved into the United States or into States in Mexico at lower risk of containing tuberculosis infected animals.

However, not all Mexican States have adopted and are implementing an eradication program. Therefore, APHIS is in the process of developing rulemaking that would create tuberculosis risk classifications for foreign regions that are equivalent to the domestic risk classifications that have been established in the United States. The requirements for importing cattle from a particular foreign region would be based on the level of tuberculosis risk in that region, as indicated by its risk classification.

In the meantime, we are removing § 93.424(a)(3), which waives the requirement of an import permit for cattle imported from Mexico. Importers of cattle from Mexico will be subject to the regulations in § 93.404, which require importers of cattle to first apply for and obtain from APHIS an import permit. On the application, the importer must include information regarding the type, number, and identification of the animals to be imported, and information on the origin, intended date and location of arrival, routes of travel, and destination of the animals.

As provided for in § 93.404(a)(3), an application for permit to import cattle may be denied because of:

- Communicable disease conditions in the area or region of origin, or in a region where the shipment has been or will be held or through which the shipment has been or will be transported;
- Deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the region of origin or in a region where the cattle have been or will be held or through which the cattle have been or will be transported;
- The importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the ruminants;
- The lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or
- Any other circumstances which the Administrator believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.
- We are including Mexico among the countries for which a permit is needed to import cattle into the United States because we agree with the commenter

that enough variation exists in the risk of importation of different types of cattle from different areas of Mexico to warrant an examination by APHIS of each individual request for importation.

Certification Requirements and Definitions of Whole Herd Test and Herd of Origin

Two commenters expressed concern that the interim rule did not include provisions that would enable APHIS to learn the full tuberculosis history of cattle to be imported and the herds they came from. One commenter recommended that, to be considered part of a herd, cattle should be required to be on common ground for at least 12 months, rather than 4 months as provided for in the interim rule. The commenter suggested that the 4-month provision might enable the assembly of a herd from multiple sources whose tuberculosis status is likely to be unknown, and allow the export of the animals before enough time passes to ensure the cattle are not infected. Another commenter suggested that *whole herd test*, as used in the regulations, be defined to include the testing of breeding cattle, to preclude such a test being administered to a group of feeder cattle but not their dams.

We agree with the commenters that it is important to know the tuberculosis history of the herds from which a group of cattle is assembled, and to be able to trace back the tuberculosis history of any animal intended for export to the United States far enough to ensure that the animal is not infected with the disease. To help ensure that this information accompanies cattle that are imported into the United States, we are making several changes in this interim rule as discussed below.

Under § 93.406(a)(2)(i) of the April 2001 interim rule, we required, among other things, that steers and spayed heifers intended for importation originate from a herd that tested negative to a whole herd test for tuberculosis within 1 year prior to the date of their exportation to the United States. In § 93.406(a)(2)(iii) of that interim rule, we required, among other things, that sexually intact cattle not from an accredited herd also originate from a herd that tested negative to a whole herd test for tuberculosis within 1 year prior to the date of exportation to the United States.

In § 93.400 of the April 2001 interim rule, we defined *whole herd test* as an official tuberculin test of all cattle in a herd that are 6 months of age or older, and of all cattle in the herd that are less than 6 months of age and were not born

into the herd, except for certain cattle less than 6 months of age that met certain criteria in the definition. In the interim rule, *herd* was defined, in part, as “any group of one or more animals maintained for at least 4 months on common ground.” Therefore, according to the definitions in the interim rule, a “whole herd test” could be a test of a group of cattle that had been together for as little as 4 months.

To address the commenters’ concerns that such a test might not give an adequate picture of the tuberculosis history of cattle intended for importation into the United States, in this interim rule we are requiring that the cattle described in § 93.406(a)(2)(i) and (iii) be accompanied by certification that the herd in which the cattle were born and raised has tested negative to a whole herd test. In the definitions in § 93.400, we are adding the term *herd of origin* to mean the herd within which an individual animal was born and raised and that was maintained on common ground for at least 4 months. To accommodate additions to the herd of origin, we are including in the definition of *herd of origin* certain language that was included in the April 2002 interim rule’s definition of *herd*, but that, in this interim rule, we are removing from the definition of *herd*, as explained below. We are providing in the definition of *herd of origin* that, for a group of one or more animals to qualify as a herd of origin for the purposes of § 93.406, animals may be added to the herd during or after the 4-month qualifying period only if they: (1) Originated from a tuberculosis-free herd; or (2) originated from an accredited herd or originated from a herd of origin that tested negative to a whole herd test, and the individual cattle to be added to the herd also tested negative to any additional individual tests for tuberculosis required by the Administrator.

The herd of origin testing results must be included on the same import certificate already required under § 93.406(a). The certificate must be issued by a salaried veterinary officer of the national government of the region of origin, or, if the animals are exported from Mexico, either be such a certificate or one that is issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full-time salaried veterinary officer of the National Government of Mexico.

We are also amending the definition of *whole herd test* to make it clear that the herd tested in a whole herd test is a herd of origin. Additionally, we are amending the definition of *herd* by removing the condition that the animals

have been together for at least 4 months (as well as the language discussed above regarding additions to the herd during or after the 4-month qualifying period). The 4-month qualifying provision was included in the initial interim rule to increase the validity of the whole herd test of the herd from which the cattle originated. However, under this interim rule, we can better ensure that cattle to be imported into the United States are not infected with tuberculosis, even if they are exported as part of a herd that has been together for less than 4 months, by requiring negative tuberculosis results to a whole herd test of the herd in which the cattle were born and raised (the herd of origin).

To give us further information upon which to evaluate a request to import cattle, we are amending § 93.404(a), which describes, among other things, the process for applying for an import permit. Under the existing regulations, an application to import ruminants must include the region of origin of the animals. In this interim rule, we are adding the requirement that the application for an import permit include the address of, or other means of identifying, the premises of the herd of origin, including the State or its equivalent, the municipality or nearest city, and the specific location of the premises, or an equivalent method, approved by the Administrator, of identifying the location of the premises. This same information will be required regarding any other premises where the animals were held prior to export.

Definition of Official Tuberculin Test

One commenter observed that the wording of the definition of *official tuberculin test* in the April 2001 interim rule suggests that the test may be administered and reported by a non-veterinarian as long as he or she is a salaried official of the national government of the exporting region. The commenter recommended that the definition of *official tuberculin test* be revised to provide that the test is one that is administered and reported either by a veterinarian accredited by, or a salaried veterinarian of, the State or Federal government of the exporting region, rather than simply by a salaried official of the government of the exporting region. The commenter was particularly concerned that the official tuberculin test of Mexican cattle be administered and reported by a veterinarian accredited by SAGARPA or a salaried veterinarian of SAGARPA.

We agree that the change recommended by the commenter is appropriate and are revising the definition of *official tuberculin test* to

provide that such a test is administered and reported by a full-time salaried veterinary officer of the national government of the region of origin, or administered and reported by a veterinarian designated or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so.

Miscellaneous

Additionally, we are adding language to § 93.406(c) to clarify that, under the existing regulations in § 93.427(a), cattle and other ruminants from Mexico may be detained at the port of entry for inspection, testing, disinfection, and dipping.

Emergency Action

This rulemaking is necessary on an emergency basis to help us better ensure that imported cattle are free of tuberculosis, thereby protecting against the spread of tuberculosis within the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

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

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.

This interim rule amends the animal import regulations to require that an import permit be obtained for the importation of cattle from Mexico; to require certification regarding the tuberculosis history of the herds from which a group of cattle is assembled for export to the United States; to require information regarding each premises where cattle intended for export to the United States have resided; and to add a definition for *herd of origin* and revise

the definitions of *herd*, *official tuberculin test*, and *whole herd test*. This action is necessary to help us better ensure that imported cattle are free of tuberculosis, thereby protecting against the spread of tuberculosis within the United States.

This rule will produce substantial benefits for the U.S. livestock industry, as well as for individual livestock producers, both large and small, since it will help prevent, at little cost, the importation of tuberculosis-infected livestock into the United States, and will also enhance international trade in livestock. This action is not expected to result in an increase in cattle imports into the United States, since the rule, by requiring additional negative testing, is more restrictive than the current regulations.

The United States is a net importer of live cattle. From 1998 to 2000, almost all live animal imports into the United States were from Canada (about 53 percent) and Mexico (about 47 percent). In 2000 alone, the United States imported 2,191,019 head of cattle and calves, almost all of which were from Canada (968,435 head) and Mexico (1,222,569 head), valued at \$1,152 million. Thus, between 1998 and 2000, U.S. live cattle trade essentially has been trade with Canada and Mexico, the U.S. partners to the North American Free Trade Agreement.

Over 99 percent of the imported animals were not for breeding. Almost half of all live animals imported to the United States were shipped for immediate slaughter; the remaining half were sent to designated feedlots. Nearly 98.3 percent of slaughter animals were from Canada, while about 92 percent of feeder animals were from Mexico. Of the total number of animals imported from Mexico in 2000, feeder and slaughter animal imports accounted for over 99 percent of the imports.

This interim rule does not change the import requirements for cattle imported from Canada. This situation is being evaluated separately.

However, slaughter and/or feeder cattle entering the United States from Mexico, where tuberculosis is a continuing problem, will be subject to the requirements of this interim rule, as will such cattle from any other country wishing to export to the United States. Breeding animals from any source other than Canada will continue to be tested for tuberculosis and other diseases at the port of entry and held either for 72 hours (if from Mexico) or for 30 days (if from any other country) until test results are known. Those animals will either be rejected entry or allowed entry depending upon the test results.

This rule is more restrictive than the current regulations and will produce economic benefits by preventing an incursion of tuberculosis into the United States and accelerating the eradication of the disease in this country. Counteracting the spread of disease from even one infected animal could prove very costly and cause serious economic damage to the livestock industry. The main effect of this rulemaking will be to prevent an incursion of tuberculosis into the United States, thus helping to avoid potentially serious economic damage to the U.S. cattle industry.

As this action simply introduces an additional precautionary requirement, it is not expected to result in an increase in the supply or cost of cattle imports into the United States. Any unlikely shortfall of supply could easily be met by domestic sources, without significantly affecting either producer or consumer price. It is not anticipated that any U.S. entities (importers, members of the public, or cattle producers) will experience significant economic effects as a result of this action. Foreign producers will cover any costs of additional testing and are unlikely to pass those costs along to importers and consumers due to the need to remain economically competitive in the U.S. livestock market.

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

Paperwork Reduction Act

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this interim rule have been submitted for emergency approval to the Office of Management and Budget (OMB). OMB has assigned control number 0579-0224 to the information collection and recordkeeping requirements.

We plan to request continuation of that approval for 3 years. Please send written comments on the 3-year approval request to the following

addresses: (1) Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503; and (2) Docket No. 00-102-2, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 00-102-2 and send your comments within 60 days of publication of this rule.

Under this interim rule, exporters of cattle from Mexico must apply for a permit to import cattle. Prior to this interim rule, certain cattle from Mexico were exempted from the requirement for an import permit. Exporters of cattle to the United States from countries for which an application for an import permit was already required under § 93.404 must add information to that application regarding the specific location of each premises that cattle to be imported into the United States have been on. Additionally, we are requiring certification regarding the tuberculosis history of the herds from which a group of cattle is assembled for export to the United States. This information is necessary to allow APHIS to determine if importation of the cattle should be allowed, or under what conditions, based on the disease situation in the areas in which the cattle have resided.

We are soliciting comments from the public, as well as from affected agencies, concerning our information and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, 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 information collection on those who are to respond (such as 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).

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

Respondents: Brokers and exporters of cattle to the United States, and accredited veterinarians or other veterinary authorities who issue export documentation for Mexico's Secretariat

of Agriculture, Livestock, Rural Development, Fisheries, and Food.

Estimated annual number of respondents: 100.

Estimated annual number of responses per respondent: 75.

Estimated annual number of responses: 7,500.

Estimated total annual burden on respondents: 15,000 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

Government Paperwork Elimination Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. For information pertinent to GPEA compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

List of Subjects in 9 CFR Part 93

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

■ Accordingly, we are amending 9 CFR part 93 as follows:

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

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

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

■ 2. Section 93.400 is amended as follows:

■ a. By revising the definitions of *herd*, *official tuberculin test*, and *whole herd test* to read as set forth below.

■ b. By adding, in alphabetical order, a definition of *herd of origin* to read as set forth below.

§ 93.400 Definitions.

* * * * *

Herd. Any group of one or more animals maintained on common ground; or two or more groups of animals under common ownership or supervision on two or more premises that are geographically separated, but among which there is an interchange or movement of animals.

Herd of origin. The herd within which an individual animal was born and raised and that was maintained on common ground for at least 4 months. For a group of one or more animals to qualify as a herd of origin for the purposes of § 93.406, animals may be added to the herd during or after the 4-month qualifying period only if they:

(1) Originated from a tuberculosis-free herd; or

(2) Originated from an accredited herd or originated from a herd of origin that tested negative to a whole herd test, and the individual cattle to be added to the herd also tested negative to any additional individual tests for tuberculosis required by the Administrator.

* * * * *

Official tuberculin test. A test for bovine tuberculosis that is approved by the Administrator as equivalent to the international standard test described in the Manual of Standards for Diagnostic Tests and Vaccines, Office International des Episodes, and that is administered and reported by a full-time salaried veterinary officer of the national government of the region of origin, or administered and reported by a veterinarian designated or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so.

* * * * *

Whole herd test. An official tuberculin test of all cattle in a herd of origin that are 6 months of age or older, and of all cattle in the herd of origin that are less than 6 months of age and were not born into the herd of origin, except those cattle that are less than 6 months of age and:

(1) Were born in and originated from a tuberculosis-free herd; or

(2) Were born in and originated from an accredited herd or originated from a herd of origin that has tested negative to a whole herd test, and the individual cattle have tested negative to any additional individual tests for tuberculosis required by the Administrator.

* * * * *

§ 93.404 [Amended]

■ 3. In § 93.404, paragraph (a)(1), the second sentence is amended as follows:

■ a. By adding, immediately after the words “the region of origin;” the following phrase: “for cattle, the address of or other means of identifying the premises of the herd of origin and any other premises where the cattle resided prior to export, including the State or its equivalent, the municipality or nearest city, and the specific location of the premises, or an equivalent method, approved by the Administrator, of identifying the location of the premises;”.

■ b. By revising the OMB citation at the end of the section to read as follows: “[Approved by the Office of Management and Budget under control numbers 0579-0040 and 0579-0224]”.

■ 4. Section 93.406 is amended as follows:

■ a. By revising paragraphs (a)(2)(i) and (a)(2)(iii) to read as set forth below.

■ b. In paragraph (c), by adding the words “or § 93.427” after the citation “§ 93.411”.

§ 93.406 Diagnostic tests.

(a) * * *

(2) *Tuberculosis.*

(i) For steers and spayed heifers, the cattle originated from a herd of origin that tested negative to a whole herd test for tuberculosis within 1 year prior to the date of exportation to the United States, and the animals each tested negative to an additional official tuberculin test conducted within 60 days prior to the date of exportation to the United States, and any individual cattle that had been added to the herd tested negative to any individual tests for tuberculosis required by the Administrator; or

* * * * *

(iii) For sexually intact cattle that are not from an accredited herd, the cattle originated from a herd of origin that tested negative to a whole herd test for tuberculosis within 1 year prior to the date of exportation to the United States, and the animals each tested negative to one additional official tuberculin test conducted no more than 6 months and no less than 60 days prior to the date of exportation to the United States, and any individual cattle that had been added to the herd tested negative to any individual tests for tuberculosis required by the Administrator, except that the additional test is not required if the animals are exported within 6 months of when the herd of origin tested negative to a whole herd test.

* * * * *

§ 93.424 [Amended]

■ 5. Section 93.424 is amended as follows:

- a. In paragraph (a)(1), the word “or” is added immediately after the semicolon.
- b. In paragraph (a)(2), the word “; or” is removed and a period is added in its place.
- c. Paragraph (a)(3) is removed.

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

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03-15113 Filed 6-13-03; 8:45 am]

BILLING CODE 3410-34-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

RIN 3150-AH08

Medical Use of Byproduct Material: Clarifying and Minor Amendments; Confirmation of Effective Date

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Nuclear Regulatory Commission (NRC) is confirming the effective date of July 7, 2003, for the direct final rule that was published in the **Federal Register** of April 21, 2003, (68 FR 19321). This direct final rule amended the NRC's regulations to clarify certain sections of Part 35, correct the title for the National Institute of Standards and Technology, and eliminate a restriction regarding training for ophthalmic use of strontium-90.

DATES: The effective date of July 7, 2003 is confirmed for this direct final rule.

ADDRESSES: Documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, Room O-1F23, 11555 Rockville Pike, Rockville, MD. These same documents may also be viewed and downloaded electronically via the rulemaking Web site (<http://ruleforum.llnl.gov>). For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher (301) 415-5905; e-mail CAG@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6233 (e-mail: ant@nrc.gov).

SUPPLEMENTARY INFORMATION: On April 21, 2003, (68 FR 19321), the NRC

published a direct final rule amending its regulations in 10 CFR part 35. This direct final rule clarified: the definitions of authorized users, authorized medical physicists, authorized nuclear pharmacists, and radiation safety officers; the notification requirements if the patient is in a medical emergency or dies; and the recordkeeping requirements for calibration of brachytherapy sources. In addition, the amendments corrected the title for the National Institute of Standards and Technology; clarified that prior to October 24, 2004, individuals who meet the training and experience requirements in Subpart J may undertake responsibilities specified in certain sections in Subparts B and D-H; and eliminated a restriction that training for ophthalmic use of strontium-90 can only be conducted in medical institutions. In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on July 7, 2003. The NRC did not receive any comments that warranted withdrawal of the direct final rule. Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 10th day of June, 2003.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 03-15122 Filed 6-13-03; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-15311; Airspace Docket No. 03-ASO-6]

Amendment of Class D, E4, E5 Airspace; Elizabeth City, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D, E4 and E5 airspace at Elizabeth City, NC. The name of the airport has changed from Elizabeth City CGAS/ Municipal Airport to Elizabeth City CGAS/Regional Airport and the geographic position coordinated of the airport have changed.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace

Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5627.

SUPPLEMENTARY INFORMATION:

History

The name of the airport has changed from Elizabeth City CGAS/Municipal Airport to Elizabeth City CGAS/Regional Airport and the geographic position coordinated of the airport have changed. Therefore, the descriptions of the Class D, E4 and E5 airspace at Elizabeth City, NC, must be amended to reflect these changes. This rule will become effective on the date specified in the **EFFECTIVE DATE** section. Since this action has no impact on the users of the airspace in the vicinity of the Elizabeth City CGAS/Regional Airport, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Designations for Class D Airspace, Class E Airspace Areas Designated as an Extension to Class D or Class E Surface Area and Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth are published in paragraphs 5000, 6004 and 6005 respectively, of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class D, E4 and E5 airspace at Elizabeth City, NC.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO NC D Elizabeth City, NC [Revised]

Elizabeth City CGAS/Regional Airport, NC
(Lat. 36°15'38" N, long. 76°10'29" W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.1-mile radius of Elizabeth City CGAS/Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6005 Class E Airspace Areas Designated as an Extension to a Class D Airspace Area

* * * * *

ASO NC E4 Elizabeth City, NC [Revised]

Elizabaeth City CGAS/Regional Airport, NC
(Lat. 36°15'38" N, long. 76°10'29" W)
Elizabeth City VOR/DME
(Lat. 36°15'27" N, long. 76°10'32" W)
Woodville NDB
(Lat. 36°15'47" N, long. 76°15'52" W)

That airspace extending upward from the surface within 1.6 miles each side of Elizabeth City VOR/DME 189° radial, extending from the 4.1-mile radius of Elizabeth City CGAS/Regional Airport to 9.5 miles south of the VOR/DME; within 3.3 miles each side of Elizabeth City VOR/DME 357° radial, extending from the 4.1-mile radius of Elizabeth City CGAS/Regional Airport to 7 miles north of the VOR/DME; within 1.2 miles each side of the 079° bearing from the Woodville NDB, extending from 4.1-mile radius of the airport to the NDB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice of Airmen. The effective

date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

* * * * *

ASO NC ET Elizabaeth City, NC [Revised]

Elizabeth City CGAS/Regional Airport, NC
(Lat. 36°15'38" N, long. 76°10'29" W)
Elizabeth City VOR/DME
(Lat. 36°15'27" N, long. 76°10'32" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Elizabeth City CGAS/Regional Airport and within 8 miles east and 4 miles west of Elizabeth City VOR/DME 189° radial, extending from the VOR/DME to 9.5 miles south of the VOR/DME.

* * * * *

Issued in College Park, Georgia, on June 9, 2003.

Walter R. Cochran,

*Acting Manager, Air Traffic Division,
Southern Region.*

[FR Doc. 03–15143 Filed 6–13–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–15360; Airspace
Docket No. 03–ASO–7]

Amendment of Class E5 Airspace; Tuscaloosa, AL

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E5 airspace at Tuscaloosa, AL. The name of the VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) aid serving the Tuscaloosa Municipal Airport has changed from Tuscaloosa VORTAC to Crimson VORTAC.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT:

Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

The name of the VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) aid serving the Tuscaloosa Municipal Airport has

changed from Tuscaloosa VORTAC to Crimson VORTAC. Therefore, the description of the Class E5 airspace at Tuscaloosa, AL, must be amended to reflect this change. This rule will become effective on the date specified in the **EFFECTIVE DATE** section. Since this action has no impact on the users of the airspace in the vicinity of the Tuscaloosa Municipal Airport, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Designations for Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth are published in paragraph 6005, of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E5 airspace at Tuscaloosa, AL.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

* * * * *

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

* * * * *

ASO AL E5 Tuscaloosa, AL [Revised]

Tuscaloosa Municipal Airport, AL
(Lat. 33°13'14" N, long. 87°36'41" W)
Crimson VORTAC

(Lat. 33°15'32" N, long. 87°32'13" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Tuscaloosa Municipal airport and within 2.4 miles each side of Crimson VORTAC 058° radial, extending from the 7 mile radius to 7 miles northeast of the VORTAC.

* * * * *

Issued in College Park, Georgia, on June 9, 2003.

Walter R. Cochran,

*Acting Manager, Air Traffic Division,
Southern Region.*

[FR Doc. 03–15142 Filed 6–13–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30373; Amdt. No. 3062]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 16, 2003. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 16, 2003.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

4. The Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: PO Box 25082, Oklahoma City, OK 73125), telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available

for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on June 6, 2003.

James J. Ballough,
Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35. [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows: * * *

. . . Effective upon publication

FDC date	State	City	Airport	FDC number	Subject
05/22/03	HI	KAILUA-KONA	KONA INTL AT KEAHOLE	3/3944	LOC RWY 17, AMDT 6A
05/22/03	NY	PLATTSBURGH	PLATTSBURGH INTL	3/3956	ILS RWY 17, AMDT 1A
05/22/03	NY	PLATTSBURGH	PLATTSBURGH INTL	3/3957	VOR/DME RWY 35, ORIG
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3967	ILS RWY 5, AMDT 24D
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3968	ILS RWY 23, AMDT 6D
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3969	VOR/DME RWY 5, AMDT 4B
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3970	VOR/DME RWY 32, AMDT 4C
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3971	VOR RWY 23, AMDT 8B
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3972	RNAV (GPS) RWY 23, ORIG–A
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3973	RNAV (GPS) RWY 14, ORIG
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3974	RNAV (GPS) RWY 32, ORIG
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3975	VOR/DME RWY 14, AMDT 2C
05/22/03	VA	NORFOLK	NORFOLK INTL	3/3976	NDB RWY 5, ORIG–B
05/23/03	OK	STILLWATER	STILLWATER REGIONAL	3/4008	VOR/DME RWY 35, ORIG–B
05/28/03	TX	DALLAS-FORT WORTH	DALLAS-FORT WORTH INTL	3/4072	CONVERGING ILS RWY 17R, AMDT 7
05/28/03	TX	DALLAS-FORT WORTH	DALLAS-FORT WORTH INTL	3/4073	CONVERGING ILS RWY 35C, AMDT 5
05/28/03	TX	DALLAS-FORT WORTH	DALLAS-FORT WORTH INTL	3/4074	CONVERGING ILS RWY 35L, AMDT 2A
05/28/03	TX	DALLAS-FORT WORTH	DALLAS-FORT WORTH INTL	3/4075	CONVERGING ILS RWY 36L, AMDT 1
05/28/03	TX	DALLAS-FORT WORTH	DALLAS-FORT WORTH INTL	3/4114	CONVERGING ILS RWY 13R, AMDT 5A
05/28/03	TX	DALLAS-FORT WORTH	DALLAS-FORT WORTH INTL	3/4115	CONVERGING ILS RWY 31R, AMDT 6
05/29/03	IA	MUSCATINE	MUSCATINE MUNI	3/4172	VOR RWY 24, ORIG
05/29/03	IA	MUSCATINE	MUSCATINE MUNI	3/4173	VOR RWY 6, ORIG
05/29/03	IA	MUSCATINE	MUSCATINE MUNI	3/4175	GPS RWY 6, ORIG
06/02/03	IA	MUSCATINE	MUSCATINE MUNI	3/4177	GPS RWY 24, AMDT 2
06/02/03	NE	NORFOLK	KARL STEFAN MEMORIAL	3/4263	RNAV (GPS) RWY 13, ORIG
05/30/03	TN	CLARKSVILLE	OUTLAW FIELD	3/4195	VOR RWY 35, AMDT 15D

[FR Doc. 03-14990 Filed 6-13-03; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30372; Amdt. No. 3061]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 16, 2003. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 16, 2003.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The Flight Inspection Area Office which originated the SIAP; or,

4. The Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers and aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight

safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 97:

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on June 6, 2003.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§ 97.23, § 97.25, § 97.27, § 97.29, § 97.31, § 97.33, § 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs identified as follows:

Effective July 10, 2003

Cloverdale, CA, Cloverdale Muni, RNAV (GPS) RWY 32, Orig
Chicago/Aurora, IL, Aurora Mini, ILS RWY 9, Amdt 2
Hilton Head Island, SC, Hilton Head, VOR/DME–A, Amdt 10
Hilton Head Island, SC, Hilton Head, RNAV (GPS) RWY 3, Orig
Hilton Head Island, SC, Hilton Head, RNAV (GPS) RWY 21, Orig
Hilton Head Island, SC, Hilton Head, GPS RWY 21, Orig, CANCELLED
Hilton Head Island, SC, Hilton Head, VOR/DME RNAV OR GPS RWY 3, Amdt 4B, CANCELLED
Hilton Head Island, SC, Hilton Head, VOR/DME RNAV or GPS RWY 21, Amdt 4C, CANCELLED
Corpus Christi, TX, Corpus Christi Intl, RNAV (GPS) RWY 13, Orig
Corpus Christi, TX, Corpus Christi Intl, RNAV (GPS) RWY 17, Orig
Corpus Christi, TX, Corpus Christi Intl, RNAV (GPS) RWY 35, Orig
Corpus Christi, TX, Corpus Christi Intl, RNAV (GPS) RWY 31, Orig
Corpus Christi, TX, Corpus Christi Intl, GPS RWY 13, Orig, CANCELLED
Corpus Christi, TX, Corpus Christi Intl, GPS RWY 17, Orig, CANCELLED
Corpus Christi, TX, Corpus Christi Intl, GPS RWY 31, Orig–A, CANCELLED
Corpus Christi, TX, Corpus Christi Intl, GPS RWY 35, Orig–A, Cancelled
Rockport, TX, Aransas County, RNAV (GPS) RWY 14, Amdt 1

Effective August 07, 2003

Chicago, IL, Chicago-O'Hare Intl, RNAV (GPS) RWY 32L, Amdt 1
McKinney, TX, McKinney Muni, ILS RWY 17, Amdt 2
Madison, WI, Dane County Regional-Truax Field, VOR RWY 32, Orig

Effective September 04, 2003

Vidalia, GA, Vidalia Muni, NDB RWY 24, Amdt 3
Vidalia, GA, Vidalia Muni, LOC RWY 24, Amdt 3

Bardstown, KY, Samuels Field, VOR/DME–A, Orig
Bardstown, KY, Samuels Field, VOR/DME RWY 2, Amdt 3A, CANCELLED
Corvallis, OR, Corvallis Muni, NDB RWY 17, Amdt 2
Florence, SC, Florence Regional, VOR or TACAN–A, Amdt 5

The FAA published the following procedures in Docket No. 30369; Amdt. No. 3059 to Part 97 of the Federal Aviation Regulations (Vol. 68, FR No. 105, page 32634; dated Monday, June 2, 2003) under sections 97.23 and 97.33 effective July 10, 2003 are hereby rescinded:

Window Rock, AZ, Window Rock, VOR/DME–A, Orig–C
Window Rock, AZ, Window Rock, RNAV (GPS)–B, Orig
Window Rock, AZ, Window Rock, RNAV (GPS) RWY 2, Orig
Window Rock, AZ, Window Rock, VOR/DME RNAV OR GPS RWY 2, Amdt 1A, CANCELLED

The FAA published the following procedures in Docket No. 30365; Amdt. No. 3055 to Part 97 of the Federal Aviation Regulations (Vol. 68, FR No. 87, Page 23891; dated Tuesday, May 6, 2003) under sections 97.23 and 97.33 effective July 10, 2003 are hereby rescinded:

Mitchellville, MD, Freeway, VOR RWY 36, Orig–B
Mitchellville, MD, Freeway, RNAV (GPS) RWY 18, Orig
Mitchellville, MD, Freeway, RNAV (GPS) RWY 36, Orig

The FAA published the following procedures in Docket No. 30369; Amdt. No. 3059 to Part 97 of the Federal Aviation Regulations (Vol. 68, FR No. 105, Page 32635; dated Monday, June 2, 2003) under sections 97.23; 97.29 and 97.33 effective July 10, 2003 which are hereby corrected to read as follows:

Pedricktown, NJ, Spitfire Aerodrome, RNAV (GPS) RWY 7, Orig
Pedricktown, NJ, Spitfire Aerodrome, RNAV (GPS) RWY 25, Orig
Providence, RI, Theodore Francis Green State, VOR/DME RWY 23, Amdt 6E
Providence, RI, Theodore Francis Green State, ILS RWY 5, Amdt 18
Providence, RI, Theodore Francis Green State, ILS RWY 23, Amdt 5
Providence, RI, Theodore Francis Green State, RNAV (GPS) Y RWY 5, Orig
Providence, RI, Theodore Francis Green State, RNAV (GPS) Z RWY 5, Orig
Providence, RI, Theodore Francis Green State, RNAV (GPS) RWY 23, Orig

The FAA published the following procedures in Docket No. 30369; Amdt. No. 3059 to Part 97 of the Federal Aviation Regulations (Vol. 68, FR No.

105, Page 13622; dated Monday June 2, 2003) under section 97.33 effective July 10, 2003 which are hereby rescinded; The procedures published on May 15, 2003 remain in effect.

Babelthuap Island, PS, Babelthuap/Koror, RNAV (GPS) RWY 9, Orig
Babelthuap Island, PS, Babelthuap/Koror, RNAV (GPS) RWY 27, Orig
Babelthuap Island, PW, Babelthuap/Koror, GPS RWY 9, AMDT 1B (CANCELLED)
Babelthuap Island, PW, Babelthuap/Koror, GPS RWY 27, AMDT 1B (CANCELLED)

The FAA published the following procedures in Docket No. 30369; Amdt. No. 3059 to Part 97 of the Federal Aviation Regulations (Vol. 68, FR No. 105, Page 32635; dated Monday, June 2, 2003) under sections 97.23; 97.29 and 97.33 effective July 10, 2003 which are hereby corrected to read as follows:
Durant, OK, Eaker Field, VOR/DME RWY 35, Orig
Durant, OK, Eaker Field, NDB RWY 35, Amdt 6

The FAA published the following procedures in Docket No. 30365; Amdt. No. 3055 to Part 97 of the Federal Aviation Regulations (Vol. 68, FR No. 87, Page 23891; dated Tuesday, May 6, 2003) under sections 97.23; 97.25; 97.29; 97.31; 97.33 and 97.35 listed with an effective date of June 12, 2003 which are hereby corrected to be effective on July 10, 2003:

Payson, AZ, Payson, RNAV (GPS)–A, Amdt 1
Chino, CA, Chino, ILS RWY 26R, Amdt 6
Inyokern, CA, Inyokern, RNAV (GPS) Y RWY 02, Orig
Inyokern, CA, Inyokern, RNAV (GPS) Z RWY 02, Orig
Hayden, CO, Yampa Valley, RNAV (GPS) Z RWY 10, Orig
Hayden, CO, Yampa Valley, RNAV (GPS) Y RWY 10, Orig
Hayden, CO, Yampa Valley, RNAV (GPS) RWY 28, Orig
Hayden, CO, Yampa Valley, GPS C, Orig, CANCELLED
Hayden, CO, Yampa Valley, GPS D, Orig, CANCELLED
Lamar, CO, Lamar Muni, RNAV (GPS) RWY 8, Orig
Lamar, CO, Lamar Muni, RNAV (GPS) RWY 18, Orig
Lamar, CO, Lamar Muni, RNAV (GPS) RWY 26, Orig
Lamar, CO, Lamar Muni, RNAV (GPS) RWY 36, Orig
Lamar, CO, Lamar Muni, GPS RWY 18, Orig–A, CANCELLED
Lamar, CO, Lamar Muni, GPS RWY 36, Amdt 1A, CANCELLED
Zephyrhills, FL, Zephyrhills Muni, NDB RWY 18, Orig

Zephyrhills, FL, Zephyrhills Muni, NDB RWY 22, Orig
 Zephyrhills, FL, Zephyrhills Muni, NDB RWY 36, Orig
 Rochelle, IL, Rochelle Muni Airport-Koritz Field, VOR-A, Amdt 8
 Rochelle, IL, Rochelle Muni Airport-Koritz Field, RNAV (GPS) RWY 7, Orig
 Rochelle, IL, Rochelle Muni Airport-Koritz Field, RNAV (GPS) RWY 25, Orig
 Rayville, LA, John H. Hooks Jr Memorial, RNAV (GPS) RWY 36, Orig
 Rayville, LA, John H. Hooks Jr Memorial, GPS RWY 36, Orig, CANCELLED
 Mitchellville, MD, Freeway, VOR RWY 36, Orig-B
 Mitchellville, MD, Freeway, RNAV (GPS) RWY 18, Orig
 Mitchellville, MD, Freeway, RNAV (GPS) RWY 36, Orig
 Ridgely, MD, Ridgely Airpark, RNAV (GPS) RWY 12, Orig
 Ridgely, MD, Ridgely Airpark, RNAV (GSP) RWY 30, Orig
 Bay City, MI, James Clements Muni, VOR-A, Amdt 12
 Cavalier, ND, Cavalier Muni, RNAV (GPS) RWY 34, Orig
 Fairmont, NE, Fairmont State Airfield, NDB RWY 17, Amdt 1
 Fairmont, NE, Fairmont State Airfield, NDB RWY 35, Amdt 2
 Fairmont, NE, Fairmont State Airfield, GPS RWY 35, Orig, CANCELLED
 Fairmont, NE, Fairmont State Airfield, RNAV (GPS) RWY 17, Orig
 Fairmont, NE, Fairmont State Airfield, RNAV (GPS) RWY 35, Orig
 West Milford, NJ, Greenwood Lake, RNAV (GPS) RWY 6, Orig
 West Milford, NJ, Greenwood Lake, GPS RWY 6, Orig, CANCELLED
 Lake Placid, NY, Lake Placid, RNAV (GPS) RWY 14, Orig
 Lake Placid, NY, Lake Placid, RNAV (GPS)-A, Orig
 Ticonderoga, NY, Ticonderoga Muni, RNAV (GPS) RWY 2, Orig
 Ticonderoga, NY, Ticonderoga Muni, RNAV (GPS) RWY 20, Orig
 Ticonderoga, NY, Ticonderoga Muni, GPS RWY 2, Orig, CANCELLED
 Ticonderoga, NY, Ticonderoga Muni, GPS RWY 20, Orig, CANCELLED
 West Union, OH, Alexander Salamon, NDG RWY 23, Amdt 4
 West Union, OH, Alexander Salamon, RNAV (GPS) RWY 5, Orig
 West Union, OH, Alexander Salamon, RNAV (GPS) RWY 23, Orig
 Fayetteville, TN, Fayetteville Muni, SDF RWY 20, Amdt 3
 Fayetteville, TN, Fayetteville Muni, NDB RWY 20, Amdt 4
 Brenham, TX, Brenham Muni, RNAV (GPS) RWY 16, Orig

Brenham, TX, Brenham Muni, RNAV (GPS) RWY 34, Orig
 Brenham, TX, Brenham Muni, GPS RWY 16, Orig-A, CANCELLED
 Brenham, TX, Brenham Muni, GPS RWY 34, Orig-A, CANCELLED
 Rockport, TX, Aransas County, RNAV (GPS) RWY 14, Amdt 1
 Rocksprings, TX, Edwards County, VOR RWY 14, Amdt 4
 Rocksprings, TX, Edwards County, RNAV (GPS) RWY 14, Orig
 Richmond/Ashland, VA, Hanover County Muni, VOR RWY 16, Amdt 2
 [FR Doc. 03-14991 Filed 6-13-03; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-1118; MM Docket No. 01-143; RM-10153]

Radio Broadcasting Services; Fishers, Indianapolis and Noblesville, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document at the request of INDY LICO, Inc., licensee of Stations WGRL(FM), Noblesville, Indiana, and WGLD(FM), Indianapolis, Indiana, reallocates Channel 230A from Noblesville, Indiana, to Fishers, Indiana, as the community's first local transmission service, and modifies Station WGRL(FM)'s license to reflect the change of community. It also reallocates Channel 283B from Indianapolis to Noblesville, Indiana, to retain the community's first local transmission service and modifies Station WGLD(FM)'s license to reflect the change of community. An amendment filed by petitioner requesting an alternate site for Channel 230A at Fishers that would be short-spaced to Station WQKC(FM) at Seymour, also proposing to substitute Channel 230A for 229B at Seymour, reallocate Channel 230A from Seymour to Sellersburg, Indiana, and modify Station WQKC's license to reflect the change of community, is dismissed and considered in a new docket simultaneously. Channel 230A is reallocated from Noblesville to Fishers at Station WGRL(FM)'s licensed site 7.1 kilometers (4.4 miles) north of the community at coordinates 40-00-55 NL, and 85-58-58 WL. Channel 283B is reallocated from Indianapolis to Noblesville at WGLD(FM)'s licensed site 26.9 kilometers (16.7 miles) southwest

of the community at coordinates 39-50-25 NL and 86-10-34 WL.

DATES: Effective July 14, 2003.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 01-143, adopted May 28, 2003, and released May 30, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, or via e-mail qualexint@aol.com.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by adding Fishers, Channel 230A, by removing Channel 283B at Indianapolis, and by removing Channel 230A and adding Channel 283B at Noblesville.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03-15071 Filed 6-13-03; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-1845; MM Docket No. 01-78; RM-10080]

Radio Broadcasting Services; Bosque Farms and Grants, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Educational Media Foundation, downgrades Channel 288C1 to Channel 288C2 at Grants, reallocates Channel 288C2 from Grants to Bosque Farms, New Mexico, and modifies Station KQLV(FM)'s license accordingly. We also allot Channel 244C3 at Grant, New Mexico, as the community's third local FM transmission service. Channel can be reallocated to Bosque Farms in compliance with the Commission minimum distance separation requirements with a site restriction of 12.3 kilometers (7.6 miles) southwest to accommodate petitioner's requested site. The coordinates for Channel 288C2 at Bosque Farms are 34-47-55 North Latitude and 106-48-59 West Longitude. Likewise, Channel 244C3 can be allotted to Grants without the imposition of a site restriction. The coordinates for Channel 244C3 at Grants are 35-09-08 North Latitude and 107-50-33 West Longitude. See 66 FR 178844, April 4, 2001. At the request of Christian Country Network, Inc., we dismiss its counterproposal.

DATES: Effective July 14, 2003. A filing window for Channel 244C3 at Grants, New Mexico, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01-78, adopted May 28, 2003, and released May 30, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in

Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 54, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 288C2 at Bosque Farms, by removing Channel 288C1 at Grants, and by adding Channel 244C3 at Grants.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03-15069 Filed 6-13-03; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-1844; MB Docket No. 03-52, RM-10657; MB Docket No. 03-53, RM-10658; MB Docket No. 03-54, RM-10659]

Radio Broadcasting Services; Dalhart, Kermit, and Leakey, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants three proposals that allot new channels to Dalhart, Kermit, and Leakey, Texas. The Audio Division, at the request of Linda Crawford, allots Channel 261C at Dalhart, Texas, as the community's second FM commercial aural transmission service. See 68 FR 12024, March 13, 2003. Channel 261C can be allotted to Dalhart in compliance with the Commission's minimum distance separation requirements with a site restriction of 38.6 kilometers (24 miles) northwest to avoid a short-spacing to the license site of Station KOMX, Channel 262C2, Pampa, Texas. The reference coordinates for Channel 261C at Dalhart are 36-14-36 North Latitude and 102-52-36 West Longitude. Filing

windows for Channel 261C at Dalhart, Texas, Channel 229A at Kermit, Texas, and Channel 257A at Leakey, Texas, will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order. See **SUPPLEMENTARY INFORMATION, infra.**

DATES: Effective July 14, 2003.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 03-52, 03-53, 03-54, adopted May 28, 2003, and released May 30, 2003. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

The Audio Division, at the request of Al Boyd, allots Channel 229A at Kermit, Texas, as the community's second FM commercial aural transmission service. See 68 FR 12024, March 13, 2003. Channel 229A can be allotted to Kermit in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The reference coordinates for Channel 229A at Kermit are 31-51-27 North Latitude and 103-05-32 West Longitude. Although concurrence has been requested for Channel 229A at Kermit, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican Government, the construction permit will include the following condition: "Operation with the facilities specified for Kermit herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement."

The Audio Division, at the request of Katherine Pyeatt, allots Channel 257A at Leakey, Texas, as the community's fifth local aural transmission service. See 68 FR 12024, March 13, 2003. Channel 257A can be allotted to Leakey in

compliance with the Commission's minimum distance separation requirements with a site restriction of 11.4 kilometers (7.1 miles) west of Leakey, Texas. The reference coordinates for Channel 257A at Leakey are 29-44-41 North Latitude and 99-52-40 West Longitude. Although concurrence has been requested for Channel 257A at Leakey, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican Government, the construction permit will include the following condition: "Operation with the facilities specified for Leakey herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement."

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Accordingly, for the reasons set out in the preamble, 47 CFR Part 73 is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 261C at Dalhart; by adding Channel 229A at Kermit; and by adding Channel 257A at Leakey.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03-15068 Filed 6-13-03; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-1843; MB Docket No. 03-21, RM-10632, RM-10696]

Radio Broadcasting Services; Eastpoint and Port St. Joe, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Moira L. Ritch, allots Channel 270C3 to Port St. Joe, FL, as the community's second local FM

transmission service. See 68 FR 7964, February 19, 2003. Channel 270C3 can be allotted to Port St. Joe in compliance with the Commission's minimum distance separation requirements with a site restriction 2.2 kilometers (1.4 miles) south to avoid short-spacing to the application site of Station WWAV, Channel 271C2, Santa Rosa, Florida and the license site of Station WBGE, Channel 270A, Bainbridge, Georgia. The reference coordinates for Channel 270C3 at Port St. Joe are 29-47-45 North Latitude and 85-17-27 West Longitude. In response to a counterproposal filed by Richard L. Plessinger, Sr., the Audio Division allots Channel 283A to Eastpoint, FL, as that community's first local aural transmission service. Channel 283A can be allotted to Eastpoint in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The reference coordinates for Channel 283A at Eastpoint are 29-44-11 North Latitude and 84-52-42 West Longitude. Filing windows for Channel 270C3 at Port St. Joe, FL and Channel 283A at Eastpoint, FL, will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

DATES: Effective July 14, 2003.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC. 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 03-21, adopted May 28, 2003, and released May 30, 2003. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Accordingly, for the reasons set out in the preamble, 47 CFR Part 73 is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Eastpoint, Channel 283A and by adding Channel 270C3 at Port St. Joe.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03-15067 iled 6-13-03; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 26

[Docket OST-2000-7639 & OST-2000-7640]

RIN 2105-AC89

Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This final rule revises the Department of Transportation's (DOT or Department) regulations for its Disadvantaged Business Enterprise (DBE) program. It makes several changes to the DBE program, concerning such subjects as uniform application and reporting forms; implementing a memorandum of understanding (MOU) with the Small Business Administration (SBA); substantive amendments to provisions concerning personal net worth, retainage, size standard, proof of ethnicity, confidentiality, proof of economic disadvantage, DBE credit for trucking firms, and eligibility of firms owned by Alaska Native Corporations (ANCs); and clarifications concerning multi-year project goals and the use of the new North American Industrial Classification System ("NAICS"). In addition, this document addresses comments received in response to both an interim final rule (IFR) issued in November 2000 and a notice of proposed rulemaking (NPRM) issued in May 2001 (RIN 2105-AC88).

DATES: This final rule is effective July 16, 2003.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant

General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590, phone numbers (202) 366-9310 (voice), (202) 366-9313 (fax), (202) 755-7687 (TDD), bob.ashby@ost.dot.gov (e-mail).

SUPPLEMENTARY INFORMATION:

Electronic Access: An electronic copy of this document may be downloaded by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Group Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>. You can also view and download this document by going to the web page of the Department's Docket Management System at: <http://dms.dot.gov/>. On that page, click on "search." On the next page, type in the four-digit docket number shown on the first page of this document. Then click on "search."

Background

On February 2, 1999, the Department published a final rule revising its Disadvantaged Business Enterprise (DBE) program. The new regulations (49 CFR part 26) replaced 49 CFR part 23, except for the airport concessions regulations. Airport concessions are being discussed in a separate rule. The NPRM on airport concessions was issued December 12, 2002 (67 FR 76327). Its final rule is pending. In drafting the 1999 final rule, the Department considered many sources, including the results of a government-wide review of affirmative action programs, requirements set forth in the Supreme Court's decision in *Adarand v. Peña* (515 U.S. 200 (1995)), extensive Congressional debate during the reauthorization of the DBE program, and over 900 comments. Because of the enormity of the 1999 revisions, there were several requirements, such as the establishment of a uniform certification form, that were reserved for a later date. Additionally, after administering the program since 1999 it is evident that clarification of some provisions and revisions to other provisions would be useful.

I. Interim Final Rule Regarding Threshold Requirements and Other Changes

The Department published an IFR in the **Federal Register** on November 15, 2000 (65 FR 68949). The IFR addressed threshold requirements for Federal Transit Administration recipients and

Federal Aviation Administration recipients to establish DBE programs and submit overall goals. In addition, the IFR corrected and clarified misleading language in 49 CFR part 26. The IFR also provided examples of ways to collect information required for bidders lists, and clarified that in order to verify whether a DBE firm actually performed the work they were committed to, both commitments and attainments must be tracked and reported. Finally, the IFR corrected potentially misleading language regarding evidence that must be considered when setting overall goals. The Department received only four comments on this IFR that are addressed below.

A. Substantive Changes

DBE Programs

Section 26.21(a)(2) of the rule states that Federal Transit Administration (FTA) recipients who receive \$250,000 or more in a fiscal year in various forms of FTA assistance must have a DBE program. Similarly, subsection (a)(3) requires Federal Aviation Administration (FAA) recipients who receive grants of \$250,000 or more in a fiscal year for airport planning and development to have a DBE program. The IFR changed the threshold to \$250,000 in contracting opportunities. The change requires FTA recipients who project awarding more than \$250,000 in prime contracts in a Federal fiscal year from FTA assistance to have a DBE program. Similarly, FAA recipients who project awarding more than \$250,000 in prime contracts in a fiscal year from grants for airport planning and development are required to submit a plan. Prime contracts include contracts for goods as well as contracts for services.

The Department made these changes to decrease the administrative burden on transit authorities and small airports. Many of these transit authorities and small airports receive more than \$250,000 in FTA or FAA funds, but have only a small amount of funding available for actual contracting opportunities. For example, FAA grants funding for land acquisition projects. While many of these grants exceed \$250,000, the value of contracting opportunities covered by the DBE program (e.g., real estate appraisal and survey) frequently is well below \$250,000. The major portion of grant funds is generally for the land purchase itself, which is not a "DOT-assisted contract" under the definition of § 26.5.

We only received two comments on this provision, both supporting the

change. It was suggested, however, that DOT monitor the number of recipients and Federal contracts affected by this change to ensure that the purpose of the DBE program is not compromised. We believe that this change will only affect a small number of our recipients and monitoring the way in which recipients carry out provisions of the rule is a normal function of FTA and FAA.

One commenter requested that we extend the \$250,000 threshold to transit vehicle manufacturers (TVMs). We do not believe that any TVMs would benefit from the \$250,000 threshold. The cost of just one vehicle would exceed \$250,000; therefore, any change would be meaningless.

Therefore, we are adopting the provisions of the IFR without change. FTA and FAA recipients who reasonably anticipate awarding \$250,000 or less in prime contracts in a fiscal year are not required to submit a DBE plan. This change affects new recipients or recipients who do not have a DBE program. The rule also reduces burdens on recipients who already have DBE programs. If such a recipient anticipates awarding \$250,000 or less in prime contracts it does not have to submit a DBE overall goal for that year.

Goal Setting

Section 26.45 requires recipients to submit new goals on August 1 of each year. The IFR revised this section to exempt FTA or FAA recipients with existing DBE programs from setting updated overall goals when they do not project awarding prime contracts exceeding \$250,000 (excluding vehicle transit purchases) in the year in which the updated goal would apply.

Under this provision, if a recipient is administering a DBE program, but is an FAA or FTA recipient who anticipates awarding \$250,000 or less in prime contracts in a Federal fiscal year, the recipient is not required to develop overall goals for that fiscal year. The recipient's existing DBE program must remain in effect, however, even though they are not required to develop goals. For example, the recipient is still required to perform certification functions such as processing applications and obtaining no-change affidavits. If the recipient expects to award prime contracts exceeding \$250,000 in the following fiscal year, it must timely publish the proposed goal and submit the goal to the applicable DOT Operating Administration by August 1. Although not required, a FAA or FTA recipient who anticipates awarding \$250,000 or less in prime contracts may submit a goal for that fiscal year. If a recipient chooses to

submit a goal, however, it must meet all the requirements set forth in § 26.45. Of course, all recipients must still seek to meet the objectives of § 26.1 of this part.

There were no substantive comments on this section; therefore, we are not making any changes to this provision.

B. Technical Changes

Clarification Concerning Bidders Lists

Section 26.11(c) requires recipients to create and maintain a bidders list containing information about DBE and non-DBE contractors and subcontractors who seek work on a recipient's Federally-assisted contracts. The Department had received a number of questions regarding the appropriate method to collect the required information. Recipients had also expressed concern with collecting the annual gross receipts of firms, saying that firms sometimes have been reluctant to share this information.

In discussing this requirement in the DBE final rule, the Department recognized the difficulty in identifying subcontractors, particularly non-DBEs and all subcontractors that were unsuccessful in their attempts to obtain contracts. Consequently, the Department did not impose any procedural requirements for how the data are collected. The Department still believes that a recipient's data collection process should remain flexible. The IFR amended § 26.11(c) to emphasize the purpose of the bidders list and provide examples of ways in which recipients may choose to collect the required data.

The IFR amended § 26.11(c)(1) to state that the purpose of maintaining a bidders list is to provide the most accurate data possible about the universe of DBE and non-DBE contractors and subcontractors who seek to perform work under a recipient's Federally-assisted contracts for use in setting overall goals. The IFR also added language stating that a recipient may collect the required data from all bidders, before or after the bid due date. They may also choose to conduct a survey that will result in a statistically sound estimate of the universe comprised of DBE and non-DBE contractors and subcontractors who seek to perform work under the recipient's Federally-assisted contracts. Additionally, we clarified that the data need not come from the same source. For example, a recipient may collect name and address information from all bidders while conducting a survey with respect to age and gross receipts information. The Department continues to believe that the approach should remain flexible so that recipients can

choose the least burdensome and intrusive method.

With regard to a firm's annual gross receipts, the IFR amended the language in § 26.11(c) to clarify that recipients are not required to collect exact dollar figures from the bidders. Recipients may ask a firm to indicate into what gross receipts bracket they fit (*e.g.*, less than \$500,000; \$500,000–\$1 million; \$1–2 million; \$2–5 million; etc.) rather than requesting an exact figure from the firms. We note that this information on the financial size of a firm, as well as information collected about the firm's age, should be helpful to recipients in formulating narrowly tailored overall goals.

A few commenters stated that they do not use a firm's gross receipts or a firm's age in calculating their goals and therefore collecting this information should be optional. We believe that this information is a valuable way to measure the relative availability of ready, willing, and able DBEs, and we encourage recipients to utilize this in setting their goals. Use of this information will help recipients to ensure that their goal setting process is narrowly tailored. However, although this information is not required in setting goals, it is information that the Department is asked to provide periodically to Congress. Consequently, we will continue to require recipients to collect a firm's gross receipts and age for DBE and non-DBE contractors and subcontractors who seek to work on Federally-assisted contracts. This portion of the IFR is also being retained without change.

Clarification Concerning Monitoring and Counting DBE Participation

Section 26.37(b) requires recipients to have a mechanism to verify that the work committed to DBEs at contract award is actually performed by the DBEs. The language in the final rule states that recipients must provide for a running tally of actual DBE attainments. The preamble to the rule states, "Under the final rule, recipients would keep a running tally of the extent to which, on each contract, performance had matched promises." Verifying whether a DBE actually performed the work they were committed to necessarily requires the recipient to track both commitments and attainments.

The IFR reworded the language in § 26.37(b) to state that a recipient's DBE program must include a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs. In addition, it added a new paragraph (c) to clarify that a recipient's mechanism

for providing a running tally of actual DBE attainments must include a means of comparing the attainments to commitments. It also clarified that both awards or commitments and attainments must be contained in a recipient's reports of DBE participation to the Department.

The few comments we received on this section questioned whether commitments and attainments could be reported together in a meaningful way without being misleading. We recognize that in many instances the awards and commitments reported will not correspond to the attainments reported on the same form. For example, if a contract is awarded to a DBE in August 2001, the award would be reflected in the report for that period, but the contract likely would not be completed for many years. Therefore, the actual achievements section in that report could not reflect the achievements on that contract. The Uniform Reporting Form in Section II of this document contains two separate sections in the form. The first section reflects contracts awarded or committed during the reporting period. The second section reflects actual payments on contracts completed during the reporting period. It is essentially a "snap-shot" of a recipient's progress towards the participation of DBEs in its DBE program, and is not a determinative factor as to whether or not DBE goals are being met.

One commenter requested that we provide guidance on how to track actual participation. The Department believes that a recipient's data collection process should remain flexible, and as such we are reluctant to tell recipients how to collect the information. As an example, many recipients track actual participation by obtaining certified statements from the prime contractor and then verifying the information with the DBEs.

The IFR also deleted and revised repetitive and misleading language. Section 26.37(b) requires the mechanism providing for a running tally of actual DBE attainments to include a provision ensuring that the DBE participation is credited toward overall or contract goals only when payments actually are made to DBE firms. Because this requirement was already stated in § 26.55(h), we have removed it from § 26.37(b). Furthermore, we believe that the wording of § 26.55(h) was confusing; therefore, we revised it. The point of the revised language is to emphasize that actual payment of committed funds to DBEs is a key element in determining whether a prime contractor has met its contract obligations.

Clarification Concerning Goal Setting

In setting overall goals, step two requires that recipients examine all evidence available in the jurisdiction to determine what adjustment, if any, is needed to the base figure. Section 26.45(d)(1) specifies information that must be considered when adjusting the base figure. Section 26.45(d)(2) lists additional information to consider, but uses the language "you may also consider." This permissive language may be misleading. A narrowly tailored program requires that all relevant information be considered. The IFR clarified that if the information is available, then it must be considered. Therefore, to avoid misleading language, we changed the wording in § 26.45(d)(2) to read, "If available, you must consider evidence from related fields that affect the opportunities for DBEs to form, grow and compete." There were no comments on this provision; therefore, we are not making any changes to this provision.

II. Notice of Proposed Rulemaking Regarding Memorandum of Understanding With the Small Business Administration, Uniform Forms, and Other Provisions

There are three different matters addressed in this section. Part A addresses uniform forms. In the 1999 final rule, the Department stated that it would develop a uniform reporting form and a standard DOT application form for DBE eligibility. The Department did not want to delay the issuance of the 1999 final rule, so it reserved the date on which the uniform form requirements would go into effect. This document addresses both of these forms. Part B addresses the implementation of a Memorandum of Understanding (MOU) between the DOT and the Small Business Administration (SBA). The MOU streamlines certification procedures for participation in SBA's 8(a) Business Development (8(a) BD) and Small Disadvantaged Business (SDB) programs and DOT's DBE program. Part C addresses substantive changes to several provisions of part 26, including personal net worth, retainage, proof of ethnicity, confidentiality, proof of economic disadvantage, and DBE credit for trucking firms.

A. Forms

Uniform Reporting Form

In the February 1999 rule, the Department adopted the suggestion of having a single, uniform, nationwide form that all recipients must use to report to the DOT its awards or commitments and payments. We published a proposed format in the

NPRM. We received over eighty comments concerning the format and content of the proposed uniform reporting form, all of which were considered and addressed in drafting the final form. Several versions of the form were generated to account for the various comments and suggestions provided, and the Department believes that the final form compiles the necessary information needed by the Department to safeguard the program's integrity and ensure the goals of the program are met. The Final Form and its instructions are in Appendix B of this document.

Many commenters made suggestions about the format and style of the reporting form. The basic formatting remains the same as in the NPRM because of its brevity and its capacity to capture the required information sought by the Department in a single page. One particular goal was to minimize the burden on recipients in compiling the information, as well as reducing the amount of paperwork required. Some terms and phrasing used in the form were changed to be consistent with that used in the current final rule.

The Instructions Sheet that accompanies the reporting form explains more fully what is required in each field on the form, and instructs recipients on how to derive specific numbers and percentages that are required to be provided. It is essential that recipients completing this form consult the Instructions Sheet.

One commenter questioned the distinction between race conscious and race neutral goals. These concepts are explained in some detail in part 26, and this rulemaking does not change any of the concepts in the 1999 final rule that established part 26. Another commenter requested clarification as to the category of "Other" in the ethnicity breakdown portion of the form. Firms may qualify as DBEs on a case-by-case, individual basis, even though their owners are not members of a group presumed to be disadvantaged (*e.g.*, a firm owned by a white male who makes an individual showing of disadvantage). The "Other" category would be used to report this type of scenario. We also added new category for "Non-Minority Women" to the final form to account for women-owned DBEs participating in the program, and to guard against the potential for double counting women-owned DBEs where the female owner is also a minority. As a result, the category "Caucasian" was removed from the final form.

Many commenters were concerned that the "Awards or Commitments this Reporting Period" section did not match

up with the later section on "Actual Payments on Contracts Completed This Reporting Period." All dollar amounts are to reflect only the Federal share of such contracts. The Department realizes that many awards or commitments last over an extended period of time, and therefore will be likely to extend over multiple reporting periods. The Departments intends that these sections would not match up and that the respective numbers would most likely be different.

The purpose of the Actual Payments section is to capture a "snap shot" of the present reporting period as concerns monies actually paid to DBEs, as opposed to monies that are only committed or awarded to DBEs but have not necessarily been paid yet. This data will provide a more accurate picture of the level of DBE participation that is completed at any given time. The new categories added to these sections will depict more fully the level of DBE participation. More importantly, it should be stressed that while several commenters noted that the tracking of such information is not currently done, it is crucial that recipients maintain records of committed DBE goals and actual payments by contract because this data allows recipients (and the Department) to determine the recipient's actual success in meeting contract and overall DBE goals. Failure to track such data would defeat the purpose of goal-setting and undermine the integrity of the program.

We received twenty-eight comments regarding the reporting frequency. The Department currently has authority to require quarterly reporting. While the FHWA and the FTA do require quarterly reporting, the FAA requires only annual reporting. Not surprisingly, most of the comments objecting to semi-annual reporting came from airport authorities, while many State DOTs favored semi-annual reporting. Although our goal is uniformity we also want to decrease our recipients' burdens. Therefore, all recipients are required to use the standard reporting form. Recipients of funds from the FHWA and FTA will be required to report semi-annually, but FAA recipients will continue to report annually.

Reports are due to a recipient's operating administration (OA) on June 1 and December 1 each year. The June 1 report should include information from October 1 through March 31. The December 1 report should include information from April 1 through September 30. We believe that these dates will assist recipients in setting goals, which are due by August 1 each year. A couple of commenters requested

alternative reporting deadlines for recipients that use local fiscal years or calendar years. This will be permitted on a case-by-case basis if approved by the concerned OA.

The form will be made available electronically in PDF format, but at this time recipients cannot submit the forms electronically. The reporting form must be submitted to the OA from which the recipient received Federal funds. For example, a recipient of Federal Highway funds must submit a report to the FHWA. If a recipient received funds from more than one OA, it must submit a report to each OA. TVMs will continue to report to the recipient and not DOT directly.

Finally, recipients are required to retain information relating to basic program data for three years.

Uniform Certification Application Form

In the February 1999 final rule the Department said that it planned to create a single, uniform, nationwide form that all recipients must use without modification for DBE eligibility. We published a proposed format in the NPRM. We received over eighty-eight comments concerning the format and content of the proposed uniform application, all of which were considered and addressed in drafting the final form. Several changes were made to the proposed form that the Department believes makes the form more streamlined and user-friendly, yet comprehensive enough to supply recipients with the necessary information to make determinations as to applicants' qualifications for the DBE program. The Final Form is in Appendix F of this document.

Many commenters made suggestions about the format and style of the application. These suggestions were considered and incorporated into the final form to the extent possible. Much of the basic formatting remains the same because the goal was to keep the form manageable, easy to read, and easy to follow for applicants who must fill out the form, while simultaneously being accessible and practical for the multitude of recipients required to accept the form. Our major concern was keeping the application within a reasonable limit, regarding both length and content, in order to prevent the form from becoming too unwieldy and burdensome.

Other commenters posed questions or sought clarification of certain terms used in the application or of the applicability of certain sections of the application to specific groups or types of contractors and businesses. These questions and queries are addressed in

both the form and in its accompanying Instructions Sheet. The form itself uses simplified language and the Instructions Sheet explains more fully the type of information or documents sought in each section of the application.

Although recipients must use the uniform application form without modification, we recognize that some recipients have additional statutory and/or regulatory requirements. Therefore, recipients, with the written consent of the cognizant OA, may (1) supplement the uniform application form with a one to two page attachment containing the additional information collection requirements, and (2) require applicants to submit additional supporting documents not already listed in or required by the uniform application. Additionally, with written consent of the OA, a recipient may translate the forms into a second language (e.g., Spanish or Chinese) to assist their applicants. We reiterate that the form should be streamlined, however, and that additional information should be sought during the on-site review process rather than during the application process.

B. Memorandum of Understanding

There has been some confusion as to the scope of the Memorandum of Understanding (MOU) between the Small Business Administration (SBA) and the DOT. While the intent of the MOU is to streamline the certification process for firms who apply for the SBA's 8(a) BD or SDB programs and the DOT's DBE program, absolute reciprocity is impossible. The programs share many common requirements, but there are some significant differences. Therefore, we are clarifying that the MOU does not alter any program requirements; applicant firms must meet the program requirements for which they are applying. For example, an SBA-certified firm applying for DBE certification must meet the DOT statutory gross receipts cap, currently set at \$17,420,000 (65 FR 52470 (August 29, 2000)). An SBA-certified firm must also undergo an on-site review before receiving DBE certification.

Because the SBA is not required to issue regulations prior to implementing the MOU, it has already established procedures to implement the agreement. If a DBE firm contacts the SBA requesting to be certified for SBA's Small and Disadvantaged Business program, the SBA would follow procedures similar to those set forth in this document.

Some commenters supported the MOU and the proposed regulations without change. Others did not object to

the MOU in its entirety, but rather focused on a few main issues. One of the primary issues was the degree of reciprocity. Under this rule, recipients must accept a firm's application package submitted to the SBA in lieu of requiring the applicant firm to fill out the recipient's own application. The certifying agency may ask the applicant firm for additional information and an on-site review will be required. If the SBA conducted an on-site review, the DOT recipient may rely on SBA's report in lieu of conducting its own on-site review. Several commenters mentioned the importance of conducting their own on-site review because the certifying agency can actually see the firm and can ask additional questions. We agree that the on-site review is important, and that is why the recipient may accept the SBA's report of the on-site review, but is not required to do so.

Under the 1999 final rule, a recipient receiving an application from an SBA-certified firm had three choices. It could (1) accept the SBA certification decision, subject to the recipient's own on-site review; (2) use the firm's SBA application package in lieu of requiring completion of the recipient's own application form (the recipient would still have to complete an on-site review), but make its own decision; or (3) disregard the SBA materials and require the recipient to undergo the recipient's full application process from scratch. The MOU, as implemented by this rule, removes the third option. Under today's final rule, recipients will have to choose one of the first two options when an SBA-certified firm files an application.

If the recipient chooses the second option, it should be aware of one important constraint on its discretion. If the SBA has looked at an application package and determined that a firm is a small business owned and controlled by socially and economically disadvantaged persons, it would not be appropriate for the DOT recipient to disagree with the SBA's conclusion in the absence of additional information that leads to a different conclusion. That is, the recipient could not make a different decision based solely on a judgment of the same exact information on which SBA based its decision. Doing so would be contrary to the language and intent of the MOU. However, if the DOT recipient (typically in the course of the on-site review) discovers additional information from which it could reasonably conclude that the SBA-certified firm is not an eligible DBE, it could decline to certify the firm.

In any case, § 26.83(k) requires a recipient to make a decision within ninety days of receiving all the required

information, including any additional information requested, whether it is from the applicant or the SBA.

This issue that appears to have caused the most concern is the requirement that recipients copy and transmit to the SBA a copy of the applicant firm's application package when a DOT-certified firm applies to the SBA for certification. A majority of the commenters argued that the copy requirement would place an administrative and financial burden on recipients. That is why we are allowing recipients to charge a reasonable fee (e.g., comparable to what would be charged for a Freedom of Information Act or open records law request) for the photocopying to defray some of the costs. A few commenters suggested that it would be more of a burden to collect the fees. Therefore, whether to impose copying and transmittal fees will be left entirely up to the recipient. We do not believe that there will be a large demand from DBE-certified firms requesting SBA certification, so we do not believe that this provision will have a significant economic effect. The Department will monitor the situation and will make future alterations as needed.

A few commenters questioned the definition of "application package." Two commenters stated that it would be easier to copy and transmit the entire file rather than the actual application. That way there would be no need for the SBA to request additional information from the recipient. We agree. By "application package" we mean the application and any information relied upon in making the certification decision.

Several commenters also addressed the time limits prescribed in the NPRM. Some claimed that the time limits were too short, while others said that they are too long. We believe that while an expedited process would be desirable, lack of resources will make shorter deadlines unworkable. We believe that the time frames set forth in the NPRM are reasonable. Therefore, recipients are required to forward the application package to the SBA within thirty days after the firm's request. If additional information is requested, it must be transmitted within forty-five days after receipt of the request. In implementing this provision, we intend to provide some flexibility during the first several months as recipients adjust to the requirement. Again, the Department will monitor the situation and make changes if warranted. There is some concern that some application packages are outdated and unreliable. We agree that transmitting irrelevant and outdated information would be wasteful;

however, if an applicant firm has a current, valid certification, and then all of the information relied upon for that certification may be relevant.

There were several comments regarding the notification requirement. If a recipient denies certification to a firm certified by the SBA, or if it decertifies a firm it knows to be certified by the SBA, it is required to notify the SBA in writing. The notification must include the reason for denial. Two commenters believe that the denial/decertification letter is sufficient notification to the SBA, and we agree. A recipient may simply send a copy of the denial or decertification letter to the SBA. One commenter asked how it would know whether the firm is SBA certified. Typically, an applicant will submit this information in an application package or decertification proceeding. A recipient could also query an on-line database of firms the SBA has certified at <http://pro-net.sba.gov>.

C. Additional Changes

Personal Net Worth

Section 26.67 requires each individual whose ownership and control are relied upon for DBE certification to submit a signed, notarized statement of personal net worth (PNW) with appropriate supporting documentation. The Department received a number of questions about what documentation is appropriate for recipients to require in ascertaining the PNW of owners of DBE firms. In the preamble to the final rule correction (64 FR 34569 (June 28, 1999)), the Department recommended using the SBA's form as a model. The SBA requires completion of a two-page form, supported by two years of personal and business tax returns. The Department wanted to remain flexible while encouraging recipients to use forms that are not unduly lengthy, burdensome, or intrusive. The Department did not require recipients to use the SBA form verbatim but encouraged them to use a form of similar length and content, including collecting and retaining two years of an individuals' personal and business tax returns. The Department has not found anything more appropriate than the SBA form, however. In the interest of uniformity, this final rule will mandate use of the SBA PNW form in conjunction with the new uniform application form. A copy is included in Appendix F.

The final rule explicitly requires that personal financial information be kept confidential. Nevertheless, the

Department has continued to receive comments concerning the intrusiveness of collecting personal tax returns. In the 2001 NPRM, the Department proposed an alternative option with regard to the necessary supporting documentation to prove PNW in order to address these concerns. The proposal still called for recipients to require individuals whose ownership and control are relied upon for DBE certification to certify that he or she has a PNW not exceeding \$750,000 by allowing applicants to submit a signed, notarized statement of PNW with appropriate documentation. In the alternative, the proposed option was to allow the applicant to submit a signed, notarized statement from a certified public accountant (CPA) attesting that the CPA had examined his or her PNW pursuant to § 26.67(a)(2)(iii) and determined that his or her PNW does not exceed \$750,000. This option was intended to eliminate the need for the applicant to provide personal income tax information to the DOT recipient as supporting documentation for purposes of proving PNW.

The Department received numerous comments concerning the proposed alternative documentation for establishing an applicant's PNW. Many commenters supported the proposed option of allowing applicants to submit a CPA's affidavit as to PNW instead of filing personal income tax information. A majority of the commenters in favor of the proposal highlighted the fact that such an option would be less intrusive and would protect the privacy and confidentiality interests of applicants in their personal economic and financial information. Furthermore, some commenters noted that this option would alleviate the burden of the application process on applicants and would reduce the amount of paperwork associated with the DBE program, thereby facilitating the entire process. One commenter also felt that CPAs are better situated to evaluate financial statements because of their academic and professional training.

A roughly equal number of commenters felt quite differently about the issue. An overwhelming majority of recipients opposed the proposal to allow the submission of a CPA's affidavit in lieu of an individual applicant's personal income tax return or other such documentation in order to prove PNW. Many commenters felt that it was very important for the recipients themselves to verify the PNW of each applicant, and that to allow a simple affidavit of a CPA would unduly inhibit their ability to do so, and would prevent the recipients from closely tracking the eligibility of applicants through their

own independent assessment. Moreover, a number of commenters strongly maintained that by requiring applicants to submit personal income tax information, rather than merely a CPA's affidavit, recipients could better safeguard the integrity of the DBE program because they would be able to certify applicants' eligibility to the Department with unqualified certainty, having done the eligibility determination as to PNW themselves. Of particular concern to those commenters opposed to the CPA affidavit was the fact that it could not be guaranteed that the various CPAs utilized by applicants would be familiar with the technical aspects of the DBE program, and that such CPAs would only, and could only, certify the PNW of applicants based on the information provided to them, which would not be available to the recipients if an affidavit were allowed to supplant the current requirement of actual documentation. This, they speculated, could lead to potential misinformation and, as a consequence, various forms of disclaimers and waivers by the CPAs in order to shield them from liability based on an applicant's supply of faulty or incomplete information. Accordingly, a majority of commenters opposed were concerned that this proposed alternative, while appearing more efficient, would open the door to, and increase the potential for, fraud and abuse by reducing the level of scrutiny with which a recipient could exercise over the applications submitted and in making the ultimate eligibility determinations.

The Department is clearly concerned with maintaining the integrity of the program. Central to the narrow tailoring of the DBE program is the PNW requirement, and as such there is a great need to ensure that every measure is taken to qualify applicants who are truly socially and economically disadvantaged within the meaning of the statutes governing the DBE program and as intended by Congress. Thus, a thorough eligibility determination process that is not overly burdensome is required. Having been persuaded by the recipients' comments opposing the CPA option on grounds of maintaining program integrity, the Department has decided not to adopt this proposal. Therefore, individual applicants are required to submit their personal income tax information to DOT recipients so that the recipients themselves can make unqualified and accurate determinations of applicants' eligibility under the DBE program.

It should be emphasized that the privacy and confidentiality concerns

raised by many of the commenters does not go unheeded. The final rule, as it has existed since 1999, explicitly requires that the personal financial information of applicants be kept strictly confidential. This confidentiality requirement is not taken lightly, and cannot and will not be compromised. We note that the regulation has been amended previously to prohibit the release by recipients of applicants' PNW-related personal financial information, even in the face of State freedom of information or open records laws.

We understand the justifiable privacy concerns associated with collecting personal tax returns; nevertheless, it is incumbent upon the Department to safeguard the integrity of the program. Providing the recipients with the necessary means and information to determine the eligibility of applicants to participate in the DBE program is critical to accomplishing this end, and such determinations must be unqualified and verified. This, we believe, is necessary to ensure that the DBE program is indeed narrowly tailored, so as to comply with *Adarand* and its progeny.

The 2001 NPRM went further in its proposed changes to § 26.67 as to the calculation of an applicant's PNW. The proposed change addressed vested pension plans, Individual Retirement Accounts, 401(k) accounts, and other retirement savings or investment programs in which the assets cannot be distributed to the individual at the present time without significant adverse tax or interest consequences. We proposed two options: (1) That PNW should include only the present value of such assets, less the tax and interest penalties that would accrue if the asset were distributed at the present time; and/or (2) to exclude such assets altogether from the PNW calculation.

As with the PNW proposal, the public comments received regarding retirement assets were sharply divided. Some commenters suggested that either method would be acceptable. One commenter offered a variation on these two proposed methods of calculating PNW—having applicants list their accounts and like assets, but not actually including them in the PNW calculation unless they are accessed. Another commenter suggested only counting such assets at the point they become vested.

A substantial number of other commenters opposed the inclusion of pension plans and other retirement assets in the PNW calculation, arguing that only liquid assets should be included, and because such assets are

not available without penalty they should not be counted. These commenters also voiced the concern that calculating the penalty (*i.e.*, present value minus taxes and interest penalties if withdrawn) would be too problematic and burdensome on small business owners and recipients. It would also be difficult to verify. Others suggested that retirement assets have no bearing on whether a particular DBE has the present ability to do the required work within the program, and therefore should be excluded from any PNW calculation. To include such assets in the PNW calculation, some commenters contended, would be to penalize DBEs for investing wisely.

A similarly substantial number of commenters, mostly recipients, strongly urged the inclusion of pension plans and other retirement assets in the PNW calculation. Many supporters of the inclusion of such assets stressed that to exclude them would go against generally accepted accounting practices. One commenter stated that the proposal of counting the assets and then taking into account the consequent liability is fairer than simply counting the asset in whole. Other commenters suggested that it is important to include these assets in the PNW calculation because it would prevent applicants from diverting funds to such accounts in order to meet the PNW requirement, and thereby preclude any possibility of fraud or abuse. One commenter stated that retirement assets are plainly assets, and therefore should be included in any accounting of PNW, taking appropriate account of penalties and present value.

Although retirement assets may not be readily available as sources of financing for business operations, they are part of a person's overall wealth. While we understand that it may be difficult to calculate the assets, we must maintain the integrity of the program and ensure that the calculation reflects the individual's true wealth. To exclude these assets would be misleading and could compromise the integrity of the program. Therefore, we are continuing to require that the present value of assets be counted. Recipients should count only the present value of the retirement savings or investment device toward the personal net worth calculation. That is, the recipient needs to determine how much the asset is actually worth today, not what its face value is or what the individual's return on it may be at some point in the future. In making this determination, the recipient would subtract the interest or tax penalties the individual would incur if he or she withdrew the assets today.

Retainage

As the Department noted in the preamble to the February 1999 final rule, delays in payment have long been one of the most significant barriers to the competitiveness, and in some cases the viability, of small subcontractors. One of the delays in payment which subcontractors have been most concerned about is the payment of retainage. Subcontractors have told us they often finish their work on a contract months or years before the end of the project on which the prime contractor is working, but the prime contractor does not pay them fully until after the recipient has paid retainage to the prime contractor at the end of the entire project. To help surmount this barrier, the 1999 final rule requires prime contractors to pay retainage to subcontractors promptly after the subcontractors satisfactorily complete their work.

Many states and other recipients have responded creatively to this provision, taking such measures as making incremental payments to prime contractors or eliminating retainage altogether. Where recipients have not taken such measures, however, prime contractors have complained that the requirement to pay subcontractors fully before the recipient pays retainage to the prime contractor is a financial hardship on prime contractors.

In order to address the prime contractors' concerns without diminishing the benefit of the existing provision to subcontractors, the Department proposed three approaches: (1) A recipient could eliminate retainage entirely, neither retaining funds from prime contractors nor permitting prime contractors to hold retainage from subcontractors; (2) a recipient could decide not to retain funds from prime contractors, but give prime contractors discretion to hold retainage from subcontractors (the recipient would require prime contractors to pay subcontractors in full after satisfactory completion of the subcontractor's work); or (3) the recipient could hold retainage from prime contractors but make incremental inspections and approvals of the prime contractor's work at various stages of the project (the recipient would pay the prime contractor the portion of the retainage based on these approvals), and the prime contractor, in turn, would be required to promptly pay all retainage owed to the subcontractor for satisfactory completion of the approved work.

We received eighty-four comments on the issue of retainage. Several commenters favored the proposed

changes, with most agreeing that options (1) and (3) are best, so long as they would not conflict with state law. A majority of commenters favored the proposed changes with modifications. Several commenters noted the difficulty on prime contracts in implementing the three options when it may be difficult to evaluate the quality of each subcontractor's work in situations where the result of the subcontractor's work may not be known until other work is performed on top of it. In twenty-two letters submitted, option (3) was pointed out as the best because commenters said, of the need for prime contractors to have the flexibility to hold retainage until the state accepts the portion of the work performed by the subcontractor. Another commenter recommended a fourth option: all retainage amounts must be returned within fifteen business days of satisfactory completion of the work, regardless of whether the prime contractor was paid.

Several commenters requested a definition of "satisfactory completion." For purposes of this provision, we have defined satisfactory completion of a subcontractor's work as when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is considered satisfactorily completed.

Twenty-three commenters disagreed entirely with the proposed changes, including eleven State DOTs. Many of these commenters were concerned that one or more of the options could conflict with state laws, or force recipients into a "cookie cutter" solution. Others found option (3) unworkable, costly, or in need of a phase-in period for implementation. A few commenters recommended the complete elimination of retainage. They pointed to the root causes of difficulty in recouping retainage—such as inspector delays and inefficiency—that lead to the contractors being unduly penalized.

The Department wants recipients to have flexibility in their implementation of retainage. The Department believes that it is best to implement solutions that minimize difficulties for both subcontractors and prime contractors. Current § 26.29 addresses the difficulties caused by retainage for subcontractors, but does so in a way that prime contractors were concerned shifted too much of the burden to them. The purpose of the amendments to § 26.29 is to mitigate the problems

raised by prime contractors while retaining the benefits of the section to subcontractors. The Department also believes that recipients should have flexibility in their implementation of this section. For these reasons, we are adopting the proposed amendments and permitting recipients to choose which of the three options to use. Whichever option the recipient chooses, it must apply it uniformly to all contracts. We are defining "prompt" as no later than thirty days. Based on our experience in program review thirty days was the most common length of time suggested by recipients. The Department believes that this is a sensible amount of time for payment of retainage.

Size Standard

One of the purposes of the DBE rule is to make it possible for small firms to grow. This includes the opportunity for subcontractors to become able to compete as prime contractors. To be able to perform prime contracts, companies often need to be larger and have more resources than they had as subcontractors. Frequently, firms attempting to grow will perform both prime contracts and subcontracts. This may create a dilemma for DBE firms in some instances. In order to work as prime contractors, firms may need to grow beyond the limits of the SBA size standards applicable to their subcontracting field. If they do, then recipients may decertify the companies because they no longer qualify as small businesses. A number of firms have expressed concern that this situation penalizes success and impedes achievement—an important objective of the DBE program.

We have issued guidance stating that recipients should not totally decertify a firm because it exceeds the size standard for one or more of its activities. Under § 26.65(a), if a firm meets the size standard for one type of work (*e.g.*, as a general contractor), it should continue to be certified and receive DBE credit for that type of work, even if it has exceeded the size standard for another type of work (*e.g.*, as a specialty subcontractor). When its specific section exceeds particular size standards, the firm will not remain eligible and receive DBE credit for this type of activity, but will retain its certification for its other areas that remain DBE eligible. It is important for recipients to make these distinctions, as it is not appropriate for a recipient to decline to certify a firm for all purposes when the firm meets SBA size standards with respect to some of its activities. However, recipients must be careful to award DBE credit to a firm

only in those areas in which it does meet size standards.

The Department sought comment on whether any modifications of the rule to address further the situations of firms that work as both prime contractors and subcontractors. There was no proposed language offered, but instead used recently issued guidance to shape the issue. Ten commenters favored changes with some modification or variation. One comment noted that the proposal raises concerns that DBEs who graduate from one type of work area are devising creative approaches to restructure their companies so they can remain in the DBE program. Another commenter favored change, but wanted to increase the certification gross receipts cap to \$25,000,000. The gross receipts cap is statutory, and the Department's discretion to raise it is limited to making adjustments for inflation.

Some commenters may have believed that the guidance language was a proposed change, but it was not. The major objections from those commenters opposed are that the change would be confusing and create tracking problems for the recipients. Several commenters noted questions that would be raised by the changes, including how often size standards should be checked, how it should be measured, and by whom. We recommend that size determinations be reviewed by the unified certification agency that conducted the most recent certification, and that the certifications be reviewed every three years. As such, we are not making any changes to the provision.

Evidence of Group Membership

Section 26.67 requires that recipients rebuttably presume that members of groups specified in the regulation are disadvantaged. Recipients are further required to obtain a signed, notarized statement of disadvantage from all persons whose membership in a disadvantaged group is relied upon for DBE certification. The current regulation also allows recipients to request additional proof of ethnicity. Several commenters indicated that a signed, notarized statement of ethnicity is sufficient. Other commenters felt that additional proof is necessary, however, and that they should be permitted to request additional proof rather than relying on a checked box on a form. We agree that recipients should continue to have the flexibility to require proof of ethnicity. We caution recipients, however, to apply these standards uniformly.

In particular, recipients should avoid making members of a particular ethnic group routinely meet a higher level of

proof than members of other groups. For example, many recipients accept a driver's license or a birth certificate as adequate proof of group membership. These forms of identification always indicate gender and sometimes may indicate the race of the holder. They often do not designate, however, whether an individual is Hispanic or Native American. In some instances, members of these groups have been required to provide several additional types of proof of ethnicity simply because their driver's license did not indicate their particular group membership.

The Department does not object to recipients' requirements that applicants document group membership. If a recipient chooses to require proof then it should do so uniformly, by requiring at least one piece of evidence from each applicant. A driver's license or a birth certificate may be adequate forms of proof of group membership. In cases where the required proof does not indicate specific races, however, such as Hispanic or Native American, the applicant only should be required to provide the same level of proof as members of other groups. For example, if a birth certificate is adequate for one group, then a single piece of evidence (but not multiple pieces of evidence) may be required from members of other groups. Such single pieces of evidence might include naturalization papers; Indian tribal roll cards; tribal voter registration certificate; a letter from a community group, educational institution, religious leader, or government agency stating that the individual is a member of the claimed group; or, a letter from the individual setting forth specific reasons for believing himself/herself to be a member of the designated group. If a recipient has a reasonable basis for doubting the validity of the asserted group membership of an applicant, then it is appropriate for the recipient to collect additional information. In such a case, the recipient must inform the applicant, in writing, of the reasons for seeking additional documentary evidence. It is our expectation that requiring a written record justifying the need for additional information will help to reduce the number of unnecessary requests.

Confidentiality

In the NPRM we proposed amending the confidentiality section of the regulation to parallel the existing, tighter confidentiality provision of § 26.67 concerning personal net worth information. We received twenty-three comments on this section, all of which

at least in part supported the proposed change. Therefore, recipients may not release confidential business information under any circumstance without the submitter's written consent. This proposal has the effect of extending the protection previously given to PNW-related personal financial information.

Two commenters asked about UCPs and the issue of several people having access to the applicant's confidential information. Section 26.101 requires that all recipients be bound by the regulations in part 26. So while it may be necessary for confidential information to be shared among several UCP participants in the certification process, no one may release the confidential information to an outside party without the submitter's consent. Part 26 specifically intends to preempt disclosure under state or local law, so a recipient may not release this information even under local and State FOIA laws. For information that is not considered or deemed confidential business information, the recipient must comply with State freedom of information or open records laws.

Recipients may continue to report data in formats that do not reveal the submitter's name. For example, § 26.11 requires that recipients keep and maintain information on DBE and non-DBE contractors' and subcontractors' annual gross receipts of the firm. There are a variety of methods by which recipients can keep and maintain confidential information private. For example, each applicant could be assigned a case number, and all confidential matters that might be needed by different resources could refer to the case number, with only a specific entity in possession of the master list for certification purposes.

Economic Disadvantage

The majority of commenters on this section supported removing paragraph (B)(2) under "Economic Disadvantage" in Appendix E to part 26, "Individual Determinations of Social and Economic Disadvantage." This paragraph requires that in the case of applications by individuals to be considered socially and economically disadvantaged on an individual basis, the applicant submit personal financial information about his or her spouse. Because it is inconsistent with the way the Department's personal net worth provisions under § 26.67 work in the case of applicants who are members of a group presumed to be economically and socially disadvantaged, we are deleting it.

The primary result of this change is that the Department no longer requires

spouses to complete PNW forms in addition to the applicant, even in cases of individual requests to be considered as disadvantaged (the Department never has permitted the routine collection of spousal information in other contexts). We are preserving, however, the ability for recipients to request relevant information from spouses on a case-by-case basis when the recipient has a specific reason to look into the spouse's finances. For example, when there has been a transfer of assets to the spouse within the previous two years, it is appropriate to collect certain information about the spouse, because assets transferred to the spouse are attributed to the applicant for purposes of calculating PNW. We also recognize that the recipients will want to be able to investigate a spouse's finances in situations where the recipient suspects the applicant is fraudulently transferring assets over to his/her spouse in order to qualify as a disadvantaged individual or when there is an affiliation relationship between the applicant's business and a spouse's business.

Credit for Trucking Firms

The issue of how to count DBE credit for trucking operations, which was debated vigorously among commenters to the 1999 final rule, has continued to be controversial. The SNPRM that led to the 1999 final rule proposed that to be performing a commercially useful function (CUF), a DBE trucking firm had to own fifty percent of the trucks it used in connection with a contract. A number of comments said that this requirement was out of step with industry practice, which commonly involves companies leasing trucks from owner-operators and other sources for purposes of a project. The final rule provided that a DBE need not provide all the trucks on a contract to receive credit for transportation services, but it must control the trucking operations for which it seeks credit. It must have at least one truck and driver of its own, but it can lease trucks owned by others, both DBEs and non-DBEs, including owner-operators. For work done with its own trucks and drivers, and for work done with DBE lessees, the firm receives credit for all transportation services provided. For work done with non-DBE lessees, the firm gets credit only for the fees or commissions it receives for arranging the transportation services, because the services themselves are being performed by non-DBEs.

In the years since the publication of the final rule, the Department has received communications from a number of state DOTs, trucking

companies, and other parties saying that the portion of the rule limiting credit for trucks leased from non-DBE firms reduced opportunities for DBE trucking companies and did not take into account sufficiently the important role of leasing in the trucking industry. In response, the Department asked in the preamble to the May 2001 NPRM whether the rule should expand the credit available for DBE truck leasing (e.g., by counting credit for twice the number of trucks a DBE owned, so that a DBE that owned one truck used on a contract and leased another from a non-DBE firm would get credit for two trucks).

Commenters to the NPRM were divided on the issue. Eleven commenters preferred to leave the current rule in place, citing administrative simplicity and prevention of abuse as their major reasons. Five commenters endorsed the example suggested in the NPRM preamble of permitting credit for twice the number of trucks a DBE owns, and six others suggested variations on that example (e.g., authorizing credit for three times the number of trucks owned by the DBE). Some commenters emphasized the need for safeguards to ward off potential abuse of the provision. Twenty-three commenters favored permitting credit for all leased trucks used by a DBE on a contract, subject to certain safeguards (e.g., for trucks on long-term leases, the DBE firm is responsible for supervision and control of all trucks on the contract).

The principle that DBE participation should be counted only for work performed with a DBE firm's own forces is an important one that the Department's DBE program follows consistently. For example, when a DBE firm subcontracts part of its work to a non-DBE firm, the subcontracted portion does not count toward DBE goals, as per § 26.55(a)(3). The Department's existing counting provision for trucking services was explicitly designed to be consistent with this principle (64 FR 5116 (Feb. 2, 1999)). Allowing credit for unlimited use of non-DBE leased trucks could also lead to program abuses and reduce DBE contracting opportunities for DBEs in other types of work.

At the same time, the Department is aware that flexibility in administering the DBE program is important to recipients and contractors, and we are sensitive to the concerns of trucking companies that opportunities may have been reduced under the 1999 final rule. In light of these factors, the Department has granted program waivers to two states, Indiana and Wisconsin,

permitting credit for leased trucks for twice the number of trucks owned by DBE trucking firms on a contract. The Department believes that this approach reasonably accommodates many of the concerns commenters expressed with respect to reduced DBE trucking participation while not departing from the Department's principle of counting DBE credit only for work performed by DBE firms themselves.

Consequently, the Department, in this final rule, will adopt the following approach. Recipients may count for DBE credit the dollar volume attributable to no more than twice the number of trucks on a contract owned by a DBE firm or leased from another DBE firm, but is not required to do so. For example, if DBE Firm X owned two trucks, leased two others from another DBE firm, and leased six others from a non-DBE firm, the DBE credit authorized for Firm X's participation would be equivalent to the dollar volume of work attributable to eight trucks (four trucks owned by or leased from DBEs, multiplied by two). DBE credit for the remaining two non-DBE trucks leased for the contract would be limited to the fees or commissions received by the DBE firm pertaining to those two trucks.

The final rule permits, but does not require, recipients to count credit in this manner. That is, a recipient could choose to continue the counting provisions its DBE program adopted to comply with the 1999 final rule. If a recipient chooses to modify its counting provisions to count the additional credit for non-DBE lessees permitted by today's amendment, it must do so via a change to its DBE program approved by the cognizant FHWA, FTA, or FAA office. The OA approval is necessary to ensure the appropriate safeguards are taken by the recipients to prevent fraud.

III. Alaska Native Corporations

In § 26.73(h) of the current DBE rule, the Department codified its interpretation of former 49 CFR part 23 that ANC-owned firms, as well as firms owned by Indian tribes and Native Hawaiian Organizations, must meet the DBE rule's eligibility standards concerning size and control. In the preamble to the February 1999 final rule (64 FR 5121 (Feb. 2, 1999)), the Department explained why it did not believe that 43 U.S.C. 1626(e), a provision of the Alaska Native Claims Settlement Act (ANCSA), mandated different treatment for ANC-owned firms in the DOT DBE program. The Department continues to believe that the legal and policy reasoning behind this provision was sound. However, an

amendment to Public Law 107-117 "making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes," has superceded the application of § 26.73(h) to ANC-owned firms.

Section 702 of Public Law 107-117 amended 43 U.S.C. 1626(e), a provision of the Alaska Native Claims Settlement Act, to say that:

Any entity (*i.e.*, a subsidiary, partnership, or joint venture of an ANC) that satisfies subsection (e)(2) of this section (which establishes ownership and control criteria for ANC-related entities) that has been certified under section 8 of Public Law 85-536 (*i.e.*, is certified by the Small Business Administration under the 8(a) or small disadvantaged business programs) is a Disadvantaged Business Enterprise for the purposes of Public Law 105-178 (*i.e.*, TEA-21).

Based on the above language, an entity meeting criteria to be an ANC-owned firm must be certified as a DBE, even if it does not meet size, ownership, and control criteria otherwise applicable to DBEs. For example, an ANC-related entity could exceed SBA small business size standards or have its daily business operations controlled by a non-disadvantaged individual and still be certified if it met the section 702 criteria.

Consequently, the Department is deleting references to ANC-related entities from § 26.73(h) and creating a new § 26.73(i). The new paragraph sets forth certification criteria for ANC-related entities consistent with 43 U.S.C. 1626(e). Because these certification criteria differ from those applicable to all other DBE applicants, recipients would not use the new DOT Uniform Application Form for ANC-related entities. Recipients instead would collect (and applicants would have to provide) sufficient documentation that an ANC-related entity meets the new criteria including information sufficient to allow the recipients to administer their DBE programs with respect to ANC-related entities. If an ANC-related entity did not meet all the requirements (*e.g.*, it had not been certified by SBA), then its certification would continue to be processed under § 26.73(h), in the same manner as Indian Tribal firms.

The statutory requirement to treat ANC-owned entities differently from all other applicants for certification in the DBE program, because of the reference in section 702 to TEA-21, on its face applies only to firms seeking work on FTA- and FHWA-assisted contracts. The statute does not apply to firms seeking work on FAA-assisted contracts. To

avoid confusion and unnecessary administrative complexity, however, in this rule the Department is applying the altered certification requirements for ANC-related entities to all parts of the DBE program, including FAA-assisted contracts and concessions.

IV. Clarification Regarding Multi-Year Projects and Other Revisions

Multi-Year Projects

A recipient of DOT funds—FAA, FTA, or FHWA—may set an overall project goal for a particular project. Typically, such a goal would be used for a large multi-year project. The recipient's overall project goal for the project would be separate from the recipient's annual overall goal for the rest of its DOT-assisted contracting activities. The recipient's submission of the overall project goal would have to meet the same requirements as for any other overall goal (§ 26.45(f)(3)), specifically including a breakout of the participation anticipated through race neutral and race conscious means. DOT would review the goal submission just as it does in other cases. This change to the regulation would apply to all such projects the option for a project goal currently available to design-build contracts.

With respect to its other DOT-assisted contracting activities, the recipient would also submit its regular annual overall goal for review. In doing so the recipient, in calculating the annual overall goal for a given fiscal year, would not consider funds or contracting opportunities attributable to the project covered by the separate project goal. For example, suppose a recipient will expend \$150 million on Project X in Years 1-3. The recipient will also expend \$40 million on other projects in each year during the same period. The recipient could submit a single project overall goal for Project X, based on the \$150 million to be expended over the life of the project. The recipient would also submit an overall goal each year for its other DOT-assisted contracting activities in Year 1, Year 2, and Year 3, based on the \$40 million the recipient was expending in each of those years.

An overall project goal can be used for a multi-modal project. For example, suppose FHWA Recipient W and FTA Recipient Z are cooperating on a project, which involves the total expenditure of \$500 million. Recipients W and Z can submit jointly a single overall project goal for the project. W and Z would also each submit regular annual overall goals for their other activities during the time that the project was under way.

Many large projects with which it could be useful to establish an overall project goal include design-build contracts. In such a case, the overall project goal would serve as the goal for the master contractor. The master contractor would then proceed to establish contract goals for the subcontracts it is letting at a level appropriate to meet the race conscious portion of the project overall goal.

Currently, part 26 explicitly authorizes the use of project goals in FAA and FTA projects. While nothing in the rule precludes the use of project goals in FHWA projects, the rule does not explicitly mention FHWA projects in this context. It is the Department's view, however, that recipients of funds from all three operating administrations can make use of project goals.

Clarification Concerning Primary Industry Classification

Section 26.5 of the DBE final rule defined primary industrial classification as the four-digit Standard Industrial Classification (SIC) code designation defined in 13 CFR part 121 by the Small Business Administration. In the final rule we further stated that as the North American Industrial Classification System (NAICS) replaces the SIC system, reference to SIC codes and the SIC Manual are deemed to refer to the NAICS manual and applicable codes. We would like to take this opportunity to remind recipients that effective October 1, 2000, the Small Business Administration is no longer using the SIC system for its small business standards. The SBA published a final rule on May 15, 2000, adopting small business size standards based on the NAICS (65 FR 30840). The new table of small business size standards that accompanied the rule contained errors, so the SBA published a replacement table in the **Federal Register** on September 5, 2001 (65 Fed. Reg. 53533). Therefore, the term "Standard Industrial Classification" and the acronym "SIC" will be replaced with "North American Industrial Classification System" and the acronym "NAICS" throughout the text of the regulation. Although this change was not included in the Interim Final Rule, the change is editorial in nature and does not require notice and comment.

The SBA rule on NAICS standards can be obtained through the Internet at: <http://www.sba.gov/size/>. Further information about NAICS, including a table matching SIC codes to NAICS codes, is available on the U.S. Bureau of Census' Web page at: <http://census.gov/epcd/www/naics.html>. *The North American Industry Classification*

Manual—United States, 1997 is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA, 22161; by calling 1 (800) 553-6847; or via the Internet at: <http://www.ntis.gov/product/naics.htm>.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Provisions

This rule is not a significant regulation under either Executive Order 12866 or DOT Regulatory Policies and Provisions. The rule will not impose any new costs on recipients or contractors. It simply would make administrative adjustments concerning existing provisions and assist contractors by implementing the SBA-DOT MOU. It would also reduce burdens on contractors and recipients through the use of new uniform forms.

Regulatory Flexibility Act Analysis

The Department certifies that this rule will not have significant economic effects on a substantial number of small entities. While the rule affects small entities, it does not have a significant economic impact on anyone.

Paperwork Reduction Act

This rule contains information collection requirements. As required by the Paperwork Reduction Act of 1995 (the PRA, 44 U.S.C. 3507(d)), the Department will submit these requirements to the Office of Information And Regulatory Affairs of the Office of Management and Budget for review.

As noted elsewhere in this preamble, the Department adopted the suggestion of having one standard reporting form in the February 2, 1999, DBE final rule. The Uniform Semi-Annual Report of DBE Awards or Commitments and Achievements form is contained in Appendix B. At the present time, the Department has an information collection item approved under the Paperwork Reduction Act. This is for a quarterly DBE data report from recipients to DOT (OMB No. 2105-0510). This approval expired July 31, 2001. Because the reporting requirement has been reduced to semi-annually, the burden has been reduced.

Firms applying for DBE certification must provide information to recipients to allow them to review the firm's continuing eligibility. The 1999 DBE final rule also called for a single, uniform, nationwide certification application form. Part 26 requires firms applying for DBE certification to provide information to recipients to allow them to make eligibility decisions.

Currently, an applicant firm may be required to fill out different applications for FAA, FHWA and FTA recipients. The Department believes that requiring one uniform application will reduce the paperwork burden. The Uniform Certification Application form is contained in Appendix F.

This rule provides forms for the Unified Certification Program for recipients. UCP certifying agencies are responsible for maintaining a directory of certified DBE firms. Instead of the hundreds that used to be required, now only 52 consolidated directories will exist. Additionally, recipients must submit DBE programs to be approved by the Department, including calculations of overall goals. As they complete this requirement, recipients may temporarily expend more hours than in the past on information-related tasks.

Federalism

The Department has determined that this final rule will not have Federalism impacts sufficient to warrant preparation of a Federalism assessment.

List of Subjects in 49 CFR Part 26

Administrative practice and procedure, Airports, Civil rights, Government contracts, Grant-programs—transportation, Mass transportation, Minority businesses, Reporting and recordkeeping requirements.

Issued this 4th day of June, 2003, at Washington, DC.

Norman Y. Mineta,

Secretary of Transportation.

■ For the reasons set forth in the preamble, the Department amends 49 CFR part 26 as follows:

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

■ 1. The authority citation for 49 CFR part 26 continues to read as follows:

Authority: 23 U.S.C. 324; 41 U.S.C. 2000d, *et seq.*; 49 U.S.C. 1615, 47107, 47113, 47123; Pub. L. 105-178, Sec. 1101(b), 112 Stat. 107, 113.

■ 2. In 49 CFR part 26, the term “Standard Industrial Classification” is revised to read “North American Industrial Classification System” wherever it occurs. The acronym “SIC” is revised to read “NAICS” wherever it occurs.

■ 3. Amend § 26.5 by adding, in alphabetical order among the existing definitions, a definition of “DOT/SBA MOU Memorandum of Understanding or MOU” after “DOT-assisted contract and

a definition of “SBA certified firm” after “Small Business Administration”, and by revising the definition of “Primary industry classification”, to read as follows:

§ 26.5 What do the terms in this part mean?

* * * * *

DOT/SBA Memorandum of Understanding or MOU, refers to the agreement signed on November 23, 1999, between the Department of Transportation (DOT) and the Small Business Administration (SBA) streamlining certification procedures for participation in SBA's 8(a) Business Development (8(a) BD) and Small Disadvantaged Business (SDB) programs, and DOT's Disadvantaged Business Enterprise (DBE) program for small and disadvantaged businesses.

* * * * *

Primary industry classification means the North American Industrial Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the *North American Industry Classification Manual—United States, 1997* which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA, 22161; by calling 1 (800) 553-6847; or via the Internet at: <http://www.ntis.gov/product/naics.htm>.

* * * * *

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

* * * * *

■ 4. Revise § 26.29 to read as follows:

§ 26.29 What prompt payment mechanisms must recipients have?

(a) You must establish, as part of your DBE program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment you make to the prime contractor.

(b) You must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. You must use one of the following methods to comply with this requirement:

(1) You may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.

(2) You may decline to hold retainage from prime contractors and require a contract clause obligating prime

contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.

(3) You may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

(c) For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

(d) Your DBE program must provide appropriate means to enforce the requirements of this section. These means may include appropriate penalties for failure to comply, the terms and conditions of which you set. Your program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with your prior written approval.

(e) You may also establish, as part of your DBE program, any of the following additional mechanisms to ensure prompt payment:

(1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.

(2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

(3) Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

■ 5. In § 26.37, revise paragraph (b) to read as follows:

§ 26.37 What are a recipient's responsibilities for monitoring the performance of other program participants?

* * * * *

(b) Your DBE program must also include a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs.

* * * * *

■ 6-7. In § 26.55, revise paragraphs (d)(5) and (h) to read as follows:

§ 26.55 How is DBE participation counted toward goals?

* * * * *

(d) * * *

(5) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE lessees not to exceed the value of transportation services provided by DBE-owned trucks on the contract. Additional participation by non-DBE lessees receives credit only for the fee or commission it receives as a result of the lease arrangement. If a recipient chooses this approach, it must obtain written consent from the appropriate Department Operating Administration.

Example to this paragraph (d)(5): DBE Firm X uses two of its own trucks on a contract. It leases two trucks from DBE Firm Y and six trucks from non-DBE Firm Z. DBE credit would be awarded for the total value of transportation services provided by Firm X and Firm Y, and may also be awarded for the total value of transportation services provided by four of the six trucks provided by Firm Z. In all, full credit would be allowed for the participation of eight trucks. With respect to the other two trucks provided by Firm Z, DBE credit could be awarded only for the fees or commissions pertaining to those trucks Firm X receives as a result of the lease with Firm Z.

* * * * *

(h) Do not count the participation of a DBE subcontractor toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

■ 8. Revise § 26.61(c) to read as follows:

§ 26.61 How are burdens of proof allocated in the certification process?

* * * * *

(c) You must rebuttably presume that members of the designated groups identified in § 26.67(a) are socially and economically disadvantaged. This means they do not have the burden of proving to you that they are socially and economically disadvantaged. In order to obtain the benefit of the rebuttable presumption, individuals must submit a signed, notarized statement that they are a member of one of the groups in § 26.67(a). Applicants do have the obligation to provide you information

concerning their economic disadvantage (see § 26.67).

* * * * *

■ 9. Revise § 26.63(a) to read as follows:

§ 26.63 What rules govern group membership determinations?

(a)(1) If, after reviewing the signed notarized statement of membership in a presumptively disadvantaged group (see § 26.61(c)), you have a well founded reason to question the individual's claim of membership in that group, you must require the individual to present additional evidence that he or she is a member of the group.

(2) You must provide the individual a written explanation of your reasons for questioning his or her group membership and a written request for additional evidence as outlined in paragraph (b) of this section.

(3) In implementing this section, you must take special care to ensure that you do not impose a disproportionate burden on members of any particular designated group. Imposing a disproportionate burden on members of a particular group could violate § 26.7(b) and/or Title VI of the Civil Rights Act of 1964 and 49 CFR part 21.

* * * * *

■ 10-11. Revise § 26.67(a)(2) and remove and reserve paragraph (c) as follows:

§ 26.67 What rules determine social and economic disadvantage?

(a) * * *

(1) * * *

(2) (i) You must require each individual owner of a firm applying to participate as a DBE (except a firm applying to participate as a DBE airport concessionaire) whose ownership and control are relied upon for DBE certification to certify that he or she has a personal net worth that does not exceed \$750,000.

(ii) You must require each individual who makes this certification to support it with a signed, notarized statement of personal net worth, with appropriate supporting documentation. This statement and documentation must not be unduly lengthy, burdensome, or intrusive.

(iii) In determining an individual's net worth, you must observe the following requirements:

(A) Exclude an individual's ownership interest in the applicant firm;

(B) Exclude the individual's equity in his or her primary residence (except any portion of such equity that is attributable to excessive withdrawals from the applicant firm).

(C) Do not use a contingent liability to reduce an individual's net worth.

(D) With respect to assets held in vested pension plans, Individual Retirement Accounts, 401(k) accounts, or other retirement savings or investment programs in which the assets cannot be distributed to the individual at the present time without significant adverse tax or interest consequences, include only the present value of such assets, less the tax and interest penalties that would accrue if the asset were distributed at the present time.

(iv) Notwithstanding any provision of Federal or state law, you must not release an individual's personal net worth statement nor any documentation supporting it to any third party without the written consent of the submitter. *Provided*, that you must transmit this information to DOT in any certification appeal proceeding under § 26.89 in which the disadvantaged status of the individual is in question.

* * * * *

■ 12. Amend § 26.73 by revising paragraph (h), and adding a new paragraph (i), to read as follows:

§ 26.73 What are other rules affecting certification?

* * * * *

(h) A firm that is owned by an Indian tribe or Native Hawaiian organization, rather than by Indians or Native Hawaiians as individuals, may be eligible for certification. Such a firm must meet the size standards of § 26.35. Such a firm must be controlled by socially and economically disadvantaged individuals, as provided in § 26.71.

(i) The following special rules apply to the certification of firms related to Alaska Native Corporations (ANCs).

(1) Notwithstanding any other provisions of this subpart, a direct or indirect subsidiary corporation, joint venture, or partnership entity of an ANC is eligible for certification as a DBE if it meets all of the following requirements:

(i) The Settlement Common Stock of the underlying ANC and other stock of the ANC held by holders of the Settlement Common Stock and by Natives and descendants of Natives represents a majority of both the total equity of the ANC and the total voting power of the corporation for purposes of electing directors;

(ii) The shares of stock or other units of common ownership interest in the subsidiary, joint venture, or partnership entity held by the ANC and by holders of its Settlement Common Stock represent a majority of both the total equity of the entity and the total voting power of the entity for the purpose of

electing directors, the general partner, or principal officers; and

(iii) The subsidiary, joint venture, or partnership entity has been certified by the Small Business Administration under the 8(a) or small disadvantaged business program.

(2) As a recipient to whom an ANC-related entity applies for certification, you do not use the DOT uniform application form (*see* Appendix F of this part). You must obtain from the firm documentation sufficient to demonstrate that entity meets the requirements of paragraph (i)(1) of this section. You must also obtain sufficient information about the firm to allow you to administer your program (*e.g.*, information that would appear in your DBE Directory).

(3) If an ANC-related firm does not meet all the conditions of paragraph (i)(1) of this section, then it must meet the requirements of paragraph (h) of this section in order to be certified, on the same basis as firms owned by Indian Tribes or Native Hawaiian Organizations.

■ 13. Amend § 26.83 by revising paragraphs (c)(7) introductory text and (c)(7)(i) to read as follows:

§ 26.83 What procedures do recipients follow in making certification decisions?

* * * * *

(c) * * *

(7) Require potential DBEs to complete and submit an appropriate application form, unless the potential DBE is an SBA certified firm applying pursuant to the DOT/SBA MOU.

(i) You must use the application form provided in Appendix F to this part without change or revision. However, you may provide in your DBE program, with the approval of the concerned operating administration, for supplementing the form by requesting additional information not inconsistent with this part.

* * * * *

■ 14. Add a new § 26.84, to read as follows:

§ 26.84 How do recipients process applications submitted pursuant to the DOT/SBA MOU?

(a) When an SBA-certified firm applies for certification pursuant to the DOT/SBA MOU, you must accept the certification applications, forms and packages submitted by a firm to the SBA for either the 8(a) BD or SDB programs, in lieu of requiring the applicant firm to complete your own application forms and packages. The applicant may submit the package directly, or may request that the SBA forward the package to you. Pursuant to the MOU,

the SBA will forward the package within thirty days.

(b) If necessary, you may request additional relevant information from the SBA. The SBA will provide this additional material within forty-five days of your written request.

(c) Before certifying a firm based on its 8(a) BD or SDB certification, you must conduct an on-site review of the firm (*see* § 26.83(c)(1)). If the SBA conducted an on-site review, you may rely on the SBA's report of the on-site review. In connection with this review, you may also request additional relevant information from the firm.

(d) Unless you determine, based on the on-site review and information obtained in connection with it, that the firm does not meet the eligibility requirements of Subpart D of this part, you must certify the firm.

(e) You are not required to process an application for certification from an SBA-certified firm having its principal place of business outside the state(s) in which you operate unless there is a report of a "home state" on-site review on which you may rely.

(f) You are not required to process an application for certification from an SBA-certified firm if the firm does not provide products or services that you use in your DOT-assisted programs or airport concessions.

■ 15. Redesignate § 26.85 as § 26.86. Within the redesignated § 26.86, redesignate paragraphs (b) and (c) as paragraphs (c) and (d) and add a new paragraph (b) to read as follows:

§ 26.86 What rules govern recipients' denials of initial requests for certification?

* * * * *

(b) When you deny DBE certification to a firm certified by the SBA, you must notify the SBA in writing. The notification must include the reason for denial.

* * * * *

■ 16. Add a new § 26.85, to read as follows:

§ 26.85 How do recipients respond to requests from DBE-certified firms or the SBA made pursuant to the DOT/SBA MOU?

(a) Upon receipt of a signed, written request from a DBE-certified firm, you must transfer to the SBA a copy of the firm's application package. You must transfer this information within thirty days of receipt of the request.

(b) If necessary, the SBA may make a written request to the recipient for additional materials (*e.g.*, the report of the on-site review). You must provide a copy of this material to the SBA within forty-five days of the additional request.

(c) You must provide appropriate assistance to SBA-certified firms, including providing information pertaining to the DBE application process, filing locations, required documentation and status of applications.

■ 17. Amend § 26.87 by redesignating paragraphs (h) through (j) as paragraphs (i) through (k) and by adding a new paragraph (h) to read as follows:

§ 26.87 What procedure does a recipient use to remove a DBE's eligibility?

* * * * *

(h) When you decertify a DBE firm certified by the SBA, you must notify the SBA in writing. The notification must include the reason for denial.

* * * * *

■ 18. Amend § 26.89 by revising paragraphs (a)(1) and (f)(7) to read as follows:

§ 26.89 What is the process for certification appeals to the Department of Transportation?

(a)(1) If you are a firm that is denied certification or whose eligibility is

removed by a recipient, including SBA-certified firms applying pursuant to the DOT/SBA MOU, you may make an administrative appeal to the Department.

* * * * *

(f) * * *

(7) The Department provides written notice of its decision to you, the firm, and the complainant in an ineligibility complaint. A copy of the notice is also sent to any other recipient whose administrative record or decision has been involved in the proceeding (see paragraph (d) of this section). The Department will also notify the SBA in writing when DOT takes an action on an appeal that results in or confirms a loss of eligibility to any SBA-certified firm. The notice includes the reasons for the Department's decision, including specific references to the evidence in the record that supports each reason for the decision.

* * * * *

■ 19. In § 26.109, revise paragraph (a)(2) to read as follows:

§ 26.109 What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?

(a) * * *

(1) * * *

(2) Notwithstanding any provision of Federal or state law, you must not release information that may be reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting documentation. However, you must transmit this information to DOT in any certification appeal proceeding under § 26.89 in which the disadvantaged status of the individual is in question.

■ 20. In Appendix B, revise the heading and add a form reading as follows:

Appendix B to Part 26—Uniform Report of DBE Awards or Commitments and Payments Form

BILLING CODE 4910-62-P

INSTRUCTIONS FOR COMPLETING THE UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

1. Indicate the DOT Operating Administration (OA) that provides your Federal financial assistance. If assistance comes from more than one OA, use separate reporting forms for each OA. If you are an FTA recipient, indicate your Vendor Number in the space provided.
2. If you are an FAA recipient, indicate the relevant AIP Numbers covered by this report. If more than six, attach a separate sheet.
3. Specify the Federal fiscal year (i.e., October 1 – September 30) in which the covered reporting period falls.
4. State the date of submission of this report.
5. Check the appropriate box that indicates the reporting period that the data provided in this report covers. If this report is due June 1, data should cover October 1 – March 31. If this report is due December 1, data should cover April 1 -- September 30. If this report is due to the FAA, data should cover the entire year.
6. Name of the recipient.
7. State your annual DBE goal(s) established for the Federal fiscal year of this report to be submitted to and approved by the relevant OA. Your Overall Goal is to be reported as well as the breakdown for specific Race Conscious and Race Neutral Goals (both of which include gender-conscious/neutral goals). The Race Conscious Goal portion should be based on programs that focus on and provide benefits only for DBEs. The use of contract goals is a primary example of a Race Conscious measure. The Race Neutral Goal portion should include programs that, while benefiting DBEs, are not solely focused on DBE firms. For example, a small business outreach program, technical assistance, and prompt payment clauses can assist a wide variety of businesses in addition to helping DBE firms.
- 8-9. The amounts in items 8(A)-9(I) should include all types of prime contracts awarded and all types of subcontracts awarded or committed, including: professional or consultant services, construction, purchase of materials or supplies, lease or purchase of equipment and any other types of services. All dollar amounts are to reflect only the Federal share of such contracts, and should be rounded to the nearest dollar.
- 8(A). Provide the total dollar amount for all prime contracts assisted with DOT funds that were awarded during this reporting period.
- 8(B). Provide the total number of all prime contracts assisted with DOT funds that were awarded during this reporting period.
- 8(C). From the total dollar amount awarded in item 8(A), provide the dollar amount awarded to certified DBEs during this reporting period.
- 8(D). From the total number of prime contracts awarded in item 8(B), specify the number awarded to certified DBEs during this reporting period.
- 8(E). From the total dollars awarded in 8(C), provide the dollar amount awarded to DBEs through the use of Race Conscious methods. See the definition of Race Conscious Goal in item 7 and the explanation of project types in item 8 to include in your calculation.
- 8(F). From the total number of prime contracts awarded in 8(D), specify the number awarded to DBEs through Race Conscious methods.
- 8(G). From the total dollar amount awarded in item 8(C), provide the dollar amount awarded to certified DBEs through the use of Race Neutral methods. See the definition of Race Neutral Goal in item 7 and the explanation of project types in item 8 to include.
- 8(H). From the total number of prime contracts awarded in 8(D), specify the number awarded to DBEs through Race Neutral methods.
- 8(I). Of all prime contracts awarded this reporting period, calculate the percentage going to DBEs. Divide the dollar amount in item 8(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.
- 9(A)-9(I). Items 9(A)-9(I) are derived in the same way as items 8(A)-8(I), except that these calculations should be based on subcontracts rather than prime contracts. Unlike prime contracts, which may only be awarded, subcontracts may be either awarded or committed.
- 10(A)-11(I). For all DBEs awarded prime contracts and awarded or committed subcontracts as indicated in 8(C)-(D) and 9(C)-(D), break the data down further by total dollar amount as well as the number of all contracts going to each ethnic group as well as to non-minority women. The "Other" category includes those DBEs who are not members of the presumptively disadvantaged groups already listed, but who are determined eligible for the DBE program on an individual basis (e.g. a Caucasian male with a disability). The TOTALS value in 10(H) should equal the sum of 8(C) plus 9(C), and similarly, the TOTALS value in 11(H) should equal the sum of 8(D) plus 9(D). Column I should only be filled out if this report is due on December 1, as indicated in item 5. The values for this column are derived by adding the values reported in column H in your first report with the values reported in this second report.
- 12(A). Provide the total number of prime contracts completed during this reporting period that had Race Conscious goals. Race Conscious contracts are those with contract goals or another Race Conscious measure.
- 12(B). Provide the total dollar value of prime contracts completed this reporting period that had Race Conscious goals.
- 12(C). Provide the total dollar amount of DBE participation on all Race Conscious prime contracts completed this reporting period that was necessary to meet the contract goals on them. This applies only to Race Conscious prime contracts.
- 12(D). Provide the actual total DBE participation in dollars on the race conscious prime contracts completed this reporting period.
- 12(E). Of all the prime contracts completed this reporting period, calculate the percentage of DBE participation. Divide the actual total dollar amount in 12(D) by the total dollar value provided in 12(B) to derive this percentage. Round to the nearest tenth.
- 13(A)-13(E). Items 13(A)-13(E) are derived in the same manner as items 12(A)-12(E), except these figures should be based on Race Neutral prime contracts (i.e. those with no race conscious measures).
- 14(A)-14(E). Calculate the totals for each column by adding the race conscious and neutral figures provided in each row above.
15. Name of the Authorized Representative preparing this form.
16. Signature of the Authorized Representative.
17. Phone number of the Authorized Representative.
18. Fax number of the Authorized Representative.

****Submit your completed report to your Regional or Division Office.**

UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

Please refer to the Instructions sheet for directions on filling out this form

1. Submitted to (check only one): FHWA FAA FTA--Vendor Number _____

2. AIP Numbers (FAA Recipients Only): _____

3. Federal fiscal year in which reporting period falls: FY _____ 4. Date This Report Submitted: _____

5. Reporting Period Report due June 1 (for period Oct. 1-Mar. 31) Report due Dec. 1 (for period April 1-Sept. 30)

FAA Annual Report

6. Name of Recipient: _____

7. Annual DBE Goal(s): _____ Race Conscious Goal _____ % Race Neutral Goal _____ % OVERALL Goal _____ %

	A	B	C	D	E	F	G	H	I
	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs/Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts awarded or committed during this reporting period)									
8. Prime contracts awarded this period									
9. Subcontracts awarded/committed this period									
TOTAL									

	A	B	C	D	E	F	G	H	I
	Black American	Hispanic American	Native American	Subcont. Asian American	Asian-Pacific American	Non-Minority Women	Other (i.e., not of any other group listed here)	TOTALS (for this reporting period only)	Year-End TOTALS
10. Total Number of Contracts (Prime and Sub)									
11. Total Dollar Value									

	A	B	C	D	E
	Number of Prime Contracts Completed	Total Dollar Value of Prime Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percentage of Total DBE Participation
ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD					
12. Race Conscious					
13. Race Neutral					
14. Totals					

15. Submitted by (Print Name of Authorized Representative) _____ 16. Signature of Authorized Representative _____

17. Phone Number: _____ 18. Fax Number: _____

■ 21. In Appendix E, under Economic Disadvantage, remove and reserve section (B)(2).

■ 22. Add a new Appendix F to read as follows:

Appendix F to Part 26—Uniform Certification Application Form

**INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE)
PROGRAM UNIFORM CERTIFICATION APPLICATION**

NOTE: If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

Check the appropriate box indicating for which program your firm is currently certified. If you are already certified as a DBE, indicate in the appropriate box the name of the certifying agency that has previously certified your firm, and also indicate whether your firm has undergone an onsite visit. If your firm has already undergone an onsite visit/review, indicate the most recent date of that review and the state UCP that conducted the review.

NOTE: If your firm is currently certified under the SBA's 8(a) and/or SDB programs, you may not have to complete this application. You should contact your state UCP to find out about a streamlined application process for firms that are already certified under the 8(a) and SDB programs.

B. Prior/Other Applications and Privileges

Indicate whether your firm or any of the persons listed has ever withdrawn an application for a DBE program or an SBA 8(a) or SDB program, or whether any have ever been denied certification, decertified, debarred, suspended, or had bidding privileges denied or restricted by any state or local agency or Federal entity. If your answer is yes, indicate the date of such action, identify the name of the agency, and explain fully the nature of the action in the space provided.

Section 2: GENERAL INFORMATION

A. Contact Information

- (1) State the name and title of the person who will serve as your firm's primary contact under this application.
- (2) State the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) State the primary phone number of your firm.
- (4) State a secondary phone number, if any.
- (5) State your firm's fax number, if any.
- (6) State your firm's or your contact person's email address.
- (7) State your firm's website address, if any.
- (8) State the street address of your firm (i.e., the physical location of its offices -- not a post office box address).
- (9) State the mailing address of your firm, if it is different from your firm's street address.

B. Business Profile

- (1) In the box provided, briefly describe the primary business and professional activities in which your firm engages.
- (2) State the Federal Tax ID number of your firm as provided on your firm's filed tax returns, if you have one. This could also be the Social Security number of the owner of your firm.
- (3) State the date on which your firm was officially established, as stated in your firm's Articles of Incorporation or charter.

- (4) State the date on which you and/or each other owner took ownership of the firm.

- (5) Check the appropriate box that describes the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.

- (6) Check the appropriate box that indicates whether your firm is "for profit."

NOTE: If you checked "No," then you do NOT qualify for the DBE program and therefore do not need to complete the rest of this application. The DBE program requires all participating firms be for-profit enterprises.

- (7) Check the appropriate box that describes the legal form of ownership of your firm, as indicated in your firm's Articles of Incorporation or charter. If you checked "Other," briefly explain in the space provided.

- (8) Check the appropriate box that indicates whether your firm has ever existed under different ownership, a different type of ownership, or a different name. If you checked "Yes," specify which and briefly explain the circumstances in the space provided.

- (9) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time and part-time basis.

- (10) Specify the total gross receipts of your firm for each of the past three years, as declared in your firm's filed tax returns.

C. Relationships with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, or any office staff with any other business, organization, or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and briefly explain the nature of the shared facilities or other items in the space provided.

- (2) Check the appropriate box that indicates whether at present, or at any time in the past:

(a) Your firm has been a subsidiary of any other firm;

(b) Your firm consisted of a partnership in which one or more of the partners are other firms;

(c) Your firm has owned any percentage of any other firm; and

(d) Your firm has had any subsidiaries of its own.

- (3) Check the appropriate box that indicates whether any other firm has ever had an ownership interest in your firm.

- (4) If you answered "Yes" to any of the questions in (2)(a)-(d) or (3), identify the name, address and type of business for each.

D. Immediate Family Member Businesses

Check the appropriate box that indicates whether any of your immediate family members own or manage another company. An "immediate family member" is any person who is your father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law. If you answered "Yes," provide the name of each relative, your relationship to them, the name of the company they own or manage, the type of business, and whether they own or manage the company.

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each additional owner):

A. Background Information

- (1) Give the name of the owner.
- (2) State his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) State his/her home (street) address.
- (5) Check the appropriate box that indicates this owner's gender.
- (6) Check the appropriate box that indicates this owner's ethnicity (check all that apply). If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen.
- (8) If this owner is not a U.S. citizen, check the appropriate box that indicates whether this owner is a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner. This, however, does not necessarily disqualify your firm altogether from the DBE program if another owner is a U.S. citizen or lawfully admitted permanent resident and meets the program's other qualifying requirements.

B. Ownership Interest

- (1) State the number of years during which this owner has been an owner of your firm.
- (2) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment.
- (3) State the percentage of total ownership control of your firm that this owner possesses.
- (4) State the familial relationship of this owner to each other owner of your firm.
- (5) Indicate the number, percentage of the total, class, date acquired, and method by which this owner acquired his/her shares of stock in your firm.

- (6) Check the appropriate box that indicates whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function or title held in that business.

- (7) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business and this owner's function or title held in that business. Briefly describe the nature of the business relationship in the space provided.

C. Disadvantaged Status

NOTE: You only need to complete this section for each owner that is applying for DBE qualification (i.e., for each owner who is claiming to be "socially and economically disadvantaged" and whose ownership interest is to be counted toward the control and 51% ownership requirements of the DBE program)

- (1) Indicate in the space provided the total Personal Net Worth (PNW) of each owner who is applying for DBE qualification. Use the PNW calculator form at the end of this application to compute each owner's PNW.
- (2) Check the appropriate box that indicates whether any trust has ever been created for the benefit of this disadvantaged owner. If you answered "Yes," briefly explain the nature, history, purpose, and current value of the trust(s).

Section 4: CONTROL

A. Identify your firm's Officers and Board of Directors:

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer of your firm.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the officer or director, and the nature of his/her business relationship with that other firm.

B. Identify your firm's management personnel (by name, title, ethnicity, and gender) who control your firm in the following areas:

- (1) Making financial decisions on your firm's behalf, including the acquisition of lines of credit, surety bonds, supplies, etc.;
 - (2) Estimating and bidding, including calculation of cost estimates, bid preparation and submission;
 - (3) Negotiating and contract execution, including participation in any of your firm's negotiations and executing contracts on your firm's behalf;
 - (4) Hiring and/or firing of management personnel, including interviewing and conducting performance evaluations;
 - (5) Field/Production operations supervision, including site supervision, scheduling, project management services, etc.;
 - (6) Office management;
 - (7) Marketing and sales;
 - (8) Purchasing of major equipment;
 - (9) Signing company checks (for any purpose); and
 - (10) Conducting any other financial transactions on your firm's behalf not otherwise listed.
 - (11) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
 - (12) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the name of the person, and the nature of his/her business relationship with that other firm.
- C. Indicate your firm's inventory in the following categories:**
- (1) **Equipment**
State the type, make and model, and current dollar value of each piece of equipment held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm.
 - (2) **Vehicles**
State the type, make and model, and current dollar value of each motor vehicle held and/or used by your firm. Indicate whether each vehicle is either owned or leased by your firm.
 - (3) **Office Space**
State the street address of each office space held and/or used by your firm. Indicate whether your firm owns or leases the office space and the current dollar value of that property or its lease.
 - (4) **Storage Space**
State the street address of each storage space held and/or used by your firm. Indicate whether your firm owns or leases the storage space and the current dollar value of that property or its lease.
- D. Does your firm rely on any other firm for management functions or employee payroll?**
Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," briefly explain the nature of that reliance and the extent to which the other firm carries out such functions.
- E. Financial Information**
- (1) Banking Information
 - (a) State the name of your firm's bank.
 - (b) State the main phone number of your firm's bank branch.
 - (c) State the address of your firm's bank branch.
 - (2) Bonding Information
 - (a) State your firm's Binder Number.
 - (b) State the name of your firm's bond agent and/or broker.
 - (c) State your agent's/broker's phone number.
 - (d) State your agent's/broker's address.
 - (e) State your firm's bonding limits (in dollars), specifying both the Aggregate and Project Limits.
- F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms securing the loan, if other than the listed owner:**
State the name and address of each source, the name of the person securing the loan, the original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm.
- G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years:**
Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.
- H. List current licenses/permits held by any owner or employee of your firm.**
List the name of each person in your firm who holds a professional license or permit, the type of license or permit, the expiration date of the permit or license, and the license/permit number and issuing State of the license or permit.
- I. List the three largest contracts completed by your firm in the past three years, if any.**
List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.
- J. List the three largest active jobs on which your firm is currently working.**
For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.
- AFFIDAVIT & SIGNATURE**
Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
49 C.F.R. PART 26

UNIFORM CERTIFICATION APPLICATION

ROADMAP FOR APPLICANTS

① **Should I apply?**

- Is your firm at least 51%-owned by a socially and economically disadvantaged individual(s) who also controls the firm?
- Is the disadvantaged owner a U.S. citizen or lawfully admitted permanent resident of the U.S.?
- Is your firm a small business that meets the Small Business Administration's (SBA's) size standard and does not exceed \$17.42 million in gross annual receipts?
- Is your firm organized as a for-profit business?

⇒ If you answered "Yes" to all of the questions above, you may be eligible to participate in the U.S. DOT DBE program.

② **Is there an easier way to apply?**

If you are currently certified by the SBA as an 8(a) and/or SDB firm, you may be eligible for a streamlined certification application process. Under this process, the certifying agency to which you are applying will accept your current SBA application package in lieu of requiring you to fill out and submit this form.

NOTE: You must still meet the requirements for the DBE program, including undergoing an on-site review.

③ **Be sure to attach all of the required documents listed in the Documents Check List at the end of this form with your completed application.**

④ **Where can I find more information?**

- U.S. DOT – <http://osdbuweb.dot.gov/business/dbe/index.html> (this site provides useful links to the rules and regulations governing the DBE program, questions and answers, and other pertinent information)
- SBA – <http://www.ntis.gov/naics> (provides a listing of NAICS codes) and <http://www.sba.gov/size/index/tableofsize.html> (provides a listing of NAICS codes)
- 49 CFR Part 26 (the rules and regulations governing the DBE program)

Under Sec. 26.107 of 49 CFR Part 26, dated February 2, 1999, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 49 CFR Part 29, Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-free Workplace (grants), take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

Is your firm currently certified for any of the following programs? <i>(If Yes, check appropriate box(es))</i>	<input type="checkbox"/> DBE	Name of certifying agency:
		Has your firm's state UCP conducted an on-site visit?
		<input type="checkbox"/> Yes, on ___ / ___ / ___ State: _____ <input type="checkbox"/> No
	<input type="checkbox"/> 8(a)	⊗ STOP! If you checked either the 8(a) or SDB box, you <u>may not</u> have to complete this application. Ask your state UCP about the streamlined application process under the SBA-DOT MOU.
<input type="checkbox"/> SDB		

B. Prior/Other Applications and Privileges

Has your firm (under any name) or any of its owners, Board of Directors, officers or management personnel, ever withdrawn an application for any of the programs listed above, or ever been denied certification, decertified, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity?

Yes, on ___ / ___ / ___ No

If Yes, identify State and name of state, local, or Federal agency and explain the nature of the action:

Section 2: GENERAL INFORMATION

A. Contact Information

(1) Contact person and Title:		(2) Legal name of firm:			
(3) Phone #:	(4) Other Phone #:	(5) Fax #:			
(6) E-mail:		(7) Website <i>(if have one)</i> :			
(8) Street address of firm <i>(No P.O. Box)</i> :	City:	County/Parish:	State:	Zip:	
(9) Mailing address of firm <i>(if different)</i> :	City:	County/Parish:	State:	Zip:	

B. Business Profile

(1) Describe the primary activities of your firm:		(2) Federal Tax ID <i>(if any)</i> :
(3) This firm was established on ___ / ___ / ___		(4) I/We have owned this firm since: ___ / ___ / ___
(5) Method of acquisition <i>(check all that apply)</i> :		
<input type="checkbox"/> Started new business <input type="checkbox"/> Bought existing business <input type="checkbox"/> Inherited business <input type="checkbox"/> Secured concession <input type="checkbox"/> Merger or consolidation <input type="checkbox"/> Other <i>(explain)</i>		
(6) Is your firm "for profit"? <input type="checkbox"/> Yes <input type="checkbox"/> No		⊗ STOP! If your firm is NOT for-profit, then you do NOT qualify for this program and do NOT need to fill out this application.

(7) Type of firm (check all that apply): <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Limited Liability Corporation <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other, Describe:		
(8) Has your firm ever existed under different ownership, a different type of ownership, or a different name? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain:		
(9) Number of employees: Full-time	Part-time	Total
(10) Specify the gross receipts of the firm for the last 3 years:		
Year _____	Year _____	Total receipts \$ _____
Year _____	Year _____	Total receipts \$ _____

C. Relationships with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office space, yard, warehouse, facilities, equipment, or office staff, with any other business, organization, or entity? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Other Firm's name: _____ Explain nature of shared facilities:													
(2) At present, or at any time in the past, has your firm:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 65%;">(a) been a subsidiary of any other firm?</td> <td style="width: 35%; text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>(b) consisted of a partnership in which one or more of the partners are other firms?</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>(c) owned any percentage of any other firm?</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>(d) had any subsidiaries?</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table>	(a) been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(b) consisted of a partnership in which one or more of the partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(c) owned any percentage of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(d) had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
(a) been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No												
(b) consisted of a partnership in which one or more of the partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No												
(c) owned any percentage of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No												
(d) had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No												
(3) Has any other firm had an ownership interest in your firm at present or at any time in the past? <input type="checkbox"/> Yes <input type="checkbox"/> No													
(4) If you answered "Yes" to any of the questions in (2)(a)-(d) and/or (3), identify the following for each (attach extra sheets, if needed):													
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"><u>Name</u></th> <th style="width: 30%;"><u>Address</u></th> <th style="width: 40%;"><u>Type of Business</u></th> </tr> </thead> <tbody> <tr> <td>1.</td> <td></td> <td></td> </tr> <tr> <td>2.</td> <td></td> <td></td> </tr> <tr> <td>3.</td> <td></td> <td></td> </tr> </tbody> </table>	<u>Name</u>	<u>Address</u>	<u>Type of Business</u>	1.			2.			3.		
<u>Name</u>	<u>Address</u>	<u>Type of Business</u>											
1.													
2.													
3.													

D. Immediate Family Member Businesses

Do any of your immediate family members own or manage another company? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, then list (attach extra sheets, if needed):					
	<u>Name</u>	<u>Relationship</u>	<u>Company</u>	<u>Type of Business</u>	<u>Own or Manage?</u>
1.					
2.					

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below *(If more than one owner, attach separate sheets for each additional owner):*

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:		
(4) Home Address (street and number):		City:	State:	Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		(6) Ethnic group membership (Check all that apply):		
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Black	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Native American
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Asian Pacific	<input type="checkbox"/> Subcontinent Asian	
		<input type="checkbox"/> Other (specify) _____		

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to acquire ownership interest in firm:	Type	Dollar Value		
(3) Percentage owned:		Cash	\$		
(4) Familial relationship to other owners:		Real Estate	\$		
		Equipment	\$		
		Other	\$		
(5) Shares of Stock:	<u>Number</u>	<u>Percentage</u>	<u>Class</u>	<u>Date acquired</u>	<u>Method Acquired</u>
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If Yes, identify: Name of Business: _____ Function/Title: _____					
(7) Does this owner own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If Yes, identify: Name of Business: _____ Function/Title: _____					
Nature of Business Relationship: _____					

C. Disadvantaged Status – NOTE: Complete this section only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged)

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? <i>(Use and attach the Personal Net Worth calculator form at the end of this application; attach additional sheets if more than one owner is applying)</i>
(2) Has any trust been created for the benefit of this disadvantaged owner(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain <i>(attach additional sheets if needed):</i>

Section 4: CONTROL

A. Identify your firm's Officers & Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
	(e)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				
	(e)				

(3) Do any of the persons listed in (1) and/or (2) above perform a management or supervisory function for any other business? Yes No

If Yes, identify for each: Person: _____ Title: _____
 Business: _____ Function: _____

(4) Do any of the persons listed (1) and/or (2) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No

If Yes, identify for each: Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

B. Identify your firm's management personnel who control your firm in the following areas (If more than two persons, attach a separate sheet):

	Name	Title	Ethnicity	Gender
(1) Financial Decisions <i>(responsibility for acquisition of lines of credit, surety bonding, supplies, etc.)</i>	a.			
	b.			
(2) Estimating and bidding	a.			
	b.			
(3) Negotiating and Contract Execution	a.			
	b.			
(4) Hiring/firing of management personnel	a.			
	b.			
(5) Field/Production Operations Supervisor	a.			
	b.			
(6) Office management	a.			
	b.			
(7) Marketing/Sales	a.			
	b.			
(8) Purchasing of major equipment	a.			
	b.			
(9) Authorized to Sign Company Checks (for any purpose)	a.			
	b.			
(10) Authorized to make Financial Transactions	a.			
	b.			

(11) Do any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business? Yes No
 If Yes, identify for each: Person: _____ Title: _____
 Business: _____ Function: _____

(12) Do any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)?
 Yes No

If Yes, identify for each: Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

C. Indicate your firm's inventory in the following categories (attach additional sheets if needed):

(1) Equipment

Type of Equipment	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(2) Vehicles

Type of Vehicle	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(3) Office Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

(4) Storage Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

D. Does your firm rely on any other firm for management functions or employee payroll? Yes No

If Yes, explain:

E. Financial Information

(1) Banking Information:
 (a) Name of bank: _____ (b) Phone No: () _____
 (c) Address of bank: _____ City: _____ State: _____ Zip: _____

(2) **Bonding Information:** If you have bonding capacity, identify: (a) Binder No: _____
 (b) Name of agent/broker _____ (c) Phone No: () _____
 (d) Address of agent/broker: _____ City: _____ State: _____ Zip: _____
 (e) Bonding limit: Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of any persons or firms securing the loan, if other than the listed owner:

Name of Source	Address of Source	Name of Person Securing the Loan	Original Amount	Current Balance	Purpose of Loan
1.					
2.					
3.					

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years (attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1.					
2.					
3.					

H. List current licenses/permits held by any owner and/or employee of your firm (e.g., contractor, engineer, architect, etc.) (attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	License Number and State
1.			
2.			
3.			

I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1.			
2.			
3.			

J. List the three largest active jobs on which your firm is currently working:

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1.					
2.					
3.					

DBE UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

In order to complete your application for DBE certification, you must attach copies of all of the following documents as they apply to you and your firm.

All Applicants

- Work experience resumes (include places of ownership/employment with corresponding dates), for all owners and officers of your firm
- Personal Financial Statement (form available with this application)
- Personal tax returns for the past three years, if applicable, for each owner claiming disadvantaged status
- Your firm's tax returns (gross receipts) and all related schedules for the past three years
- Documented proof of contributions used to acquire ownership for each owner (*e.g., both sides of cancelled checks*)
- Your firm's signed loan agreements, security agreements, and bonding forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- List of equipment leased and signed lease agreements
- List of construction equipment and/or vehicles owned and titles/proof of ownership
- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past two years
- Year-end balance sheets and income statements for the past three years (*or life of firm, if less than three years*); a new business must provide a current balance sheet
- All relevant licenses, license renewal forms, permits, and haul authority forms
- DBE and SBA 8(a) or SDB certifications, denials, and/or decertifications, if applicable
- Bank authorization and signatory cards
- Schedule of salaries (or other compensation or remuneration) paid to all officers, managers, owners, and/or directors of the firm
- Trust agreements held by any owner claiming disadvantaged status, if any

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

- Official Articles of Incorporation (*signed by the state official*)
- Both sides of all corporate stock certificates and your firm's stock transfer ledger
- Shareholders' Agreement
- Minutes of all stockholders and board of directors meetings
- Corporate by-laws and any amendments
- Corporate bank resolution and bank signature cards
- Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

Trucking Company

- Documented proof of ownership of the company
- Insurance agreements for each truck owned or operated by your firm
- Title(s) and registration certificate(s) for each truck owned or operated by your firm
- List of U.S. DOT numbers for each truck owned or operated by your firm

Regular Dealer

- Proof of warehouse ownership or lease
- List of product lines carried
- List of distribution equipment owned and/or leased

NOTE: The specific state UCP to which you are applying may have additional required documents that you must also supply with your application. Contact the appropriate certifying agency to which you are applying to find out if more is required.

AFFIDAVIT OF CERTIFICATION

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name printed), swear or affirm under penalty of law that I am _____ (title) of applicant firm _____ (firm name) and that I have read and understood all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its place(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial of certification.

If awarded a contract or subcontract, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I certify that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise (DBE). In support of my application, I certify that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s) (circle all that apply):

Female Black American Hispanic American
 Native American Asian- Pacific American
 Subcontinent Asian American
 Other (specify) _____

I certify that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further certify that my personal net worth does not exceed \$750,000, and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Executed on _____ (Date)

Signature _____
(DBE Applicant)

NOTARY CERTIFICATE

[FR Doc. 03-14989 Filed 6-13-03; 8:45 am]

BILLING CODE 4910-62-C

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

Pipeline Safety: Alternative Mitigation Measures for Required Repairs Delayed by a Need To Obtain Permits

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

ACTION: Interpretation.

SUMMARY: Congress directed the Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) to revise its pipeline safety regulations, if necessary, to allow operators to take alternative mitigation measures while they seek governmental permits required for repairs. As RSPA/OPS interprets the pipeline safety regulations, they already allow such measures. Revising the regulations is not necessary.

DATES: Effective June 16, 2003.

FOR FURTHER INFORMATION CONTACT:

Mike Israni by phone at (202) 366-4571, by fax at (202) 366-4566, or by e-mail at mike.israni@rspa.dot.gov

SUPPLEMENTARY INFORMATION: The Pipeline Safety Improvement Act of 2002 amended the Federal pipeline safety laws to require that the Secretary of Transportation revise pipeline safety regulations, as needed, to allow operators to implement alternative mitigation measures if repairs to pipelines cannot be completed within specified time frames. Specifically, 49 U.S.C. section 60133 provides, in part:

(d) INTERIM OPERATIONAL ALTERNATIVES.

(1) IN GENERAL * * * subject to the limitations in paragraph (2), the Secretary of Transportation shall revise the regulations of the Department, to the extent necessary, to permit a pipeline operator subject to time periods for repair specified by rule by the Secretary to implement alternative mitigation measures until all applicable permits have been granted.

(2) LIMITATIONS. "The regulations issued by the Secretary pursuant to this subsection shall not allow an operator to implement alternative mitigation measures pursuant to paragraph (1) unless—

(A) Allowing the operator to implement such measures would be consistent with the protection of human health, public safety, and the environment;

(B) The operator, with respect to a particular repair project, has applied for and is pursuing diligently and in good faith all required Federal, State, and local permits to carry out the project; and

(C) The proposed alternative mitigation measures are not incompatible with pipeline safety.

RSPA/OPS has reviewed the existing pipeline safety regulations and determined that no changes to these regulations are necessary to implement this provision. As explained below, RSPA/OPS interprets existing pipeline repair requirements to allow for alternative mitigative measures while an operator has applied for and is waiting for a permit in order to effectuate a repair.

General pipeline facility repair requirements in 49 CFR 192.703 (for natural gas pipelines) and 49 CFR 195.401 (for hazardous liquid pipelines) require repair of conditions that are "unsafe" or "could adversely affect the safe operation of [the] pipeline system," but do not specify a time period in which the required repairs must be made. These provisions, instead, require an operator to take actions necessary to assure the pipeline is safe and to take these actions "within a reasonable time." Thus, for the non immediate hazard conditions, a reasonable repair time allows for an operator to obtain the Federal, state or local permits necessary to make a repair. RSPA/OPS expects an operator to exercise diligence in obtaining the necessary permits by being able to demonstrate that it has applied for the applicable permit and is taking all necessary steps for the permit to be processed and granted. In this interim period until the permit is granted, an operator is allowed to take alternative actions to mitigate the condition, as long as the actions are compatible with pipeline safety.

The reasonable time provision does not apply to an immediate hazard condition. If circumstances associated with a particular pipeline problem are such that safety is immediately in jeopardy, then immediate action is appropriate and delay would be inconsistent with the protection of human health, public safety, and the environment.

The only current regulation that specifies time periods for pipeline repairs is the recently promulgated integrity management rule for hazardous liquid pipelines, 49 CFR 195.452. The remediation requirements of this regulation require an operator to remediate defects meeting certain criteria immediately or within 60 or 180 days, depending on the defect's severity. This regulation further provides for an operator to take alternative mitigation measures if it cannot make the repair within the specified period for any reason, including being unable to obtain

required permits. Specifically, 49 CFR 195.452 (h)(3) provides in part:

(3) *Schedule for evaluation and remediation.* An operator must complete remediation of a condition according to a schedule that prioritizes the conditions for evaluation and remediation. If an operator cannot meet the schedule for any condition, the operator must justify the reasons why it cannot meet the schedule and that the changed schedule will not jeopardize public safety or environmental protection. An operator must notify OPS if the operator cannot meet the schedule and cannot provide safety through a temporary reduction in operating pressure.

Thus, if an operator must obtain a permit to carry out a repair for the operator's integrity management program, and cannot obtain the permit and make the repair within the 60- or 180-day period, an operator may either reduce operating pressure as an interim mitigative measure or, if it determines that pressure reduction is impracticable, submit a notification to RSPA/OPS explaining how it will ensure safety in the interim period, and then continue operation until the permit is granted and the repair made. An operator must complete the repairs in a time frame that does not jeopardize safety or environmental protection. Again, if the specified time period cannot be met because the operator is waiting for a permit to be granted, RSPA/OPS expects an operator to show it has applied for the permit and is taking all necessary steps for the permit to be processed and granted.

RSPA/OPS recently proposed integrity management remediation requirements for natural gas transmission pipelines (*see* 68 FR 4278; Jan. 28, 2003). Similar to the remediation requirements for hazardous liquid integrity programs, until a repair is made, the proposed regulation would allow continued operation with a reduction in operating pressure or notification to RSPA/OPS, if pressure reduction is impracticable. Under the proposal, an operator would be able to implement alternative mitigative measures while it has applied for and is waiting for the permit to be granted.

RSPA/OPS discussed the need for additional requirements including alternative mitigative measures with its advisory committees, the Technical Hazardous Liquid Pipeline Safety Standards Committee and the Technical Pipeline Safety Standards Committee, at a joint meeting held on March 26, 2003. The Committees agreed that the existing allowance for pressure reduction or case-by-case definition of alternative measures, via operator notification to RSPA/OPS, represents viable alternative

measures, and that additional rulemaking to add alternatives was not needed.

Because RSPA/OPS interprets its pipeline repair requirements as allowing for interim alternative mitigation measures while an operator is diligently pursuing the granting of a permit, no further regulatory action is necessary.

Issued in Washington, DC, on June 10, 2003.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.
[FR Doc. 03-15084 Filed 6-13-03; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 021209300-3048-02; I.D. 112502C]

RIN 0648-AQ18

Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final rule published on March 7, 2003, for the Pacific Coast groundfish fishery.

DATES: Effective June 15, 2003.

FOR FURTHER INFORMATION CONTACT: Becky Renko (NMFS, Northwest Region), 206-526-6140.

SUPPLEMENTARY INFORMATION: The specifications and management

measures for the 2003 fishing year (January 1 - December 31, 2003) were initially published in the **Federal Register** as an emergency rule for January 1 - February 28, 2003 (68 FR 908, January 7, 2003) and as a proposed rule for March 1 - December 31, 2003 (68 FR 936, January 7, 2003). The emergency rule was amended at 68 FR 4719, January 30, 2003. The final rule for March 1 - December 31, 2003 was published in the **Federal Register** on March 7, 2003 (68 FR 11182) and was amended at 68 FR 18166 on April 15, 2003, and at 68 FR 23901, on May 6, 2003.

The final rule contained errors in the whiting allocation amounts listed in footnote d/ of Table 1a and in section IV. under B., Limited Entry Fishery, paragraph 3 that are being corrected. This document corrects the typographical errors in the non-tribal whiting allocations.

Correction

In the rule FR Doc. 03-51665, in the issue of Friday, March 7, 2003 (68 FR 11182) make the following corrections:

1. On page 11193, Tables 1a and 1b, are corrected to read as follows:

BILLING CODE 3510-22-S

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)							YOY (Total catch)	Commer- cial YOY (Total Catch)	Allocations total catch			
	Vancou- ver	Colum- bia	Eureka	Mont- erey	Concep- tion	Total Catch	Mt			%	Mt	%	Open Access
ROCKFISH:													
Pacific Ocean Perch j/	689			--		689	377	374	--	--	--		
Shortbelly k/		13,900				13,900	13,900	13,900	--	--	--		
Widow l/		3,871				3,871	832	781	757	97.0	23 3.0		
Canary m/		272				272	44	23	20	87.7	2.8 12.3		
Chilipepper n/		c/		2,700		2,700	2,000	1,985	1,106	55.7	879 44.3		
Bocaccio o/		c/		198		198	≤20	14	8	52.7	6 44.3		
Splitnose p/		c/		615		615	461	461	--	--	-- --		
Yellowtail q/		3,146		c/		3,146	3,146	2,717	2,492	91.7	226 8.3		
Shortspine thornyhead r/ north of 34°27'		1,004				1,004	955	941	939	99.7	3 0.27		
Longspine thornyhead s/ north of 36° south of 36° t/		2,461		--		2,461	2,461	2,434	--	--	-- --		
Cowcod u/		--		390		390	195	195	--	--	-- --		
Darkblotched v/		c/		19		19	2.4	0	--	--	-- --		
Yelloweye w/		c/		--	5	5	2.4	0	--	--	-- --		
		205				205	172	170		--	170 --		
		52				52	22	9.5	--	--	-- --		

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)										OY (Total catch)	Comme r-cial OY (Total Catch)	Allocations total catch		
	Vancou- ver	Colum- bia	Eureka	Mont- erey	Concep- tion	Total Catch	Limited Entry		Open Access						
							Mt	\$	Mt	\$					
Minor Rockfish North x/	4,795			--		4,795	2,102	91.7	190	8.3	3,056	2,292			
Minor Rockfish South y/	--			3,506		3,506	780	55.7	621	44.3	1,894	1,401			
Remaining Rockfish	2,727			854		--	--	--	--	--	--	--			
bank z/	c/			350		350	--	--	--	--	--	--			
black aa/	615		500			1,115	--	--	--	--	--	--			
blackgill bb/	c/			75	268	343	--	--	--	--	--	--			
bocaccio - north	8					318	--	--	--	--	--	--			
chilipepper- north	32					32	--	--	--	--	--	--			
redstripe	576			c/		576	--	--	--	--	--	--			
sharpchin	307			45		352	--	--	--	--	--	--			
silvergrey	38			c/		38	--	--	--	--	--	--			
splitnose	242			c/		242	--	--	--	--	--	--			
yellowmouth	99			c/		99	--	--	--	--	--	--			
yellowtail- south				116		116	--	--	--	--	--	--			
Other rockfish cc/	2,068			2,652		--	--	--	--	--	--	--			
OTHER FISH dd/	2,500	7,000	1,200	2,000	2,000	14,700	--	--	--	--	na	--			

Table 1b. 2003 OYs for minor rockfish by depth sub-groups (weights in metric tons).

Species	Total Catch ABC	OY (Total Catch)			Harvest Guidelines (total catch)			
		Total Catch OY	Recreational Estimate	Commercial OY for minor rockfish and HG for depth sub-groups	Limited Entry		Open Access	
					Mt	%	Mt	%
Minor Rockfish North x/	4,794	3,056	750	2,292	2,102	91.7	190	8.3
Nearshore		928	740	188				
Shelf		968	10	954				
Slope		1,160	0	1,156				
Minor Rockfish South y/	3,506	1,894	493	1,401	780	55.7	621	44.3
Nearshore		541	433	108				
Shelf		714	60	654				
Slope		639	0	639				

a/ ABC applies to the U.S. portion of the Vancouver area, except as noted under individual species.

b/ Lingcod was declared overfished on March 3, 1999. A stock assessment that included parts of Canadian waters was done in 2000 and updated for 2001. Following the assessment, lingcod was believed to be at 15 percent of its unfished biomass coastwide. The U.S. portion of the ABC for the Vancouver area was set at 44 percent of the total biomass for that area. The ABC of 841 mt was calculated using an Fmsy proxy of F45%. The total catch OY of 651 mt is based on a rebuilding plan with a 60 percent probability of rebuilding the stock to Bmsy by the year 2009 (Tmax). The total catch OY is reduced by 355 mt for the amount that is estimated to be taken by the recreational fishery, 3 mt for the amount estimated to be taken during research fishing, 4.3 mt for the amount estimated to be taken in non-groundfish fisheries, and by 5.2 mt for the amount estimated to be taken in the tribal fishery, resulting in a commercial OY of 284 mt. The open access total catch allocation is 54 mt (19 percent of the commercial OY) and the open access landed catch value is 43 mt. The limited entry total catch allocation is 230 mt and the landed catch value is 184 mt. The landed catch value is based on a discard mortality rate of 20 percent. Tribal vessels are estimated to land about 5.2 mt of lingcod in 2003, but do not have a specific allocation at this time.

c/ "Other species", these are neither common nor important to the commercial and recreational fisheries in the areas footnoted. Accordingly, Pacific cod is included in the non-commercial OY of "other fish" and rockfish species are included in either "other rockfish" or "remaining rockfish" for the areas footnoted.

d/ Pacific whiting - The most recent stock assessment was prepared in 2002, at which time the whiting stock was believed to be below 25 percent of its unfished biomass. Whiting was declared overfished on April 15, 2002 (67 FR 18117). The U.S.-Canada ABC of 235,000 mt is based on the 2002 assessment results with the application of an Fmsy

proxy harvest rate of 45%. In estimating the current biomass, NMFS used a medium level recruitment assumption of a recent (1999) large year class. The U.S. ABC of 188,000 mt is 80 percent of the coastwide ABC. The U.S. whiting OY is 148,200 mt which is 80 percent of the coastwide OY (185,325 mt) and is based on the application of the 40-10 harvest rate policy. The total catch OY is further reduced by 25,000 mt for the tribal allocation, 200 mt for the amount estimated to be taken during research fishing, and 1,800 mt for the estimated catch in non-groundfish fisheries, resulting in a commercial OY of 121,200 mt. The commercial OY is allocated between the sectors with 42 percent (50,904 mt) going to the shore-based sector, 34 percent (41,208 mt) going to the catcher/processor sector, and 24 percent (29,088 mt) going to the mothership sector. Discards of whiting are estimated from the observer data and counted towards the OY inseason.

e/ Sablefish north of 36° N. lat. - NMFS did a new sablefish assessment in 2001 for the area north of Point Conception (34°27'N lat.) and updated it for 2002. Following the assessment update, sablefish north of 34°27'N lat. was believed to be between 31 percent and 38 percent of its unfished biomass. The ABC for the surveyed area (8,459 mt) is based on environmentally driven projections with the Fmsy proxy of F45%. The ABC for the management area north of 36° N. lat. is 8,209 mt (97.04 percent of the ABC from the surveyed area). The total catch OY for the area north of 36° N. lat. is 6,500 mt and is 97.04 percent of the OY from the surveyed area with a risk averse precautionary adjustment. The total catch OY is reduced by 10 percent (650 mt) for the tribal set aside, by 11.1 mt for compensation to vessels that conducted resource surveys, 53.0 mt for the amount estimated to be taken as research catch, and 18.5 mt for the amount estimated to be taken in non-groundfish fisheries. The remainder (5,767 mt) is the commercial total catch OY. The open access allocation is 9.4 percent of the commercial OY, resulting in an open access total catch OY of 542 mt. The limited entry total catch OY is 5,225 mt. The limited entry total catch OY is further divided with 58 percent (3,031 mt) allocated to the trawl fishery and 42 percent (2,194 mt) allocated to the non-trawl fishery. To provide for bycatch in the at-sea whiting fishery 15 mt of the limited entry trawl allocation will be set aside. Discard rates will be applied as follows: 21 percent for limited entry trawl, 8 percent for limited entry fixed gear and open access, and 3 percent for the tribal fisheries. Landed catch OYs are 2,364 mt for limited entry trawl, excluding the at-sea whiting fishery, 2,019 mt for limited entry fixed gear, 499 mt for open access, and 631 mt for the tribal fisheries.

f/ Sablefish south of 36° N. lat. - The ABC of 441 mt is the sum of 250 mt (2.96 percent of the ABC from the 2002 survey based assessment update) and 191 mt (based on historical landings). The total catch OY (294 mt) is the sum of 198 mt (2.96 percent of the OY from the 2002 update of the survey based assessment with a risk averse precautionary adjustment) and 96 mt (that portion of the ABC based on historical landings which was reduced by 50 percent to address uncertainty, due to limited information). There are no limited entry or open access allocations in the Conception area at this time. The assumed discard value is 8 percent, resulting in a landed catch value of 271 mt.

g/ Dover sole north of 34°27'N lat. was assessed in 2001 and was believed to be at 29 percent of its unfished biomass. The ABC (8,510 mt) is based on an Fmsy proxy of F40%. Because the biomass is estimated to be in the precautionary zone, the total catch OY of 7,440 mt is based on the application of the 40-10 harvest rate policy. The OY is reduced by 62.4 mt for compensation to vessels that conducted resource surveys, 58 mt for the amount estimated to be taken as research catch, and 2 mt for estimated catch in non-groundfish fisheries resulting in commercial OY of 7,318 mt. Discards are assumed to be 5 percent, resulting in a landed catch OY of 7,006 mt.

h/ Petrale Sole was believed to be at 42 percent of its unfished biomass following a 1999 assessment. For 2002, the ABC for the Vancouver-Columbia area (1,262 mt) is based on a F40% Fmsy proxy. The ABCs for the Eureka, Monterey, and Conception areas (1,500 mt) continue at the same level as 2001.

i/ Other flatfish are those species that do not have individual ABC/OYs and include butter sole, curlfin sole, flathead sole, Pacific sand dab, rex sole, rock sole, sand sole, and starry flounder. The ABC is based on historical catch levels.

j/ Pacific ocean perch (POP) was declared overfished on March 3, 1999. The ABC (689 mt) was projected from the 2000 assessment which was updated for 2001 and is based on an Fmsy proxy of F50%. The OY (377 mt) is based on a 70 percent probability of

rebuilding the stock to Bmsy by the year 2041 (Tmax). The OY is reduced by 3 mt for the amount estimated to be taken during research fishing, resulting in a commercial OY of 374 mt. The landed catch value is 314 mt, and is based on a discard rate of 16 percent.

k/ Shortbelly rockfish remains as an unexploited stock and is difficult to assess quantitatively. The 1989 assessment provided 2 alternative yield calculations of 13,900 mt and 47,000 mt. NMFS surveys have shown poor recruitment in most years since 1989, indicating low recent productivity and a naturally declining population in spite of low fishing pressure. The ABC and OY therefore are set at 13,900 mt, the low end of the range in the assessment.

l/ Widow rockfish was assessed in 2000 and was believed to be at 24 percent of its unfished biomass. Widow rockfish was declared overfished on January 11, 2001 (66 FR 2338). The ABC (3,871 mt) is based on a F50% Fmsy proxy. The OY (832 mt) is based on a 60 percent probability of rebuilding the stock to Bmsy by the year 2039 (Tmax). The OY is reduced by 5 mt for the amount estimated to be taken as recreational catch, 1.5 mt for the amount estimated to be taken during research fishing, 0.4 mt for the amount estimated to be taken in non-groundfish fisheries, and 45 mt for the amount estimated to be taken in the tribal fisheries, resulting in a commercial OY of 781 mt. The commercial OY is divided with open access receiving 3 percent (23 mt) and limited entry receiving 97 percent (757 mt). The limited entry landed catch equivalent for the open access fishery is 20 mt. The limited entry allocation is reduced by 182 mt for anticipated bycatch in the at-sea whiting fishery and an additional 30 mt for anticipated bycatch in the shore-based sector of the whiting fishery. The remainder of the limited entry allocation is reduced by 16 percent to account for discards in the trip limit fisheries. The landed catch equivalent, excluding the at-sea whiting fishery, is 488 mt. Tribal vessels are estimated to land about 45 mt of widow rockfish in 2003, but do not have a specific allocation at this time.

m/ Canary rockfish was declared overfished on January 4, 2000 (65 FR 221). A new assessment was completed in 2002 for canary rockfish and the stock is believed to be at 8 percent of its unfished biomass coastwide. The coastwide ABC of 272 mt is based on a Fmsy proxy of F50%. The coastwide OY of 44 mt is based on the rebuilding plan, which has a 60 percent probability of rebuilding the stock to Bmsy by the year 2076 (Tmax). The OY is reduced by 15 mt for the amount estimated to be taken in the recreational fishery, 1 mt for the amount estimated to be taken during research fishing, 2.3 mt for the amount estimated to be taken during the tribal fisheries, and 2.5 for the amount estimated to be taken in non-groundfish fisheries, resulting in a commercial OY of 23 mt. For 2003, the total catch OY has been divided with 61 percent going to the commercial fisheries and 39 percent going to the recreational fisheries. The commercial OY is divided with open access receiving 12.3 percent (2.8 mt) and limited entry receiving 87.7 percent (20 mt). The landed catch value for the open access fishery is 2.3 mt. The limited entry allocation is further reduced by 3 mt for anticipated bycatch in the offshore whiting fishery. The limited entry landed catch value is 14 mt, which is based on a discard rate of 16 percent. Specific open access/limited entry allocations have been suspended during the rebuilding period as necessary to meet the overall rebuilding target while allowing harvest of healthy stocks. Tribal vessels are estimated to land about 2.3 mt of canary rockfish in 2003, but do not have a specific allocation at this time.

n/ Chilipepper rockfish - the ABC (2,700 mt) for the Monterey-Conception area is based on the 1998 stock assessment with the application of F50% Fmsy proxy. Because the unfished biomass is believed to be above 40 percent, the default OY could be set equal the ABC. However, the OY is set at 2,000 mt to discourage effort on chilipepper, which co-occur with bocaccio rockfish. The OY is reduced by 15 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 1,985 mt. Open access is allocated 44.3 percent (879 mt) of the commercial OY and limited entry is allocated 55.7 percent (1,106 mt) of the commercial OY. The assumed discard is 16 percent, resulting in an open access landed catch value of 739 mt and a limited entry landed catch value of 929 mt.

o/ Bocaccio rockfish was assessed in 2002 and is believed to be at 3.6 percent of its unfished biomass. Bocaccio rockfish was declared overfished on March 3, 1999. The ABC of 198 mt is based on a F50% Fmsy proxy. The OY of \leq 20 mt is based on a sustainability analysis with >80 percent probability of no further decline in spawning biomass. The OY is reduced by 0.2 mt for the amount estimated to be taken during research fishing, and 5 mt for the amount estimated to be taken in the recreational

fishery, resulting in a 14 mt commercial OY. Open access is allocated 44.3 percent (6 mt) of the commercial OY and limited entry is allocated 55.7 percent (8 mt) of the commercial OY. Boccaccio retention will not be permitted in 2003. The OY will be used to accommodate discards of bocaccio rockfish resulting from incidental take in fisheries for co-occurring species.

p/ Splitnose rockfish - The 2001 ABC is 615 mt in the southern area (Monterey-Conception). The 461 mt OY for the southern area reflects a 25 percent precautionary adjustment because of the less rigorous assessment for this stock. In the north, splitnose is included in the minor slope rockfish OY. The assumed discard is 16 percent for a landed catch value of 387 mt.

q/ Yellowtail rockfish - Following the 2000 stock assessment, yellowtail rockfish was believed to be at 63 percent of its unfished biomass. The ABC of 3,146 mt is based on a 2000 stock assessment for the Vancouver-Columbia-Eureka areas with the Fmsy Proxy of F50%. The OY (3,146 mt) was set equal to the ABC. The OY is reduced by 15 mt for the amount estimated to be taken in the recreational fishery, 8 mt for the amount estimated to be taken during research fishing, 5.8 mt for the amount taken in non-groundfish fisheries, and 400 mt for the amount estimated to be taken in the tribal fisheries, resulting in a commercial OY of 2,717 mt. The open access allocation (226 mt) is 8.3 percent of the commercial OY. The limited entry allocation (2,492 mt) is 91.7 percent of the commercial OY. For anticipated bycatch in the at-sea whiting fishery, 300 mt is subtracted from the limited entry landed catch allocation. An additional 100 mt is deducted for the shore-based whiting fishery. The remainder (2,092 mt) is further reduced by 16 percent for assumed discard. The limited entry landed catch equivalent, excluding the at-sea whiting fishery, is 1,773 mt. The open access landed catch equivalent is 189 mt. Tribal vessels are estimated to land about 400 mt of yellowtail rockfish in 2003, but do not have a specific allocation at this time.

r/ Shortspine thornyhead was last assessed in 2001 and the stock was believed to be between 25 and 50 percent of its unfished biomass. The ABC (1,004 mt) for the area north of Pt. Conception (34° 27' N lat.) is based on a F50% Fmsy proxy. The OY of 955 mt is based on the new survey with the application of the 40-10 harvest policy. The OY is reduced by 9 mt for the amount estimated to be taken during research fishing, by 1.6 mt for compensation to vessels that conducted resource surveys, and 3.0 mt for the amount estimated to be taken in the tribal fisheries, resulting in commercial OY of 941 mt. Open access is allocated 0.27 percent (3 mt) of the commercial OY and limited entry is allocated 99.73 percent (939 mt) of the commercial OY. A 20 percent rate of discard is applied to obtain a limited entry landed catch value (751 mt). There is no ABC or OY for the southern Conception area. Tribal vessels are estimated to land about 3 mt of shortspine thornyhead in 2003, but do not have a specific allocation at this time.

s/ Longspine thornyhead is believed to be above 40 percent of its unfished biomass. The ABC (2,461 mt) in the north (Vancouver-Columbia-Eureka-Monterey) is based on the average of the 3-year individual ABCs at a F50%. The total catch OY (2,461 mt) is set equal to the ABC. The OY is further reduced by 8.9 mt for compensation to vessels that conducted resource surveys, by 18 mt for the amount estimated to be taken during research fishing, resulting in a commercial OY of 2,434 mt. To derive the landed catch equivalent of 2,020 mt, the limited entry allocation is reduced by 17 percent for estimated discards.

t/ Longspine thornyhead - A separate ABC (390 mt) is established for the Conception area and is based on historical catch for the portion of the Conception area north of 34° 27' N. lat. (Point Conception). To address uncertainty in the stock assessment due to limited information, the ABC was reduced by 50 percent to obtain the OY, (195 mt). There is no ABC or OY for the southern Conception Area.

u/ Cowcod in the Conception area was assessed in 1999 and was believed to be less than 10 percent of its unfished biomass. Cowcod was declared overfished on January 4, 2000 (65 FR 221). The ABC in the Conception area (5 mt) is based on the 1999 assessment, while the ABC for the Monterey (19 mt) is based on average landings from 1993-1997. An OY of 4.8 mt (2.4 mt in each area) is based on the rebuilding plan which has a 55 percent probability of rebuilding the stock to Bmsy by the year 2099 (Tmax). Cowcod retention will not be permitted in 2003. The OY will be used to accommodate discards of cowcod rockfish resulting from incidental take.

v/ Darkblotched rockfish was assessed in 2000 and was believed to be at 22 percent of its unfished biomass. The darkblotched rockfish stock was declared overfished on January 11, 2001 (66 FR 2338). The ABC is projected to be 205 mt and is based on an Fmsy proxy of F50%. The OY of 172 mt is based on the rebuilding plan, which has a 80 percent probability of rebuilding the stock to Bmsy by the year 2047 (Tmax). For anticipated bycatch in the at-sea whiting fishery, 5 mt is subtracted from the limited entry landed catch OY. The landed catch value for the remaining limited entry fisheries is 132 mt. The landed catch values are based on a discard rate of 20 percent.

w/ Yelloweye rockfish was assessed in 2001 and updated for 2002. On January 11, 2002 yelloweye rockfish was declared overfished (67 FR 1555). In 2002 following the assessment update, yelloweye rockfish was believed to be at 24.1 percent of its unfished biomass coastwide. The 52 mt coastwide ABC is based on an Fmsy proxy of F50%. The OY of 22 mt is based on a revised rebuilding analysis (August 2002) with a 50 percent probability of rebuilding to Bmsy by the year 2050 (Tmid). The OY is reduced by 7.7 mt for the amount estimated to be taken in the recreational fishery, 0.6 mt for the amount estimated to be taken during research fishing, 0.8 mt for the amount taken in non-groundfish fisheries, and 3 mt for the amount estimated to be taken in the tribal fisheries, resulting in a commercial OY of 9.5 mt. Tribal vessels are estimated to land about 3 mt of yelloweye rockfish in 2003, but do not have a specific allocation at this time.

x/ Minor rockfish north includes the "remaining rockfish" and "other rockfish" categories in the Vancouver, Columbia, and Eureka areas combined. These species include "remaining rockfish" which generally includes species that have been assessed by less rigorous methods than stock assessment, and "other rockfish" which includes species that do not have quantifiable assessments. The ABC is the sum of the individual "remaining rockfish" ABCs plus the "other rockfish" ABCs. The remaining rockfish ABCs continue to be reduced by 25 percent ($F=0.75M$) as a precautionary adjustment. To obtain the total catch OY (3,056 mt) the remaining rockfish ABCs are further reduced by 25 percent with the exception of black rockfish; other rockfish ABCs were reduced by 50 percent. These deductions were a precautionary measures due to limited stock assessment information. The OY is reduced by 750 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 2,292 mt. Open access is allocated 8.3 percent (190 mt) of the commercial OY and limited entry is allocated 91.7 percent (2,102 mt) of the commercial OY. The discard is assumed to be 5 percent for nearshore rockfish, 16 percent for shelf rockfish, and 20 percent for slope rockfish. Tribal vessels are estimated to land about 14 mt of minor rockfish (10 mt of shelf rockfish, and 4 mt of slope rockfish) in 2003, but do not have a specific allocation at this time.

y/ Minor rockfish south includes the "remaining rockfish" and "other rockfish" categories in the Monterey and Conception areas combined. These species include "remaining rockfish", which generally includes species that have been assessed by less rigorous methods than stock assessment, and "other rockfish", which includes species that do not have quantifiable assessments. The ABC (3,556 mt) is the sum of the individual "remaining rockfish" ABCs plus the "other rockfish" ABCs. The remaining rockfish ABCs continue to be reduced by 25 percent ($F=0.75M$) as a precautionary adjustment. To obtain total catch OY (2,015 mt), the remaining rockfish ABCs are further reduced by 25 percent, with the exception of blackgill rockfish, and the other rockfish ABCs were reduced by 50 percent. These deductions were a precautionary measures due to limited stock assessment information. The OY is reduced by 493 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 1,401 mt. Open access is allocated 44.3 percent (621 mt) of the commercial OY and limited entry is allocated 55.7 percent (780 mt) of the commercial OY. The discard is assumed to be 5 percent for nearshore rockfish, 16 percent for shelf rockfish, and 20 percent for slope rockfish.

z/ Bank rockfish -- The ABC is 350 mt which is based on a 2000 assessment for the Monterey and Conception areas. This stock contributes 263 mt towards the minor rockfish OY in the south.

aa/ Black rockfish -- the ABC (1,115 mt) is based on a 2000 assessment, and is the sum of the assessment area (615 mt) plus the average catch in the unassessed area (500 mt). To obtain the OY for the southern portion of this area, the ABC has been reduced by 50 percent as a precautionary measures due to limited information. For the assessed area the OY was set equal to the ABC. This stock contributes 865 mt towards

the minor rockfish OY in the north.

bb/ Blackgill rockfish is believed to be at 51 percent of its unfished biomass. The ABC of 343 mt is the sum of the Conception area ABC of 268 mt, based on the 1998 assessment with an Fmsy proxy of F50%, and the Monterey area ABC of 75 mt. This stock contributes 306 mt towards minor rockfish south (268 mt for the Conception area ABC and 38 mt for the Monterey area). The OY for the Monterey area is the ABC reduced by 50 percent for precautionary measures because of lack of information.

cc/ "Other rockfish" includes rockfish species listed in 50 CFR 660.302 and California scorpionfish. The ABC is based on the 1996 review of commercial *Sebastes* landings and includes an estimate of recreational landings. These species have never been assessed quantitatively.

dd/ "Other fish" includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in footnote c/.

2. On page 11222, in column 2, section IV, under B., Limited Entry Fishery, paragraph 3 (a)(i) and (3)(a)(ii) are revised to read as follows:

IV NMFS Actions

* * * * *
(B) Limited Entry Fishery
* * * * *

- (3) * * *
- (a) * * *
- (i) Catcher/processor sector 41,208 mt (24 percent); and
- (ii) Mothership sector--29,088 mt (34 percent).

* * * * *

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

Dated: June 9, 2003.

Rebecca Lent,

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

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Proposed Rules

Federal Register

Vol. 68, No. 115

Monday, June 16, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-80]

Union of Concerned Scientists and Mothers for Peace; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission has received and requests comments on a petition for rulemaking filed by the Union of Concerned Scientists and the San Luis Obispo Mothers for Peace (MFP). The petition was docketed on May 2, 2003, and has been assigned Docket No. PRM-50-80. The petitioners request that the NRC amend its regulations to require nuclear power plant owners to formally evaluate whether proposed changes, tests, and experiments cause protection against radiological sabotage to be decreased, and to require licensees to formally evaluate specified intentional or accidental aerial hazards and make necessary changes to ensure that the plant can reach and maintain safe shutdown.

DATES: Submit comments by September 2, 2003. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include "PRM-50-80" in the subject line of your comments. Comments submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking web site. Personal information will not be removed from your comments.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking web site to Carol Gallagher (301) 415-5905; email cag@nrc.gov.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to this petition may be examined and copied for a fee at the NRC's Public Document Room (PDR), Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Selected documents, including comments, can be viewed and downloaded electronically via the NRC rulemaking web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR Reference staff at 1-800-397-4209, 301-415-4737 or by email to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-415-7163 or Toll-Free: 1-800-368-5642 or E-mail: mtl@nrc.gov.

SUPPLEMENTARY INFORMATION:

The Petitioners

The Union of Concerned Scientists (UCS) describes itself as a nonprofit partnership of scientists and citizens who combine rigorous scientific

analysis, innovative policy development, and effective citizen advocacy to achieve practical environmental solutions. Before September 11, 2001, UCS states that it was an active participant in a series of public meetings conducted by the NRC with its external stakeholders regarding security regulations and implementing procedures for nuclear power plant reactors and their spent fuel. UCS states that although NRC closed its doors to them and other non-industry, public stakeholders regarding security matters after September 11, 2001, it continues to articulate potential problems and recommend solutions in other public arenas.

San Luis Obispo Mothers for Peace (MFP) states that it advocates safety and protection of the environment against the dangers of the Diablo Canyon Nuclear Power Plant (DCNPP). MFP states that it has been the foremost DCNPP watchdog group, and is a nationally respected voice on nuclear safety issues. MFP requests that the Commission suspend the licensing proceedings for an Independent Spent Fuel Storage Installation at the DCNPP while it is considering this petition. MFP believes suspension is necessary because consideration of the petition has the potential to bring about a significant redefinition of the fundamental design requirements that are considered adequate to protect independent spent fuel facilities against radiological sabotage.

Background

Discussion of the Petition

The petitioners state that 10 CFR 50.59, changes, tests, and experiments, first promulgated in 1962 and last amended in 2001, contains requirements for the process through which plant owners can modify their facilities and procedures without prior NRC approval. The petitioners characterize the objective of 10 CFR 50.59 as ensuring that plant owners evaluate proposed changes to facilities and procedures for their effects on the licensing basis of the plant and obtain prior NRC approval for changes having a potential impact (as defined in § 50.59 (c)(2)(i)-(viii)) on the basis for issuing the plant's operating license.

In practice, the petitioners note that § 50.59 typically involves a three-tiered review of proposed changes to a nuclear

power plant or its procedures. The first tier screens the proposed changes against the criteria in § 50.59 (c)(2)(i)-(viii). If at least one criterion might be invoked by the proposed changes, the second tier provides for a more rigorous evaluation. However, if the proposed changes do not invoke any of the criteria at tier one and if the evaluation determines that none of the criteria are invoked at tier two, the change can be made at the owner's discretion. Otherwise, the third tier requires that NRC approve the change in advance, the change be revised so that none of the criteria are invoked, or the change must be abandoned.

The petitioners state that 10 CFR 73.55, requires plant owners to establish and maintain an onsite physical protection system and security organization which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to public health and safety. The petitioners state that the physical protection system shall be designed to protect against the design basis threat (DBT) of radiological sabotage as stated in § 73.1(a)(1)(i)-(iii). The petitioners note that the DBT is being revised in light of the events on September 11, 2001, but currently specifies protection against a determined violent external assault, attack by stealth, or deceptive actions, of several persons with the following attributes, assistance and equipment that include: (A) Well-trained (including military training and skills) dedicated individuals, (B) inside threat and assistance from a knowledgeable individual (an employee) who may provide information, facilitate entrance and exit, disable alarms and communications, or participate in a violent attack, (C) suitable weapons, including hand-held automatic weapons with silencers and long range capability, (D) hand-carried equipment and explosives to be used for destroying reactor, facility, transporter, or container integrity features of the safeguards system, and (E) a four wheel drive land vehicle used as a bomb, or for transporting personnel, and their equipment to the proximity of vital areas.

The physical protection system features elements such as perimeter fences, locked doors, access controls, intrusion detection systems, and armed responders. The petitioners note that 10 CFR 50.54(p) compared to 10 CFR 50.59 permits plant owners to change their physical protection equipment and procedures without prior NRC approval

as long as the changes do not decrease their effectiveness. The petitioners state that in practice, a security evaluation process determines if a proposed change to physical protection equipment or procedures can be made with NRC's approval, or cannot be made.

The petitioners state that U.S. nuclear power plants were designed and licensed to provide reasonable assurance that an accidental aircraft crash would not adversely harm public health and safety. The petitioners state that the process involved a mathematical exercise to determine the likelihood that an errant aircraft could damage vital part(s) of the plant by impact. The petitioners state further that the inputs to the number-crunching were the proximity of the nuclear power plant to aircraft flight paths, the amenity of the site to aircraft crashes, and any spatial parameters (e.g. vital plant areas being shielded by non-vital areas that the aircraft could destroy without consequence).

The petitioners state that nuclear power plants were also designed and licensed to provide reasonable assurance that an accidental fire within the facility would not adversely harm public health and safety, but note that a very serious fire at the Browns Ferry nuclear plant showed that the original regulation and associated implementing procedures were insufficient. The petitioners have included a detailed history of the fire at the Browns Ferry nuclear plant and a presentation of the formal structured approach by the owner of the plant. The petitioners state that while the initial regulations attempted to provide adequate protection, the Browns Ferry fire demonstrated regulatory deficiencies and caused a more formal, structured approach. The petitioners assert that U.S. nuclear power plants are protected from aerial hazards by pre-September 11 and pre-Browns Ferry fire regulations that rely in large part on the low probability of an aircraft impacting the site.

The petitioners state that the requested changes to 10 CFR part 50 for aerial hazards are analogous to the regulations promulgated by the NRC to rectify the fire protection regulation shortcomings exposed by the Browns Ferry fire (i.e., the addition of 10 CFR 50.48 and Appendix R to 10 CFR part 50).

The MFP also requests that the NRC suspend licensing proceedings on the Diablo Canyon Independent Spent Fuel Storage Installation until the issues presented in the petition are resolved. The petitioners believe the proposed amendments would provide better

protection to Independent Spent Fuel Facilities (ISFSIs) against radiological sabotage. In an order dated May 16, 2003, the Commission denied the petitioner's request. *Pacific Gas and Electric Company* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), CLI-03-04.

Proposed Amendments

The petitioners request the following amendment:

Revise 10 CFR 50.54(p) and 10 CFR 50.59 to require plant owners to formally evaluate whether proposed changes, tests, and experiments cause protection against radiological sabotage to be decreased and, if so, that such actions only be conducted with prior NRC approval.

Revise 10 CFR part 50 to require that plant owners formally evaluate their facilities against specified aerial hazards and make changes as necessary to provide reasonable assurance that the ability of the facility to reach and maintain safe shutdown would not be compromised by an aerial assault, whether accidental or intentional.

Rationale for the Changes

Safety and Security Evaluation Integration

The petitioners state that 10 CFR 50.59 requires plant owners to evaluate proposed changes, tests, and experiments and to obtain prior NRC approval for those having more than minimal adverse impact on the licensing basis, and that 10 CFR 50.54(p) requires plant owners to evaluate proposed changes to their physical protection equipment and procedures and to obtain prior NRC approval for those that decrease effectiveness.

The petitioners believe that the current safety and security change control regulations have minimal overlap, and note that a proposed modification to the decay heat removal system typically does not involve a formal evaluation of whether it makes radiological sabotage easier unless it directly affects a piece of physical protection equipment or the response capability of an armed guard. The petitioners state that many changes, tests, and experiments have no effect, direct or indirect, on nuclear plant security, but some may, particularly those involving short-term and temporary applications.

According to the petitioners, degraded conditions and off-normal configurations are often deemed acceptable from a safety evaluation perspective because of the low

probability that an initiating event occurs during the brief period of the impairment. The petitioners state that initiating events like pipe breaks, earthquakes, etc. are low probability events assumed to occur randomly such that the chances of the initiating event happening during any short time period are a mere fraction of an already small number.

The petitioners state further that the same impairment, judged from a radiological sabotage perspective, may be unacceptable because the initiating event for sabotage is not random. According to the petitioners, saboteurs can cause actions to happen precisely at the time of the impairment. Thus, the chances of an initiating event occurring, instead of being reduced to a mere fraction of a small number, increase towards 100 percent. The petitioners state that the NRC's design basis threat is supposed to consider both an act of malice perpetuated by an insider acting alone and an act by an insider aided by several outsiders. The petitioners believe that, as long as one or more insiders remain part of the design basis threat, it is reasonable to assume that sabotage will be timed to coincide with the plant configuration being most, or at least more, vulnerable.

Therefore, the petitioners believe it is imperative to evaluate proposed changes, tests, and experiments from both a safety and a security perspective. They note that a security perspective will not necessarily prevent proposed actions from being performed; but in the case of short-term or temporary applications, the security perspective review might flag a heightened vulnerability to radiological sabotage but accept it based on having compensatory measures put in place. The petitioners offer that compensatory measures might entail posting armed guards around the in-service safety widget while the redundant safety widget is removed from service for extended maintenance.

The petitioners believe without the regulatory change sought by this petition to integrate the safety evaluations performed under 10 CFR 50.59 with the security evaluation performed under 10 CFR 50.54(p), changes, tests, and experiments may continue to occur at U.S. nuclear power plants with proper consideration of safety implications, but with insufficient consideration of their security implications. The petitioners believe the regulatory changes sought by this petition would not necessarily prevent the changes, tests, and experiments from happening. The petitioners assert the requested

regulatory changes would, in all likelihood—

- (1) Allow many changes, tests, and experiments to proceed as planned;
- (2) Require some changes, tests, and experiments to proceed with compensatory measures in place to offset the radiological sabotage risk;
- (3) Require very few changes, tests, and experiments to be approved by the NRC because they decrease the effectiveness of physical protection equipment and/or procedures; and
- (4) Prevent a very small number of changes, tests, and experiments on the grounds of undue risk from radiological sabotage.

Aerial Hazards

The petitioners state that none of the 103 nuclear power plants operating in the United States at the time were designed to withstand suicide attacks from the air as we tragically experienced on September 11, 2001. This vulnerability prompted the Federal Aviation Agency (FAA) to establish no-fly zones around nuclear plants in the Fall of 2001. The petitioners assert this response was largely symbolic since FAA sanctions would probably not deter a suicide bomber, but it marked an implicit concession by the Federal Government that nuclear plants were vulnerable to air assault. The petitioners state further that nuclear plant owners would like the public to believe their facilities are hardened structures virtually immune to attack from the air due to the thick reinforced concrete walls of plant structures.¹

Petitioners do not agree with this rationale, asserting that the thick reinforced walls do not surround all vital parts of a nuclear power plant. They note that one study of aircraft hazards, jointly prepared by the owners of two similar nuclear power plants more than 20 years ago, concluded "The control building is the only single building which, if hit, could lead to core melt."² The petitioners state the control buildings at every nuclear plant in the U.S. are located outside the robust structures described by the industry, and therefore offers that the nuclear industry's proclamations about the robustness of thick, reinforced walls may be accurate, but they fail to tell the entire story. The petitioners state that

¹ NEI Report dated December 2002, "Deterring Terrorism: Aircraft Crash Impact Analyses Demonstrated Nuclear Power Plant's Structural Strength."

² Report from Spring 1982 by the Power Authority of the State of New York and the Consolidated Edison Company of New York, "Indian Point Probabilistic Safety Study," Section 7.6.2, "Aircraft Hazards Analysis."

the incompleteness of industry's position is further evidenced by the fire hazards analyses required by NRC's regulations. The petitioners state that NRC did not restrict the scope of the fire hazards analyses to only those areas within the reactor containment structure, but that the regulations recognize the reality that reactor core damage can result from fires outside the reactor containment structure. The petitioners state that security tests conducted since 1991 under the NRC's Operational Safeguards Readiness Evaluation (OSRE) program also detail why the nuclear industry's current assurances are incomplete. Each OSRE, according to the petitioners involved force-on-force exercises with a small group of mock intruders going up against the facility's armed responders. The petitioners included the following quote from the testimony presented to Congress last year by the NRC individual responsible for the OSRE program.

Eighty-one OSREs have been conducted to date. At 37 of them, the expert NRC team identified a significant weakness; significant being defined as the adversary team simulating sabotaging a target set, which would lead to core damage and in many cases, to a probable radioactive release.³

The petitioners state that the "target set," attacked and defended by the adversary team and the security force respectively during the force-on-force exercises is defined by the NRC as follows:

A target set is a minimum combination of equipment or operator actions which, if prevented from performing its intended safety function or prevented from being accomplished, would result in core damage.⁴

The petitioners state that target sets vary from plant to plant and generally involve more than a single pump, a single valve, or a single wall (however thick and reinforced). The petitioners note that the Nuclear Energy Institute (NEI) issued guidance to assist plant owners in developing their target sets.

³ Testimony on April 11, 2002, by David N. Orrick, Reactor Security Specialist, Office of Nuclear Security and Incident Response, Nuclear Regulatory Commission, before the U.S. House Subcommittee on Oversight and Investigations, "A Review of Enhanced Security Requirements at NRC Licensed Facilities."

⁴ NRC memo dated November 17, 2000, from Glenn M. Tracy, Chief, Operator Licensing, Human Factors and Plant Support Branch, to John R. White, Chief, Radiation Safety and Safeguards Branch, Region I; Kenneth P. Barr, Chief, Plant Support Branch, Region II; James R. Creed, Team Leader, Safeguards Staff, Region III; and Gail M. Good, Chief, Plant Support Branch, Region IV, "Conduct, Agenda, and Rules of Engagement for Operational Safeguards Response Evaluations," page 4.

NEI described the process for determining target sets as follows:

Analysis identifies target sets that, if all targets within a target set are destroyed, could lead to significant core damage. Using these target sets provides a basis for evaluating the protective strategy and assessing the significance of issues based on the risk involved.⁵

The petitioners included a table provided by NEI that illustrates ten (10) sample target sets. See Table A-1, *Sample Target Sets* (reproduced below). The table shows that reactor core damage can be prevented if cooling water is supplied from any one of four possible sources listed: Normal (high pressure supply), safety backup (emergency high pressure supply), another safety back-up (low pressure

supply), and an additional back-up (alternate low pressure supply). In these sample target sets, each cooling water supply can be disabled by any one of five ways: (1) Power from the pump motor can be interrupted;

(2) Control for the pump and/or valves upstream and downstream of the pump can be lost;

(3) The pathway from a water source to the pump can be eliminated;

(4) The pathway from the pump to the reactor vessel can be eliminated; and

(5) The location of the pump itself can be rendered unusable such as by fire.

The petitioners state that NEI reported only one of the four ways of cooling the reactor need to survive the attack:

Each target set is developed to provide assurance that, if any element is protected,

public health and safety will not be endangered by a significant radiological release.⁶

The petitioners state that in 37 of the 81 OSREs conducted, the security forces were unable to successfully defend even one element of the target set from simulated ground assaults. The petitioners included names and details of several power plants that had failures.

The petitioners state that sample target sets illustrate the conclusions reached more than 20 years ago about the control building being an Achilles heel. The petitioners note that Target Set 6 in the table shows that knocking out the control element for all four water supplies can result in core damage.

TABLE A-1.—SAMPLE TARGET SETS

Structures, sys, & comps.	1	2	3	4	5	6	7	8	9	10
High Pressure Supply:										
Power					X			X		
Control	X	X				X				
Suction				X						X
Discharge			X						X	
Location							X			
Emergency HP supply:										
Power	X				X			X		
Control		X				X				
Suction				X						X
Discharge			X						X	
Location							X			
Low Pressure supply:										
Power	X									
Control				X		X				
Suction		X			X			X		X
Discharge			X							
Location							X		X	
Alternate LP supply:										
Power	X				X					
Control				X		X				
Suction		X						X		X
Discharge			X							
Location							X		X	

The petitioners state that an aircraft hitting the control building may destroy the control elements for all four water supplies, and much more.

The petitioners believe these target sets should be used to evaluate nuclear power plants for destruction caused by postulated aircraft impact and subsequent fire. According to the petitioners, this aircraft hazard evaluation approach mirrors the

approach taken for in-plant fire hazards. The petitioners believe the fire hazards analyses conducted by plant owners are 'living documents' in that proposed changes to plant procedures and proposed modifications to plant structures must be formally reviewed against to verify that protection against fires will not be lessened.

The petitioners assert the way to ensure adequate protection of nuclear

plants from aerial threats would be to replicate the fire hazards analysis process.⁷ The petitioners believe the NRC should define, as part of its design basis threat, the size and nature of an aerial threat that the plant must be protected against. As a minimum, according to the petitioners, it would seem to include general aviation aircraft since the post-September 11, airport security measures generally overlook

⁵ Nuclear Energy Institute draft report dated October 2000, "Safeguards Performance Assessment Program."

⁶ Nuclear Energy Institute draft report dated October 2000, "Safeguards Performance Assessment Program."

⁷ While the existing fire hazards analyses will be useful input to the aircraft hazards analyses, they do not eliminate the need for further study for two reasons: (1) The fire hazards analyses assumed that the postulated fire would be confined to a single room, whereas the aircraft impact and resulting fire(s) may affect multiple rooms, and (2) many rooms were summarily accepted as-is by the fire hazards analyses due to insufficient combustibles

being present to sustain a fire—assumptions invalidated by the large amount of fuel carried by aircraft. The fire hazards analyses will expedite the aircraft hazards analyses by defining the equipment needed to cool the reactor if the room is hit. If that equipment could also be disabled by an aircraft impacting the room, action will be required to eliminate that vulnerability.

general aviation. The petitioners state the aerial threat may also entail explosives delivered via mortars and other means (e.g., rocket propelled grenades) as deemed appropriate by the NRC. The petitioners assert that if the aerial hazards evaluation determines that all targets within a target set are likely to be disabled, at least three options are available to the plant's owner to remedy the vulnerability:

(1) Other equipment outside of and not affected by the impact zone could be added to the target set. Using the sample target sets, a fifth makeup water supply system could be added if it were outside the impact zone and could adequately cool the reactor core.

(2) Protection in place for at least one of the targets within the existing target set could be provided. Using Target Set 9 from the sample target sets, if an aircraft impact at the location of the low pressure supply system and the alternate low pressure supply system potentially caused collateral damage to the discharge pathway for the emergency high pressure supply system, it might be possible to install a shield wall or screen to protect the exposed pathway.

(3) Affected portions of a system could be relocated to a safe place outside the impact zone. Using Target Set 5 from the sample target sets, if the only part of the Emergency High Pressure Supply System within the impact zone was the power cable for the pump, that power cable could be rerouted.

The petitioners believe that while an aerial hazards analysis established adequate protection, for those that may not be at nuclear power plants, it would also provide the means to ensure that future changes to plant structures and procedures do not compromise that protection.

Conclusion

The petitioners believe that the proposed changes to 10 CFR 50.59 and 10 CFR 50.54(p) integrate the safety and security evaluations performed for proposed changes to plant safety equipment and procedures, thereby providing better protection against radiological sabotage. Also, the petitioners believe the proposed changes to part 50 provide a formal, structured approach for managing the risk from aerial hazards comparable to the regulatory approach already adopted for managing the risk from fire hazards. The petitioners state that if September 11, 2001, featured one of the hijacked aircraft hitting a U.S. nuclear power plant, the formal, structured approach being sought by this petition would have been undertaken as a necessary step to prevent another event. The petitioners state that if these changes are good measures to prevent recurrence, they represent even better measures to prevent occurrence in the first place.

Dated at Rockville, Maryland, this 10th day of June, 2003.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary for the Commission.

[FR Doc. 03-15123 Filed 6-13-03; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chap. I

[Docket No. 03-10]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

12 CFR Chap. II

[Docket No. R-1151]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chap. III

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Chap. V

[No. 2003-20]

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice of regulatory review; request for comments.

SUMMARY: The OCC, Board, FDIC, and OTS ("we" or "the Agencies") are beginning a review of our regulations to reduce burden imposed on insured depository institutions, as required by section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996. We have categorized our regulations for the purpose of the review and propose to publish 12 categories of regulations for review between now and 2006. The categories, and the regulations that the Agencies consider to be part of those categories, are detailed below. This review presents a significant opportunity to consider the possibilities for burden reduction among groups of similar regulations. We

welcome comment on the categories, the order of review, and all other aspects of the project in order to maximize its effectiveness.

Today, we are publishing our first in a series of public releases, comprising three of the categories—"Applications and Reporting," "Powers and Activities," and "International Operations"—for public comment so as to identify outdated, unnecessary, or unduly burdensome regulatory requirements imposed on insured depository institutions. Since we will publish a series of releases containing requests for comment on the remaining categories, it is not recommended that burden reduction comments be submitted now for any regulations in other categories.

DATES: Written comments must be received no later than September 15, 2003.

ADDRESSES: Due to delays in paper mail delivery in the Washington area, commenters may prefer to submit their comments by alternate means.

Comments should be directed to:

OCC: Public Information Room, Office of the Comptroller of the Currency, 250 E Street, SW., Mailstop 1-5, Washington, DC 20219, Attention: Docket No. 03-10. Comments will be available for public inspection and photocopying at the same location. You can make an appointment to inspect the comments by calling (202) 874-5043. **Facsimiles:** Send facsimile transmissions to FAX Number (202) 874-4448. **E-mail:** Send e-mails to regs.comments@occ.treas.gov.

Board: Comments should refer to Docket No. R-1151 and should be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551, or mailed electronically to regs.comments@federalreserve.gov. Members of the public may inspect comments in Room MP-500 of the Martin Building between 9 a.m. and 5 p.m. on weekdays in accordance with the Board's Rules Regarding Availability of Information, 12 CFR part 261.

FDIC: Mail: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. **Delivery:** Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. You also may

electronically mail comments to comments@fdic.gov. Public Inspection: Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC 20429, between 9 a.m. and 4:30 p.m. on business days.

OTS: Mail: Send comments to Regulation Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: No. 2003-20. **Delivery:** Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9 a.m. to 4 p.m. on business days, Attention: Regulation Comments, Chief Counsel's Office, Attention: No. 2003-20. **Facsimiles:** Send facsimile transmissions to FAX Number (202) 906-6518, Attention: No. 2003-20. **E-Mail:** Send e-mails to regs.comments@ots.treas.gov, Attention: No. 2003-20 and include your name and telephone number. **Availability of Comments:** OTS will post comments and the related index on the OTS Internet site at www.ots.treas.gov. In addition, you may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment for access, call (202) 906-5922, send an e-mail to public.info@ots.treas.gov, or send a facsimile transmission to (202) 906-7755. (Please identify the material you would like to inspect to assist us in serving you.)

FOR FURTHER INFORMATION CONTACT:

OCC: Mark Tenhundfeld, Assistant Director, Legislative and Regulatory Activities Division, (202) 874-5090; Lee Walzer, Counsel, Legislative and Regulatory Activities Division, (202) 874-5090, Office of the Comptroller of the Currency, 250 E St., SW., Washington, DC 20219.

Board: Patricia A. Robinson, Senior Counsel, Legal Division, (202) 452-3005; Michael J. O'Rourke, Counsel, Legal Division, (202) 452-3288; David G. Adkins, Supervisory Financial Analyst, Division of Banking Supervision and Regulation, (202) 452-5259; Federal Reserve Board, 20th St. and Constitution Ave., NW., Washington, DC 20551.

FDIC: Claude A. Rollin, Special Assistant to the Vice Chairman, (202) 898-8741; Steven D. Fritts, Associate Director, Division of Supervision and Consumer Protection, (202) 898-3723; Ruth R. Amberg, Senior Counsel, Legal Division, (202) 898-3736; Thomas Nixon, Senior Attorney, Legal Division, (202) 898-8766; Federal

Deposit Insurance Corporation, 550 17th St., NW., Washington, DC 20429. **OTS:** Robyn Dennis, Manager, Thrift Policy, Supervision Policy (202) 906-5751; Karen Osterloh, Special Counsel, Regulations and Legislation Division, Chief Counsel's Office, (202) 906-6639; Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Introduction

Congress enacted section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (Pub. L. 104-208, Sept. 30, 1996) (EGRPRA), as part of an effort to minimize unnecessary government regulation consistent with safety and soundness, consumer protection, and other public policy goals. Under section 2222, 12 U.S.C. 3311, the Agencies,¹ jointly or individually, must categorize regulations by type, such as "consumer regulations" or "safety and soundness" regulations. Once we have established the categories, we must provide notice and ask for public comment on them. In particular, section 2222 requires that we ask the public to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome. The Agencies must issue these publications for comment at regular intervals such that all of the Agencies' categories of regulations are published for such comment within a 10 year cycle. The first publication cycle will end in September 2006. The EGRPRA review supplements and complements the reviews of regulations that the Agencies conduct under other laws and their internal policies.

Section 2222 requires a two-part regulatory response. First, the Agencies must publish in the **Federal Register** a summary of the comments received, identifying the significant issues raised and discussing those issues. Second, the Agencies must "eliminate unnecessary regulations to the extent that such action is appropriate." The Agencies may prepare the regulatory response individually or jointly.

Section 2222 further requires the FFIEC to submit a report to the Congress within 30 days after the Agencies publish the comment summary and discussion in the **Federal Register**. This report must summarize any significant

¹ The National Credit Union Administration (NCUA) has participated in the EGRPRA planning process and will separately issue a request for comment. Since the Federal Financial Institutions Examination Council (FFIEC) has not issued regulations that impose burden on insured institutions, we have not separately captioned the FFIEC in this notice.

issues raised by the public comments and the relative merits of those issues. The report also must analyze whether the appropriate Federal banking agency involved is able to address the regulatory burdens associated with the issues by regulation, or whether the burdens must be addressed by legislation.

II. The EGRPRA Review's Special Focus

The regulatory review required by section 2222 provides a significant opportunity for the public and the Agencies to step back and look at groups of related regulations and identify possibilities for streamlining. The EGRPRA review's overall focus on the 'forest' of regulations will, we hope, offer a new perspective in identifying opportunities to reduce regulatory burden. Of course, reducing regulatory burden must be consistent with ensuring the continued safety and soundness of insured depository institutions and appropriate consumer protections.

EGRPRA also recognizes that burden reduction must be consistent with our statutory mandates, many of which currently require certain regulations. One of the significant aspects of the EGRPRA review program is the recognition that effective burden reduction in certain areas may require legislative change. We will be soliciting comment on, and reviewing the comments and regulations carefully for, the relationship among burden reduction, regulatory requirements, and statutory mandates. This will be a key aspect of the FFIEC report to the Congress.²

The combination of considering the relationship of regulatory and statutory change on regulatory burden with the section 2222 requirement for grouping regulations by type provides the possibility for particularly effective burden reduction. It may be possible to identify statutes and regulations that share similar goals or complementary methods such that the regulatory requirements could be combined and overlapping requirements could be

² Institutions are also subject to regulations issued by other non-banking agencies, such as rules issued by the Department of Housing and Urban Development (under Real Estate Settlement Procedures Act of 1974) and by the Department of the Treasury (under the Bank Secrecy Act including rules required by the USA PATRIOT Act). The rules of these other agencies are beyond the scope of the EGRPRA review and the Agencies' jurisdictions. To the extent the Agencies receive comments raising significant issues regarding these related rules, however, we intend to identify the issues in the Report to Congress and will also notify the related agencies of the substance of the relevant comments.

eliminated. For example, it may be possible to combine certain types of applications to eliminate duplication.

The EGRPRA review will complement the review to reduce burden and to increase uniformity of regulations among the Agencies, pursuant to section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103-325, Sept. 23, 1994, 12 U.S.C. 4803) (CDRI). The Agencies' section 2222 review will continue to try to eliminate inconsistencies among their regulations, although complete uniformity is not possible in light of differences in the types of regulated entities and the statutes that apply to them.

The EGRPRA review can also significantly contribute to the Agencies' ongoing efforts to reduce regulatory burden. For example, since 1979, a formally adopted Federal Reserve policy has required the Board to review each of its regulations at least once every five years with a view toward eliminating, simplifying, or otherwise easing the burden of each regulation.³ The FDIC has a similar requirement, described in its policy "Development and Review of FDIC Regulations and Policies."⁴ See also: FDIC Chairman Powell's initiative "Reducing Regulatory Burden" at <http://www.fdic.gov>. Under OCC policy in effect since the OCC undertook a comprehensive review of all of its regulations to reduce regulatory burden in the mid-1990s, the agency's regulation-writing process has sought to eliminate "regulatory requirements that are not necessary to ensure the safety and soundness of national banks, to support consumers' access to financial services, or to accomplish other aspects of the OCC's regulatory mission."⁵ See also, "Remarks by John D. Hawke, Jr., Comptroller of the Currency, Before the Independent Community Bankers of America, Orlando, Florida, March 4, 2003" at <http://www.occ.treas.gov/ftp/release/2003-17a.pdf>. Since the early 1990s OTS has worked to reduce regulatory burden through various regulatory review projects as well as Thrift Financial Report changes and revisions to Applications forms. OTS strives to produce risk-focused, efficient, and proactive regulations. OTS also, whenever possible, tailors its

regulations to risks posed by particular institutions and writes its regulations and guidance in plain language.

Further, the Agencies address the issue of regulatory burden every time they propose and adopt a rule. Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and internal agency policies, the Agencies examine each rulemaking to minimize the burdens it might impose on the industry and consider various alternatives.⁶

The Agencies also will use both the EGRPRA review and the individual reviews to identify and reduce burdens on small institutions. More than half of insured depository institutions are small—having \$150 million in assets or less—as defined by the Small Business Administration. We are particularly concerned about burden on small institutions. When a new regulation is created or an old regulation is changed, small institutions must devote a large percentage of their staffs' time to review the regulation to determine if and how it will affect them. Compliance with a regulation also can take large amounts of time that cannot be devoted to serving customers or business planning. In a large institution, ensuring regulatory compliance can take many more hours; however, those hours make up a much smaller percentage of the institution's resources. In situations where a regulation is aimed at an activity engaged in primarily by large institutions, the compliance burden on small institutions can outweigh its benefit.

Section 610 of the Regulatory Flexibility Act imposes a continuing requirement on agencies to review regulations that may have a significant economic impact on a substantial number of small entities, within 10 years after a final rulemaking is published. Although not all of the Agencies' rules must be reviewed pursuant to section 610, the Agencies are undertaking to review rules to the extent possible under the section 610 review criteria because of the importance of burden reduction to the many small institutions we regulate.

III. The Agencies' Proposed Plan

The Agencies must categorize their regulations by type. Section 2222 gives us authority to determine categories, and suggests two possible categories: "consumer regulations" and "safety and

soundness." The Agencies have regulations on more than 100 subjects covering a wide variety of topics from capital maintenance to the privacy of consumer financial information. Some of these regulations have been issued jointly and are as uniform as possible. Others were issued separately by the Agencies but implement common statutes or policies. These rules are listed as interagency rules to facilitate comparisons. Some regulations are issued by a single agency but are applicable to all types of insured institutions, such as the Board's Equal Credit Opportunity regulation or the FDIC's Deposit Insurance regulation. Other regulations are issued by a single agency and have more limited applicability. These rules are listed under the name of the issuing agency.

The Agencies propose to seek public comment on 12 categories of their regulations that impose burden on insured institutions between now and 2006.⁷ The categories, in alphabetical order, are: Applications and Reporting; Banking Operations; Capital; Community Reinvestment Act; Consumer Protection; Directors, Officers and Employees; International Operations; Money Laundering; Powers and Activities; Rules of Procedure; Safety and Soundness; and Securities. We believe that these categories are logical groupings that are not so broad that the number of regulations presented in any one category would overwhelm potential commenters. The categories also reflect recognized areas of industry interest and specialization, or are particularly critical to the health of the banking system. We recognize that our regulations could be categorized in other ways and welcome recommendations about the categories and the regulations placed within them.

Although joint publication is not required by section 2222, the Agencies believe that joint publication of the regulation categories for public comment will be the most effective method for achieving EGRPRA's burden reduction goals. Joint publication and review also will help maintain the uniformity of regulations among the Agencies where possible. We are publishing three categories of rules for burden reduction comment today and plan to publish the remaining nine categories in roughly semiannual intervals, with 90-day comment periods for categories under review, throughout

³ Board Statement of Policy Regarding Expanded Rulemaking Procedures, 44 FR 3957, Jan. 19, 1979.

⁴ FDIC Law, Regulations and Related Acts, pp. 5057-5058.

⁵ OCC Bulletin 97-8 (January 7, 1997). Moreover, the OCC recognizes that a "one-size-fits-all" approach to regulation can be ineffective and burdensome, and tailors its regulations accordingly, taking into account factors such as the size of an institution. *Id.*

⁶ The OCC and OTS also review regulations pursuant to Executive Order 12866 and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

⁷ Consistent with section 2222's focus on reducing burden on insured institutions, the Agencies' EGRPRA review will not involve their internal organizational or operational regulations to the extent that those regulations impose no, or minimal, burden on insured institutions.

the review period. We welcome recommendations on grouping the remaining categories and the order in which to publish them.

After the conclusion of the comment period for each EGRPRA review notice published in the **Federal Register**, the Agencies will review the comments we have received and decide whether further action is appropriate with respect to the categories of regulations included in that notice. That decision will be made by the Agencies jointly in the case of rules that we have issued jointly. Any rulemaking to amend or revise those rules would similarly be undertaken jointly and the public will be provided with an opportunity to comment on any proposed amendment. This interagency rulemaking process will not, however, include rules issued by only one agency. Comments that address specific provisions of such a regulation will be carefully reviewed and incorporated in the detailed review of the relevant regulation conducted by the agency issuing the rule. Each agency will separately determine whether amendments to its own rules are appropriate in light of comments submitted during the EGRPRA review and, if so, will separately initiate rulemakings to modify its rules. Consistent with the spirit of CDRI, however, where individual agency rules implement common statutory or supervisory policies, the Agencies will work jointly to achieve uniformity.

The Agencies have prepared three charts to assist public understanding of the organization of our section 2222 review. Chart A presents the three categories of regulations about which we are requesting burden reduction recommendations starting today. Chart B identifies regulations affecting United States (U.S.) branches, agencies, and representative offices of foreign banks, while Chart C presents the remaining nine categories on which we will seek comment. The categories in each of the charts are shown in numbered and shaded horizontal bands. In each, the left column divides the categories into more specific subject matter areas. The remaining columns are headed by the different types of financial institutions (e.g., national banks, etc. * * *).

Generally, by reading down a column, a particular type of institution may identify the citation of the rule that applies to it. When one agency's regulation applies to institutions for which it is not the primary regulator, the citation for the subject is repeated across the columns.⁸ Interagency

regulations are listed first, followed by regulations issued by the OCC, Board, FDIC, and OTS.

Foreign banks. Foreign banks operate in the U.S. both directly, through branches and agencies, and indirectly, through bank and nonbank subsidiaries. The U.S. operations of foreign banks as a whole do not fit neatly into the categories of Charts A and C. Consequently, Chart B supplements the International Operations category of Chart A by identifying the major regulations that apply only to U.S. branches, agencies, or representative offices of foreign banks. We have also footnoted the "Holding Company" column of Chart A to include foreign banks. (If a foreign bank operates a branch, agency or subsidiary commercial lending company in the U.S., it is subject to the Bank Holding Company Act as if it were a bank holding company.)⁹

IV. Request for Burden Reduction Recommendations About the First Three Categories of Regulations: "Applications and Reporting," "Powers and Activities," and "International Operations"

The Agencies are asking the public to identify and comment upon areas of regulations within three categories—"Applications and Reporting," "Powers and Activities," and "International Operations"—that impose outdated, unnecessary, or unduly burdensome regulatory requirements on insured depository institutions. It is not necessary for the public to provide burden reduction recommendations about categories of rules other than these three categories at this time since we will publish the remaining categories before the end of the first review cycle in 2006. Comments that cite particular provisions or language, and provide reasons why such provisions should be changed, would be most helpful to the Agencies' review efforts. Suggested alternative provisions or language, where appropriate, would also be helpful. If the implementation of a comment would require modifying a statute that underlies the regulation, the comment should, if possible, identify the needed statutory change.

Specific issues for commenters to consider. While all comments related to

comprehensive listing of all rules applicable to a particular institution.

⁹There are a number of regulations that apply to branch or agency operations because of the type of activity in which the office engages rather than because it is a branch or agency. These regulations govern such areas as consumer protection, customer privacy, and securities regulation. Foreign banks may wish to comment on these regulations at such time as they are published for comment.

any aspect of section 2222 are welcome, the Agencies specifically invite comment on the following issues:

- *Need for statutory change.* Do the statutes impose unnecessary requirements? Are any of the statutory requirements underlying these categories imposing redundant, conflicting or otherwise unduly burdensome regulatory requirements?
- *Need and purpose of the regulations.* Do the regulations in these categories fulfill current needs? Have industry or other circumstances changed since a regulation was written such that the regulation is no longer necessary? Have there been shifts within the industry or consumer actions that suggest a re-focus of the underlying regulations? Do any of the regulations in these categories impose burdens not required by their authorizing statutes?
- *Overarching approaches / flexibility of the regulatory standards.* Generally, is there a different approach to regulating that the Agencies could use that would achieve statutory goals while imposing less burden? Do any of the regulations in these categories or the statutes underlying them impose unnecessarily inflexible requirements?
- *Effect of the regulations on competition.* Do any of the regulations in these categories or the statutes underlying them create competitive disadvantages for one part of the financial services industry compared to another?
- *Reporting, recordkeeping and disclosure requirements.* Do any of the regulations in these categories or the statutes underlying them impose particularly burdensome reporting, recordkeeping or disclosure requirements? Are any of these requirements similar enough in purpose and use so that they could be consolidated? Which, if any, of these requirements could be fulfilled electronically to reduce their burden?
- *Consistency and redundancy.* Do any of the regulations in these categories impose inconsistent or redundant regulatory requirements that are not warranted by the circumstances?
- *Clarity.* Are the regulations in these categories and the underlying statutes drafted in clear and easily understood language? Are there specific regulations or underlying statutes that need clarification?
- *Burden on small insured institutions.* The Agencies have a particular interest in minimizing burden on small insured institutions (those with assets of \$150 million or less). The Agencies solicit comment on whether any regulations within these categories should be continued without change, or

⁸The charts have been provided as a convenience for the reader and should not be treated as a

amended or rescinded in order to minimize any significant economic

impact the regulations may have on a

substantial number of small insured institutions.

BILLING CODE 4810-33, 6210-01, 6714-01, 6720-01-P

V. Charts¹

Chart A. Regulations about which Burden Reduction Recommendations Are Requested Currently

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies Bank ² ----- Thrift
1. Applications and Reporting					
Interagency Regulations Bank Merger Act	12 CFR 5.33	12 CFR 262.3 (application processing and notice provisions only)	12 CFR 303.60	12 CFR 563.22 (also includes bulk asset transfers and thrift-to- bank conversions)	
Change in Bank Control	12 CFR 5.50	12 CFR Part 225, Subpart E [Reg. Y]	12 CFR 303.80, 308.110- 118	12 CFR Part 574 (includes control under the Savings and Loan Holding Company Act); See also: 12 CFR 563.181 (Change of Control of Mutual Savings Associations)	12 CFR Part 225, Subpart E [Reg. Y] ----- 12 CFR Part 574 (control under the Savings and Loan Holding Company Act)

¹ The Agencies have attempted to make these charts as user friendly as possible. Inevitably, some oversimplification may have occurred. The Agencies have developed these charts solely to facilitate the comment process.

² Foreign banking organizations that conduct banking operations in the U.S., either directly through branches and agencies or indirectly through U.S. bank subsidiaries or commercial lending company subsidiaries, generally are subject to the same regulatory regime as domestic bank holding companies.

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies ----- Bank ----- Thrift
I. Applications and Reporting (continued)					
Interagency Regulations (continued)					
Notice of Addition or Change of Directors	12 CFR 5.51	12 CFR Part 225, Subpart H [Reg. Y]	12 CFR Part 303, Subpart F	12 CFR Part 563, Subpart H; See also: 12 CFR 563.183 (Change of Officer or Director After a Change in Control)	12 CFR Part 225, Subpart H [Reg. Y] ----- 12 CFR Part 563, Subpart H; See also 12 CFR 563.183 (Change of Officer or Director After a Change in Control)
OCC Regulations					
Rules, Policies, and Procedures for Corporate Activities	12 CFR Part 5 (Generally)				
Board Regulations					
Holding Companies – Formations, Acquisitions and Nonbanking Activities					12 CFR Part 225, Subparts A, B, C, D, and I, App. C [Reg. Y]; 12 CFR 262.3 -----
State Member Banks		12 CFR Part 208, Subparts A, B, and G [Reg. H]; 12 CFR Part 209 [Reg. I]; 12 CFR 262.3			
FDIC Regulations					
Call Reports and Other Forms, Instructions and Reports	12 CFR Part 304 (excluding 304.3(d))	12 CFR Part 304 (excluding 304.3(d))	12 CFR Part 304		
Deposit Insurance Filing Procedures	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies ----- Bank ----- Thrift
1. Applications and Reporting (continued)					
FDIC Regulations (continued)					
Extension of Corporate Powers – General Character of Business			12 CFR 333.1-2		
Filing Procedures and Delegations of Authority			12 CFR Part 303		
Mutual-to-stock conversion			12 CFR Part 303, Subparts H and I; 12 CFR 333.4		
OTS Regulations					
Application Processing Procedures				12 CFR Part 516 (Additional OTS application and notice requirements are associated with specific regulations included elsewhere on this list. E.g., fiduciary powers applications, 12 CFR Part 550; subsidiary activities, 12 CFR Part 559)	----- 12 CFR Part 516 (Additional OTS application and notice requirements are associated with specific regulations included elsewhere on this list. E.g., holding company applications 12 CFR Parts 574, 575, 584)
Capital Distributions				12 CFR Part 563, Subpart E	
Federal Mutual Savings Associations – Incorporation, Organization and Conversion, or Merger, Dissolution, Reorganization and Conversion				12 CFR Parts 543, 546	

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies Bank Thrift
1. Applications and Reporting (continued)					
OTS Regulations (continued)					
Federal Stock Savings Associations—Incorporation, Organization and Conversion				12 CFR Part 552	
Mutual to Stock Conversions Offices				12 CFR Part 563b 12 CFR 545.92-96	
Regulatory Reporting Standards; Other Reporting Requirements; and Recordkeeping				12 CFR Part 562; 12 CFR 563.170; 12 CFR 563.180	----- 12 CFR Part 562; 12 CFR 563.180(b); 12 CFR 563.170
2. Powers and Activities					
OCC Regulations					
Bank Activities and Operations	12 CFR Part 7, Subparts A, D, and E 12 CFR Part 24				
Community Development Corporations, Community Development Projects, and Other Public Welfare Investments					
Debt Cancellation Contracts and Debt Suspension Agreements	12 CFR Part 37				
Fiduciary Activities of National Banks	12 CFR Part 9				
Investment in Bank Premises	12 CFR 5.37				
Investment Securities	12 CFR Part 1		12 CFR Part 1		
Leasing	12 CFR Part 23				
Real Estate Lending	12 CFR Part 34, Subparts A and B				
Sales of Credit Life Insurance	12 CFR Part 2				

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies
2. Powers and Activities (continued)					
Board Regulations					
Bank Holding Companies and Financial Holding Companies					12 CFR Part 225, Subparts A, B, C, F, I, and J [Reg. Y]
State Member Banks		12 CFR Part 208, Subparts A, B, and G [Reg. H]			
FDIC Regulations					
Activities of Insured State Banks		12 CFR Part 362, Subpart A; 12 CFR Part 303, Subpart G	12 CFR Part 362, Subparts A, B, and E; 12 CFR Part 303, Subpart G		
Activities of Insured State Savings Associations				12 CFR Part 362, Subparts C and D; 12 CFR Part 303, Subpart H	
OTS Regulations					
Deposits				12 CFR Parts 557, 561 (definitions)	
Electronic Operations				12 CFR Part 555	
Fiduciary Powers of Savings Associations				12 CFR Part 550	

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies ----- Bank ----- Thrift
2. Powers and Activities (continued)					
OTS Regulations (continued)					
General				12 CFR Part 545; See also: provisions on chartering, organization and bylaws at 12 CFR Part 552 (Federal Stock Savings Associations); 12 CFR Parts 543, 544, 546 (Federal Mutual Savings Associations)	
Lending and Investment				12 CFR Part 560	
Mutual Holding Companies					----- 12 CFR Part 575
Preemption of State Due-On-Sale Laws (Implementation of Garn-St Germain)	12 CFR Part 591	12 CFR Part 591	12 CFR Part 591	12 CFR Part 591	12 CFR Part 591 ----- 12 CFR Part 591
Preemption of State Usury Laws (Implementation of DIDMCA)	12 CFR Part 590	12 CFR Part 590	12 CFR Part 590	12 CFR Part 590	12 CFR Part 590 ----- 12 CFR Part 590
Savings and Loan Holding Companies					----- 12 CFR Parts 583, 584

Subject	National Banks	State Member Banks	State Non-Member Banks	Thriffs	Holding Companies
2. Powers and Activities (continued)					
OTS Regulations (continued)					
Subordinate Organizations				12 CFR Part 559	Bank ----- Thrift
3. International Operations³					
Interagency Regulations					
International Lending Supervision	12 CFR Part 28, Subpart C	12 CFR Part 211, Subpart D [Reg. K]	12 CFR Part 347, Subpart C		12 CFR Part 211, Subpart D [Reg. K]
OCC Regulations					
Foreign Operations of National Banks	12 CFR Part 28, Subpart A				
Board Regulations					
International Operations of U.S. Banking Organizations	12 CFR 211.1-4, 211.8-13 [Reg. K, Subpart A]	12 CFR 211.8-13 [Reg. K, Subpart A]			12 CFR 211.1-4, 211.8-13 [Reg. K, Subpart A]
Edge and Agreement Corporations	12 CFR 211.5-7 [Reg. K, Subpart A]	12 CFR 211.5-7 [Reg. K, Subpart A]			12 CFR 211.5-7 [Reg. K, Subpart A]
Foreign Banking Organizations					12 CFR Part 211, Subpart B [Reg. K]
Export Trading Companies					12 CFR Part 211, Subpart C [Reg. K]
FDIC Regulations					
Foreign Branching and Investment by Insured State Nonmember Banks			12 CFR Part 347, Subpart A; 12 CFR Part 303, Subpart J		

³ Regulations applicable solely to U.S. branches and agencies of foreign banks are addressed in Chart B.

Chart B. U.S. Branches, Agencies, and Representative Offices of Foreign Banks

Subject	Federal Branches and Agencies	State Branches, Agencies, and Representative Offices	Federal and State Insured Branches
OCC Regulations			
12 CFR Part 28, Subpart B	x		
Board Regulations			
12 CFR Part 211, Subpart B	x (except for 12 CFR 211.28-.29)	x	x
FDIC Regulations			
12 CFR Part 347, Subpart B			x
12 CFR Part 303, Subpart J			x

Chart C. Categories and Regulations about which the Agencies Will Seek Comment Later

Subject	National Banks	State Member Banks	State Non-Member Banks	Thriffs	Holding Companies
I. Banking Operations					
Interagency Regulations					
Prohibition of Payment of Interest on Demand Deposits	12 CFR Part 217 [Reg. Q]	12 CFR Part 217 [Reg. Q]	12 CFR Part 329	12 CFR 561.16	Bank ⁴ ----- Thrift
OCC Regulations					
Assessment of Fees	12 CFR Part 8				
Bank Operations	12 CFR Part 7, Subpart C				
Board Regulations					
Availability of Funds and Collection of Checks	12 CFR Part 229 [Reg. CC]				
Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire	12 CFR Part 210 [Reg. J]				
Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records	12 CFR Part 219 [Reg. S]				
Reserve Requirements of Depository Institutions	12 CFR Part 204 [Reg. D]				
The Payment System Risk Reduction Policy	Federal Reserve Regulatory Service 9-1000				

⁴ Foreign banking organizations that conduct banking operations in the U.S., either directly through branches and agencies or indirectly through U.S. bank subsidiaries or commercial lending company subsidiaries, generally are subject to the same regulatory regime as domestic bank holding companies.

Subject	National Banks	State Member Banks	State Non-Member Banks	Thriffs	Holding Companies Bank ----- Thrift
1. Banking Operations (continued)					
FDIC Regulations					
Assessments	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	
Assessment of Fees upon Entrance to or Exit from the Bank Insurance Fund or the Savings Association Insurance Fund	12 CFR Part 312	12 CFR Part 312	12 CFR Part 312	12 CFR Part 312	
Determination of Economically Depressed Regions				12 CFR Part 357	
OTS Regulations					
Assessments and Fees				12 CFR Part 502	----- 12 CFR Part 502
2. Capital					
Interagency Regulations					
Prompt Corrective Action	12 CFR Part 6	12 CFR Part 208, Subpart D [Reg. H]; 12 CFR 263.201-.205	12 CFR Part 325, Subpart B	12 CFR Part 565	12 CFR 208.44(i); 12 CFR 263.201-.202, .205 ----- 12 CFR 565.5(i); 12 CFR 565.7; 12 CFR 565.10
Risk-Based and Leverage Capital Adequacy Standards	12 CFR Part 3	12 CFR 208.4; 12 CFR Part 208, App. A, B, and E [Reg. H]; 12 CFR Part 263, Subpart E	12 CFR Part 325, Subpart A and all Appendices	12 CFR Part 567; 12 CFR 563.81	12 CFR Part 225, App. A, B, D, and E [Reg. Y]; 12 CFR Part 263, Subpart E -----

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies
2. Capital (continued)					
OCC Regulations					
Changes in Permanent Capital; Subordinated Debt as Capital	12 CFR 5.46-47				Bank ----- Thrift
3. Community Reinvestment Act⁵					
Interagency Regulations					
Community Reinvestment Act	12 CFR Part 25	12 CFR Part 228 [Reg. BB]	12 CFR Part 345	12 CFR Part 563e	12 CFR 228.29 ----- 12 CFR 563e.29
Disclosure and Reporting of CRA-Related Agreements	12 CFR Part 35	12 CFR Part 207 [Reg. G]	12 CFR Part 346	12 CFR Part 533	12 CFR Part 207 [Reg. G] ----- 12 CFR Part 533
4. Consumer Protection					
Interagency Regulations					
Consumer Protection in Sales of Insurance	12 CFR Part 14	12 CFR Part 208, Subpart H [Reg. H]	12 CFR Part 343	12 CFR Part 536	
Fair Housing	12 CFR Part 27		12 CFR Part 338	12 CFR Part 528 (including other nondiscrimination requirements)	
Loans in Identified Flood Hazard Areas	12 CFR Part 22	12 CFR 208.25 [Reg. H]	12 CFR Part 339	12 CFR Part 572	
Privacy of Consumer Financial Information	12 CFR Part 40	12 CFR Part 216 [Reg. P]	12 CFR Part 332	12 CFR Part 573	12 CFR Part 216 [Reg. P] -----

⁵ Community development regulations are being published for comment as part of the Powers and Activities category.

Subject	National Banks	State Member Banks	State Non-Member Banks	Thriffs	Holding Companies
					Bank ----- Thrift
4. Consumer Protection (continued)					
Interagency Regulations (continued)					
Prohibition Against Use of Interstate Branches Primarily for Deposit Production	12 CFR Part 25, Subpart E	12 CFR 208.7 [Reg. H]	12 CFR Part 369		12 CFR 208.7 [Reg. H]
Safeguarding Customer Information	12 CFR Part 30, App. B	12 CFR Part 208, App. D-2 [Reg. H]	12 CFR Part 364, App. B	12 CFR Part 570, App. B	12 CFR 225.4(h); 12 CFR Part 225, App. F
Unfair or Deceptive Acts or Practices	12 CFR Part 227 [Reg. AA]	12 CFR Part 227 [Reg. AA]	12 CFR Part 227 [Reg. AA]	12 CFR Part 535	
Board Regulations					
Consumer Leasing	12 CFR Part 213 [Reg. M]	12 CFR Part 213 [Reg. M]	12 CFR Part 213 [Reg. M]	12 CFR Part 213 [Reg. M]	12 CFR Part 213 [Reg. M]
Electronic Fund Transfers	12 CFR Part 205 [Reg. E]	12 CFR Part 205 [Reg. E]	12 CFR Part 205 [Reg. E]	12 CFR Part 205 [Reg. E]	
Equal Credit Opportunity	12 CFR Part 202 [Reg. B]	12 CFR Part 202 [Reg. B]	12 CFR Part 202 [Reg. B]	12 CFR Part 202 [Reg. B]	12 CFR Part 202 [Reg. B]
Home Mortgage Disclosure Act	12 CFR Part 203 [Reg. C]	12 CFR Part 203 [Reg. C]	12 CFR Part 203 [Reg. C]	12 CFR Part 203 [Reg. C]	12 CFR Part 203 [Reg. C]

Subject	National Banks	State Member Banks	State Non-Member Banks	Thriffs	Holding Companies Bank ----- Thrift
4. Consumer Protection (continued)					
Board Regulations (continued)					
Truth in Lending	12 CFR Part 226 [Reg. Z]	12 CFR Part 226 [Reg. Z] ----- 12 CFR Part 226 [Reg. Z]			
Truth in Savings	12 CFR Part 230 [Reg. DD]				
FDIC Regulations					
Advertisement of Membership	12 CFR Part 328				
Deposit Insurance Coverage	12 CFR Part 330				
Notification of Changes of Insured Status	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307		
OTS Regulations					
Advertising				12 CFR 563.27	
Tying Restriction Exception				12 CFR 563.36	----- 12 CFR 563.36
5. Directors, Officers and Employees					
Interagency Regulations					
Disclosure of Financial Information	12 CFR Part 18		12 CFR Part 350		
Golden Parachute and Indemnification Programs	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359; See also: 12 CFR 545.121	12 CFR Part 359 ----- 12 CFR Part 359

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies Bank ----- Thrift
5. Directors, Officers and Employees (continued)					
Interagency Regulations (continued)					
Limits on Extensions of Credit to Executive Officers, Directors and Principal Shareholders; Related Disclosure Requirements	12 CFR Part 31	12 CFR Part 215 [Reg. O]	12 CFR 337.3; 12 CFR Part 349	12 CFR 563.43	
Management Official Interlocks	12 CFR Part 26	12 CFR Part 212 [Reg. L]	12 CFR Part 348	12 CFR Part 563f	12 CFR Part 212 [Reg. L] ----- 12 CFR Part 563f
OCC Regulations					
Bank Activities and Operations – Corporate Practices	12 CFR Part 7, Subpart B				
OTS Regulations					
Board of Directors Composition				12 CFR 563.33	
Bond Coverage				12 CFR 563.190-.191	
Employment Contracts, Compensation, Pension Plans				12 CFR 563.39; 12 CFR 563.47; 12 CFR 563.161	
Restrictions on Transactions with Officers, Directors, and Others				12 CFR 560.130; 12 CFR 563.200-.201	----- 12 CFR 563.200-.201
6. Money Laundering					
Interagency Regulations					
Bank Secrecy Act Compliance	12 CFR Part 21, Subpart C	12 CFR 208.63 [Reg. H]	12 CFR Part 326, Subpart B	12 CFR 563.177	

Subject	National Banks	State Member Banks	State Non-Member Banks	Thriffs	Holding Companies Bank ----- Thrift
6. Money Laundering (continued)					
Interagency Regulations (continued)					
Reports of Crimes or Suspected Crimes	12 CFR Part 21, Subpart B	12 CFR 208.62-63 [Reg. H]	12 CFR Part 353	12 CFR 563.180(d)	12 CFR 225.4(f)
7. Rules of Procedure					
Interagency Regulations					
Uniform Rules of Practice and Procedure	12 CFR Part 19	12 CFR Part 263	12 CFR Part 308	12 CFR Part 509	12 CFR Part 263 ----- 12 CFR Part 509
OCC Regulations					
Voluntary Liquidation	12 CFR 5.48				
FDIC Regulations					
Resolution and Receivership Rules	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	
Restrictions on Sale of Assets by the Federal Deposit Insurance Corporation	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	
OTS Regulations					
Investigative Proceedings and Formal Examinations				12 CFR Part 512	----- 12 CFR Part 512
Possession by Conservators and Receivers for Federal and State Savings Associations				12 CFR Part 558	

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies Bank ----- Thrift
7. Rules of Procedure (continued)					
OTS Regulations (continued)					
Removals, Suspensions and Prohibitions Where a Crime is Charged or Proven				12 CFR Part 508	----- 12 CFR Part 508
8. Safety and Soundness					
Interagency Regulations					
Appraisal Standards for Federally Related Transactions	12 CFR Part 34, Subpart C	12 CFR 208.50 [Reg. H]; 12 CFR Part 225, Subpart G [Reg. Y]	12 CFR Part 323	12 CFR Part 564	12 CFR Part 225, Subpart G [Reg. Y] -----
Frequency of Safety and Soundness Examination	12 CFR 4.6-7	12 CFR 208.64	12 CFR 337.12	12 CFR 563.171 (See also: 12 CFR 563.170)	
Lending Limits	12 CFR Part 32	12 CFR Part 215, Subpart A		12 CFR 560.93	
Real Estate Lending Standards	12 CFR Part 34, Subpart D	12 CFR Part 208, Subpart E and App. C [Reg. H]	12 CFR Part 365	12 CFR 560.100; 12 CFR 563.101	
Security Devices and Procedures	12 CFR Part 21, Subpart A	12 CFR 208.61 [Reg. H]	12 CFR Part 326, Subpart A	12 CFR Part 568	
Standards for Safety and Soundness	12 CFR Part 30	12 CFR Part 208, App. D-1 [Reg. H]	12 CFR Part 364	12 CFR Part 570	
Transactions with Affiliates	12 CFR Part 223 [Reg. W]; 12 CFR Part 31	12 CFR Part 223 [Reg. W]		12 CFR 563.41	
OCC Regulations					
Other Real Estate Owned	12 CFR Part 34, Subpart E				

Subject	National Banks	State Member Banks	State Non-Member Banks	Thrifts	Holding Companies ----- Bank ----- Thrift
8. Safety and Soundness (continued)					
Board Regulations					
Extensions of Credit by Federal Reserve Banks	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	
Limitations on Interbank Liabilities	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	
FDIC Regulations					
Annual Independent Audits and Reporting Requirements	12 CFR Part 363	12 CFR Part 363	12 CFR Part 363	12 CFR Part 363; See also: OTS, 12 CFR 562.4	
Unsafe and Unsound Banking Practices (Standby Letters of Credit and Brokered Deposits)			12 CFR 337.2; 12 CFR 337.6		
OTS Regulations					
Audits of Savings Associations and Savings Association Holding Companies				12 CFR 562.4, See also: FDIC, 12 CFR Part 363	----- 12 CFR 562.4
Financial Management Policies				12 CFR Part 563, Subpart F	----- 12 CFR 563.170
Lending and Investment -- Additional Safety and Soundness Limitations				12 CFR Part 560	
9. Securities					
Interagency Regulations					
Banks as Registered Clearing Agencies	12 CFR 19.135	12 CFR 208.32-33 [Reg. H]	12 CFR Part 308, Subpart S		

Subject	National Banks	State Member Banks	State Non-Member Banks	Thriffs	Holding Companies
9. Securities (continued)					
Interagency Regulations (continued)					
Banks as Securities Transfer Agents	12 CFR 9.20	12 CFR 208.31 [Reg. H]	12 CFR Part 341		
Government Securities Sales Practices	12 CFR Part 13	12 CFR 208.37 [Reg. H]	12 CFR Part 368		
Recordkeeping and Confirmation of Securities Transactions Effected by Banks	12 CFR Part 12	12 CFR 208.34 [Reg. H]	12 CFR Part 344	12 CFR Part 551	
Reporting Requirements for Reported Securities Under the Securities Exchange Act of 1934	12 CFR Part 11	12 CFR 208.36 [Reg. H]	12 CFR Part 335	12 CFR Part 563d	
Securities Offerings	12 CFR Part 16			12 CFR Part 563g	
OCC Regulations					
Municipal Securities Dealer Activities of Banks	12 CFR Part 10				
Board Regulations					
Credit by Banks and Persons Other than Brokers or Dealers for the Purpose of Purchasing or Carrying Margin Stock	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U] ----- 12 CFR Part 221 [Reg. U]			
OTS Regulations					
Accounting Requirements/Financial Statements Proxies				12 CFR Part 563c 12 CFR Part 569	
Rules on the Issuance and Sale of Institution Securities				12 CFR 563.5; 12 CFR Part 563, Subpart C	

Dated: June 3, 2003.

John D. Hawke, Jr.,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, June 9, 2003.

Jennifer J. Johnson,

Secretary of the Board.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Dated in Washington, DC, this 10 day of June, 2003.

Robert E. Feldman,

Executive Secretary.

Dated: May 29, 2003.

James E. Gilleran,

Director, Office of Thrift Supervision.

[FR Doc. 03-15088 Filed 6-13-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM249; Special Conditions No. 25-03-05-SC]

Special Conditions: Embraer Model ERJ-170 Series Airplanes; Electronic Flight Controls (Command Signal Integrity)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Embraer Model ERJ-170 series airplanes. These airplanes will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features are associated with electronic flight control systems. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. Additional special conditions will be issued for this and other novel or unusual design features of Embraer Model 170 series airplanes.

DATES: Comments must be received on or before July 16, 2003.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules

Docket (ANM-113), Docket No. NM249, 1601 Lind Avenue SW., Renton, Washington 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: Docket No. NM249. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Tom Groves, FAA, International Branch, ANM-116, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425) 227-1503; facsimile (425) 227-1149; e-mail tom.groves@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these proposed special conditions. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this notice between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change the proposed special conditions in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

Background

On May 20, 1999, Embraer applied for a type certificate for its new Model ERJ-170 airplane. Two basic versions of the Model ERJ-170 are included in the application. The ERJ-170-100 airplane is a 69-78 passenger, twin-engine

regional jet with a maximum takeoff weight of 81,240 pounds. The ERJ-170-200 is a derivative with a lengthened fuselage. Passenger capacity for the ERJ-170-200 is increased to 86, and maximum takeoff weight is increased to 85,960 pounds.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Embraer must show that the Model ERJ-170 series airplanes meet the applicable provisions of 14 CFR part 25, as amended by Amendments 25-1 through 25-98.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, part 25, as amended) do not contain adequate or appropriate safety standards for Embraer Model ERJ-170 series airplanes because of novel or unusual design features, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, Embraer Model ERJ-170 series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy pursuant to § 611 of Public Law 93-574, the "Noise Control Act of 1972."

Special conditions, as defined in 14 CFR 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.17(a)(2), Amendment 21-69, effective September 16, 1991.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design features, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1), Amendment 21-69, effective September 16, 1991.

Novel or Unusual Design Features

The ERJ-170 airplane will use fly-by-wire (FBW) technology as a means of sending command and control signals to the control surface actuators of the rudder, rudder trim, elevator, spoilers, horizontal stabilizer, and auto speedbrake. The ailerons will be controlled by a traditional cable linkage to the hydraulic actuators.

The ERJ-170 FBW flight control systems provide two modes of operation, direct and normal. Direct mode provides an analog link between pilot commands and control surfaces. In direct mode, flight control transducers send signals to Actuator Control Electronics units (ACE). The ACE sends analog command and control signals to the Power Control Units (PCU), which move the control surface actuators of the rudder, rudder trim, elevator, spoilers, horizontal stabilizer, and auto speedbrake.

In normal mode, the rudder, elevator and spoiler command-to-surface gain schedules are tailored to particular flight conditions to provide improved control characteristics. These gains are calculated digitally in the Flight Control Module (FCM) and supplement the direct mode commands provided by the ACEs.

In the ERJ-170 FBW design being presented, command and control of the airplane's aerodynamic control surfaces will be achieved by electronic interfaces. These interfaces involve not only direct commands to the PCU but all the necessary feedback sensor signals. A successful demonstration of signal integrity must include all the elements which contribute to the command and control signals to the control surface closed loop system (CSCL). The CSCL may include the following:

- (1) The computing components and wiring;
- (2) The input components, such as column position sensors;
- (3) Feedback components, such as control surface position, inertial reference, and air data sensors; and,
- (4) Actuation components and their structural mounting components.

A system evaluation that includes all the inputs to and elements of the CSCL in an integrated environment (including signals that could disturb the system) is necessary to ensure appropriate system robustness throughout the flight envelope.

For the purpose of this proposed special condition, the control surface closed loop system does not include pilot input to the flight control system. Pilot in the loop control inputs and the associated handling requirements are adequately covered by existing regulations, including regulations in subpart B as well as §§ 25.671 and 25.672.

The signal paths within the control surface closed loop system can be susceptible to interference from electromagnetic and electrostatic sources within the integrated systems environment of the aircraft as well as

external causes, such as HIRF and lightning (not considered in this special condition), which could modify the command and control signals.

The effects of interference sources within the system may include, but are not restricted to, the following:

- Loss of data bits,
- Unwanted transients in the power supply source,
- Disruption of normal computer operations,
- Misbehavior of signals by parallel computers (e.g., redundancy management),
- Adverse effects caused by transport lag, and
- Any other cause that may alter the command and control signals.

For those reasons, special design measures and laboratory tests intended to validate these designs will be required to demonstrate the integrity of the FBW Flight Controls System to a level of safety equivalent to that which is achieved with traditional hydromechanical designs.

The regulations which primarily address hydromechanical flight control systems, (i.e., 14 CFR 25.671 and 25.672) do not specifically require that command and control signals remain unaltered from internal or external interference. Traditional designs feature steel cables and pushrods as means to move surface actuators which are hydraulically powered. These designs are not likely to be affected by spurious electromagnetic and computer induced signals, as are the FBW designs.

Similar special conditions have been issued previously for other airplanes that utilize FBW flight control systems, such as the Airbus A320 series, Airbus A330/340 series, and most recently, the Boeing 777 series.

The special conditions applied to the Boeing 777 series include a requirement for changes in mode of flight critical control systems. This requirement was intended to ensure a minimum level of availability for normal mode flight control. For the Boeing 777 series, the FAA did not consider § 25.1309(b) adequate for that purpose.

In the ERJ-170 FBW flight control system, normal mode consists of a simple analog control signal augmented by limited authority digitally computed signals. Direct mode consists of only the analog signal. The FAA believes that the existing 14 CFR 25.1309(b) provides a suitable requirement for assessing the effect and frequency of FBW flight control system mode changes or lost functionality for the ERJ-170 series, and thus the specific requirement included with the Boeing 777 series special

conditions was not included in these proposed special conditions.

In addition to the specific difference noted above, a number of smaller changes were made to the Boeing 777 series special condition to create these proposed special conditions. These additional changes were made to improve readability and to define with greater precision the intended scope of some of the paragraphs through use of consistent and defined terminology.

Applicability

As discussed above, these special conditions are applicable to the Embraer Model ERJ-170 series airplanes. Should Embraer apply later for a change to the type certificate to include another model incorporating the same novel or unusual design features, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1), Amendment 21-69, effective September 16, 1991.

Conclusion

This action affects only certain novel or unusual design features on the Embraer Model ERJ-170 series airplanes. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Embraer Model ERJ-170 series airplanes.

Electronic Flight Controls (Command Signal Integrity)

In addition to compliance with §§ 25.671 and 25.672, the following requirements must be met:

(a) It must be shown that either the FBW flight control system signals cannot be altered unintentionally or that altered signal characteristics would meet the following criteria:

(1) Stable gain and phase margins are maintained for all control surface closed loop systems. Pilot control inputs (pilot in the loop) are excluded from this requirement.

(2) Sufficient pitch, roll, and yaw control power is available to provide control for continued safe flight and

landing, considering all the FBW flight control system signal malfunctions that are not extremely improbable.

(3) The effect of spurious signals on the systems which are included in the control surface loop must not result in unacceptable transients or degradation of the airplane's performance. Specifically, signals that would cause a significant uncommanded motion of a control surface actuator must be readily detected and deactivated, or the surface motion must be arrested by other means in a satisfactory manner. Small amplitude residual system oscillations may be acceptable.

(b) It must be demonstrated that the output from the control surface closed loop system does not result in uncommanded, sustained oscillations of flight control surfaces. The effects of minor instabilities may be acceptable, provided that they are thoroughly investigated, documented, and understood.

Issued in Renton, Washington, on June 6, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03-15140 Filed 6-13-03; 8:45 am]

BILLING CODE 4910-13-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Petition Requesting Amendment to Child-Resistance Testing Pass/Fail Criterion for Unit Dose Packaging (Petition No. PP 03-1)

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of petition.

SUMMARY: The current regulatory definition of a child-resistance test failure for unit dose, *i.e.*, non-reclosable packaging under the Poison Prevention Packaging Act (PPPA), is a child gaining access to the number of individual unit doses that constitute the amount that "may cause serious personal injury or serious illness" or more than eight individual unit doses, whichever is less. The Commission has received a petition (Petition No. PP 03-1) requesting that the Commission amend that requirement to eliminate the first criterion related to the toxicity of the substance to be packaged and define a unit dose packaging failure to be a child gaining access to more than eight individual unit doses. The Commission solicits written comments concerning the petition.

DATES: The Office of the Secretary must receive comments on the petition by August 15, 2003.

ADDRESSES: Comments on the petition, preferably in five copies, should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by facsimile to (301) 504-0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned "Petition PP 03-1, Petition for Amendment of the Child-Resistance Testing Requirements for Unit Dose Packaging." A copy of the petition is available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland. The petition is also available on the CPSC Web site at <http://www.cpsc.gov>.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-6833; e-mail: rhammond@cpsc.gov.

SUPPLEMENTARY INFORMATION: By letter of March 17, 2003, and supplemental information provided by letter of May 5, 2003, the Healthcare Compliance Packaging Council (HCPC) requests a change to the Commission's regulatory requirements under the PPPA for testing the ability of unit dose child-resistant, *i.e.*, "special" packaging to resist attempts by children to open it. The HCPC request addresses the portion of the requirements defining a testing failure for unit dose packaging. Unit dose packaging is non-reclosable packaging typically including a limited number of tablets (usually one or two) per unit, *e.g.*, blister, strip or pouch packaging.

The HCPC members include companies involved in the manufacture of pharmaceutical-grade plastic films, aluminum, and paperboard used to produce unit dose blister and strip packaging, as well as manufacturers of machinery used to create unit dose formats. HCPC corporate members include firms that provide packaging services to the pharmaceutical manufacturers on a contract basis, as well as companies that purchase bulk quantities of drug products from pharmaceutical manufacturers and repackage those products into unit dose and other formats for use by hospitals, clinics, and other similar facilities.¹

¹March 17, 2003 HCPC letter at 3.

The child resistance testing requirements were promulgated under authority of the PPPA. The testing requirements are the mechanism for assessing the ability of a particular form of "special packaging" to resist attempts by children to gain access to its contents. The definition of a child-resistance test failure for unit dose packaging is a child gaining access to the number of individual unit doses that constitute the amount that may cause "serious personal injury or serious illness" or more than eight individual unit doses, whichever is less.²

The HCPC's specific request is as follows. "The definition of test failure for unit dose packaging should be an objective standard, *i.e.*, 'any child who opens or gains access to more than 8 individual units during the full 10 minutes of testing.'" The HCPC asserts that "unit dose packaging is inherently safer than cap-and-vial closures" and that "the current regulation creates a disincentive for pharmaceutical manufacturers and packagers to use safer unit dose packaging."³

The HCPC request has been docketed as petition number PP 03-1. The Commission is particularly interested in receiving comments on the petition from: (1) Consumers; (2) dispensing physicians; (3) poison control centers; (4) pharmaceutical manufacturers; (5) chain drug store, government, independent, and hospital pharmacies; and (6) drug repackagers, wholesalers and distributors.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0800. The petition is available on the CPSC World Wide Web site at <http://www.cpsc.gov>. A copy of the petition is also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated: June 10, 2003.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 03-15064 Filed 6-13-03; 8:45 am]

BILLING CODE 6355-01-P

² 16 CFR 1700.20(a)(2)(ii).

³ March 17, 2003 HCPC letter at 3-5.

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[CCGD09-03-224]

RIN 1625-AA97

Safety Zone; Harley Davidson Motor Company 100th Anniversary Fireworks, Milwaukee, WI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone inside Milwaukee Harbor for the Harley Davidson 100th Anniversary Fireworks celebration. This action is necessary to ensure the safety of life and property in the immediate vicinity of the fireworks launch platform during this event. This action is intended to restrict vessel traffic south of Milwaukee Harbor.

DATES: Comments and related material must reach the Coast Guard on or before July 10, 2003.

ADDRESSES: You may mail comments and related material to the Commanding Officer, U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, Wisconsin 53207. Marine Safety Office Milwaukee maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Marine Safety Office Milwaukee between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Marine Science Technician Chief McClintock, U.S. Coast Guard Marine Safety Office Milwaukee, (414) 747-7155.

SUPPLEMENTARY INFORMATION:**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD09-03-224], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose

a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Marine Safety Office Milwaukee at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

This safety zone is necessary to safeguard the public from the hazards associated with fireworks displays in Milwaukee Harbor, Milwaukee, Wisconsin. Based on recent accidents that have occurred in other Captain of the Port Zones, and the explosive hazard associated with these events, the Captain of the Port has determined that fireworks launches in close proximity to watercraft pose a significant risk to safety and property.

The combination of large numbers of inexperienced recreational boaters, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling in to the water could easily result in serious injuries or fatalities.

Establishing safety zones by notice and comment rulemaking gives the public an opportunity to comment on the proposed zones and provides better notice than promulgating temporary final rules.

Discussion of Proposed Rule

The Coast Guard is proposing a safety zone in outer Milwaukee Harbor, Milwaukee, Wisconsin. The Coast Guard will notify the public, in advance, by way of Ninth Coast Guard District Local Notice to Mariners, marine information broadcasts, and for those who request it from Marine Safety Office Milwaukee, by facsimile (fax).

Regulatory Evaluation

This proposed 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 proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This determination is based on the minimal time that vessels will be restricted from the zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit, moor or anchor in a portion of the activated safety zone.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: this rule would be in effect for only one hour on the day of the event. Vessel traffic can safely pass outside of the proposed safety zone during the event. Although the safety zone for the event will encompass the entire navigation channel, traffic would be allowed to pass through the safety zone with permission of the Captain of the Port Milwaukee, or his designated on scene Patrol Commander.

If you think your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions

concerning its provisions or options for compliance, please contact Marine Safety Office Milwaukee (see ADDRESSES).

Collection of Information

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

Federalism

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 proposed rule under that Order and have determined that this rule 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. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might 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 proposed 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 32(g) of Commandant Instruction M16475.1D, this proposed rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5, Department of Homeland Security Delegation No. 0170.

2. From 10 p.m. on August 31, 2003 through 11 p.m. on September 1, 2003 a new temporary § 165.T09–224 is added to read as follows:

§ 165.T09–224 Safety Zone; Waters of Milwaukee Harbor, Milwaukee, Wisconsin

(a) *Location.* The following area is a safety zone:

(1) The safety zone will encompass all waters and adjacent shoreline bounded by the arc of a circle with a 1680 foot radius with its center in approximate position 43°02.16' N, 087°53.18' W, located in Milwaukee Harbor. These coordinates are based upon North American Datum 1983.

(2) [Reserved]

(b) *Enforcement period.* This section is effective from 10 p.m. on August 31, 2003 through 11 p.m. on September 1, 2003. This section will be enforced on August 31 from 10 p.m. through 11 p.m. In the event of inclement weather this section will be enforced on September 1, 2003 between the same times. The Coast Guard Captain of the Port Milwaukee or the on scene Patrol Commander may terminate this event at anytime.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is subject to the following requirements:

(1) This safety zone is closed to all marine traffic, except as may be permitted by the Captain of the Port or his duly appointed representative.

(2) The “duly appointed representative” of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Milwaukee, Wisconsin to act on his behalf. The representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(3) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port or his representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone shall comply with all directions given to them by the Captain of the Port or his representative.

(4) The Captain of the Port may be contacted by telephone via the Command Duty Officer at (414) 747–7155 during working hours. Vessels assisting in the enforcement of the safety zone may be contacted on VHF-FM channels 16 or 21A. Vessel operators may determine the restrictions in effect for the safety zone by coming alongside a vessel patrolling the perimeter of the safety zone.

(5) Coast Guard Group Milwaukee will issue a Marine Safety Information Broadcast Notice to Mariners to notify the maritime community of the safety zone and restriction imposed.

Dated: June 9, 2003.

Virginia J. Kammer,

*Lieutenant Commander, U.S. Coast Guard,
Acting Captain of the Port Milwaukee.*

[FR Doc. 03-15093 Filed 6-13-03; 8:45 am]

BILLING CODE 4910-15-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-1122; MB Docket No. 03-98; RM-10688]

Radio Broadcasting Services; Sellersburg and Seymour, IN

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comment on a petition for rulemaking filed on behalf of INDY LICO, Inc., licensee of Station WGRL(FM), Channel 230A, Noblesville, Indiana, and S.C.I. Broadcasting, Inc., licensee of Station WQKC(FM), Channel 229B, Seymour, Indiana, requesting substitution of Channel 230A for Channel 229B at Seymour, Indiana, and the reallocation of Channel 230A from Seymour to Sellersburg, Indiana, as the community's first local transmission service, and the modification of the license for Station WQKC(FM) to reflect the changes. This petition was originally filed as an amended proposal in MM Docket 01-143 which was terminated. Channel 230A can be allotted to Sellersburg at a site 11.5 kilometers (7.1

miles) south of the community at coordinates 38-17-41 NL and 85-45-07 WL.

DATES: Comments must be filed on or before July 21, 2003, and reply comments on or before August 5, 2003.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, as follows: Mark N. Lipp, Esq., J. Thomas Nolan, Esq., Vinson & Elkins L.L.P., The Willard Office Building, 1455 Pennsylvania Avenue, NW., Washington, DC 20004-1008 (Counsel to Petitioners).

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 03-98, adopted May 28, 2003, and released May 30, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, or via e-mail qualexint@aol.com.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by adding Sellersburg, Channel 230A and removing Seymour, Channel 229B.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03-15070 Filed 6-13-03; 8:45 am]

BILLING CODE 6712-01-P

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

Submission for OMB Review; Comment Request

June 5, 2003.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the 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 burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 60 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

DEPARTMENT OF AGRICULTURE

Office of the Chief Information Officer
[Docket No.]

Notice of Request for Approval of
Information Collection

AGENCY: Office of the Chief Information Officer, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Office of the Chief Information Officer's (OCIO) intention to request approval to collect information from attendees of six farm shows for the eGovernment Marketing and Grower Relations Assessment. The study will collect information from voluntary participants in six farm show events.

DATES: Comments on this notice must be received within 60 days of publication in the **Federal Register** to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Requests for additional information regarding this notice should be directed to William Cosgrove, SCI Program Manager, eGovernment Program, OCIO-SCI, U.S. Department of Agriculture, 1400 Independence Ave., SW., South Building, Room 4105-S Washington, DC 20250-3700; 202-720-8650. Submit electronic comments to Bill.Cosgrove@usda.gov.

SUPPLEMENTARY INFORMATION: Title: FY2003 and FY2004 Farm Shows Marketing and Grower Relations Assessment.

OMB Number: 0503-NEW.

Expiration Date of Approval: Three years from date of issuance.

Type of Request: Approval of a new information collection.

Abstract: This project represents an important step in analyzing—from the perspective of a core USDA customer group—the software, accessibility, formats, user-friendliness, security safeguards, and other aspects of USDA eGovernment applications in effectively meeting business requirements.

In carrying out the overall mission, OCIO seeks approval of information gathering activities that will provide key information about the impact of the eGovernment program on its key constituents: farmers, growers, and producers. It will also elucidate the programs current limitations and future

challenges. The efforts aim to determine the principle causes of farmer use or non-use of eGovernment applications to date and provide guidance about future eGovernment functionality desired by farmers.

Working with OCIO, a contractor will be attending various farm shows in Illinois, Missouri, Texas, Georgia, California, and Nevada to gather feedback on current USDA eGovernment efforts. At each show, the contractor will set up a marketing booth and solicit volunteers to provide feedback through a two-page questionnaire. Participation is entirely voluntary and participants can choose to answer none of, some of, or all questions in the survey.

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

Respondents: The audience at these shows will be farmers, growers, and producers.

Estimated Number of Respondents: 3,000 (total of all shows).

Estimated Number of Responses per Respondent: One.

Estimated Total Annual Burden of Respondents: 1,500 Hours.

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 may be sent to William Cosgrove, SCI Program Manager, eGovernment Program, OCIO-SCI, U.S. Department of Agriculture, 1400 Independence Ave., SW., South Building, Room 4105-S Washington, DC 20250-3700; 202-720-8650.

Submit electronic comments to Bill.Cosgrove@usda.gov. 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.

William Cosgrove.

Sondra A. Blakey,
*Departmental Information Collection
Clearance Officer.*

[FR Doc. 03-15060 Filed 6-13-03; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service**

[Docket No. 03-022-1]

Availability of a Draft Pest Risk Analysis for the Importation of Hass Avocado Fruit From Mexico**AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Notice of availability and request for comments.

SUMMARY: We are advising the public of the availability of a draft pest risk analysis that has been prepared by the Animal and Plant Health Inspection Service relative to a proposed rule currently under consideration that would allow the importation of Hass avocados from Mexico into the entire United States and during all months of the year. We are making this draft pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before August 15, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 03-022-1, 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. 03-022-1. 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. 03-022-1" on the subject line.

You may read any comments that we receive on the draft pest risk analysis in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Ron A. Sequeira, Center for Plant Health Science and Technology, PPQ, APHIS, 1017 Main Campus Drive, Suite 2500, Raleigh, NC 27606-5202; (919) 513-2663.

SUPPLEMENTARY INFORMATION:**Background**

The Animal and Plant Health Inspection Service (APHIS) is considering amending the fruits and vegetables regulations in 7 CFR 319.56-2ff to allow the importation of Hass avocados from Mexico into the entire United States and during all months of the year. Fresh Hass variety avocados from Michoacan, Mexico, may currently be imported for distribution into 31 States and the District of Columbia between October 15 and April 15 under a systems approach for mitigating pest risk. The draft pest risk analysis entitled, "Importation of 'Hass' Avocado Fruit (*Persea americana*) from Mexico" (May 2003), considers the pest risks associated with the possible expansion of this program to allow importation of these avocados into all 50 States and the District of Columbia and throughout the year. We are making the draft pest risk analysis available to the public for review and comment.

You may view the draft pest risk analysis on the Internet at <http://www.aphis.usda.gov/ppq/pral/>, or in our reading room (information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this notice). You may also request a copy of the document from the person listed under the **FOR FURTHER INFORMATION CONTACT**.

This notice solicits public comments on the draft pest risk analysis. We will also be making the draft pest risk analysis available for public comment again during the comment period for any proposed rule related to the importation of Hass avocados from Mexico.

Authority: 7 U.S.C. 450, 7711-7714, 7718, 7731, 7732, 7751-7754, and 7760; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC this 11th day of June 2003.

Peter Fernandez,*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 03-15212 Filed 6-13-03; 8:45 am]

BILLING CODE 3410-34-P**DEPARTMENT OF AGRICULTURE****Commodity Credit Corporation****Information Collection; Collection of Market Prices****AGENCY:** Commodity Credit Corporation (CCC), USDA.**ACTION:** Notice; request for public comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Commodity Credit Corporation (CCC) is seeking comments from all interested individuals and organizations on a new information collection needed by the CCC to establish market values for wheat, feed grains, soybeans, minor oilseeds, and pulses.

DATES: Comments on this notice must be received on or before August 15, 2003, to be assured consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Shirlene Engle, USDA, Farm Service Agency, Warehouse and Inventory Division, Program Development Branch, STOP 0553, 1400 Independence Avenue, SW., Washington, DC 20250-0553; e-mail: Shirlene.Engle@wdc.usda.gov. Comments may be faxed to (202) 690-3123.

FURTHER INFORMATION CONTACT: Shirlene Engle, Program Specialist, Storage Contract Branch, (202) 720-7397.

SUPPLEMENTARY INFORMATION:*Title:* Collection of Market Prices.*OMB Control Number:* 0560-New.*Type of Request:* New information collection.

Abstract: The information collected will allow CCC merchandisers to collect electronically, or by telephone, daily sales and purchase prices from grain terminals to establish Posted County Prices (PCP's) for the Marketing Assistance Loan Program (MAL), which is operated by the Farm Service Agency (FSA) under the Farm Security and Rural Investment Act of 2002. CCC's authority to collect this information is the Commodity Credit Corporation Charter Act (15 U.S.C. 714, *et seq.*). Posted County Prices provide an estimate of market prices at the county level and are the prices at which program participants may redeem grain pledged as collateral for marketing assistance loans. The information collected is also used in constructing bid acceptance criteria for the purchase and sale of CCC-owned bulk grain such as wheat, corn, rice, soybean, and

soybean meal for export donation programs.

To the extent this information collection is associated with the MAL, the collection is exempt from the requirements of the PRA by section 1601 of the 2002 Act (7 U.S.C. 7991). However, to the extent the information collection is associated with other uses, it is not exempt and, because the collection burden for those other uses is the same as for MAL uses, the request for approval covers the entire collection.

Estimate of Burden: Public reporting burden for this information collection is estimated to average .25 hours per response.

Respondents: Warehouse operators.

Estimated Number of Respondents: 30.

Estimated Number of Responses per Respondent: 240.

Estimated Total Annual Burden on Respondents: 1,800 hours.

Comment is invited on: (1) Whether the 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 CCC's estimate of burden including the validity of the methodology and assumptions used; (3) enhancing the quality, utility, and clarity of the information collected; and (4) minimizing the burden of the collection of the 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.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Signed in Washington, DC, on June 6, 2003.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 03-15075 Filed 6-13-03; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Forest Service

Coconino and Tonto National Forests, AZ; Fossil Creek Area Planning EIS

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Coconino and Tonto National Forests are developing an EIS to analyze the effects of proposed management changes within the Fossil Creek area. This EIS and planning process would result in the development and implementation of new management areas, standards, and guidelines within both forests' management plans.

The Fossil Creek planning area lies within the administrative boundaries of the Coconino and Tonto National Forests (NFs) in Coconino, Gila, and Yavapai Counties in central Arizona. On the Coconino NF, the planning area includes the Fossil Springs Wilderness, Fossil Creek Botanical area and portions of the Hackberry and Boulder Canyon Inventoried Roadless Areas. The Tonto NF portion contains the proposed Fossil Creek State Natural area and a segment of the Mazatzal Wilderness.

DATES: Comments concerning the scope of the analysis must be received by July 8, 2003. The Forest Service expects to complete the draft environmental impact statement by late summer 2003, and the final environmental impact statement by February 2004.

ADDRESSES: To provide comments or to obtain further information please contact: Judy Adams, Red Rock Ranger District, P.O. Box 300, Sedona, AZ 86339, or e-mail comments to jadams05@fs.fed.us. Comments or information requests can also be made by fax at 928.203.7539. Information on this project may be obtained on the Coconino National Forest Web site at <http://www.fs.fed.us/r3/coconino/>.

FOR FURTHER INFORMATION CONTACT: Judy Adams, Coconino National Forest (see contact information above).

SUPPLEMENTARY INFORMATION: Fossil Creek is one of Arizona's rare perennial streams, flowing from Fossil Springs southwest to the Verde River. The neighboring landscape is rich in unique resources, including native fish and wildlife, cultural resources, designated wilderness areas, abundant riparian vegetation, and crystal clear spring waters. With the anticipated decommissioning of the Childs/Irving power plants and the restoration of full flows to Fossil Creek, travertine mineral deposits are expected to recreate a unique system of pools and waterfalls, resulting in new and varied fish and wildlife habitat, more diverse vegetation and increased scenic quality. These travertine forming mineral deposits occur in only two other locations in Arizona, making this a rare and important resource.

Purpose and Need for Action

The purpose of this planning effort is to initiate management changes within the Fossil Creek area. These changes will be designed to address several issues, including the need for additional protection of Fossil Creek's uncommon resources, an increasing public demand for high quality water based recreation and the anticipated decommissioning of the Childs/Irving power plant facilities. The decommissioning of the power plants will return full, natural flows to the entire length of Fossil Creek.

Recent Forest Service inventories of conditions along Fossil Creek show high recreation pressures affecting streamside soils, plants, and archaeological resources. An important purpose of management changes is to restore and protect these sensitive and unique areas, while continuing to offer access to outdoor recreation opportunities.

The Coconino and Tonto National Forest Land and Resource Management Plans (Forest Plans) provide general goals, objectives, standards, and guidelines for various management areas, land allocations, and activities designated in the planning area. This planning effort is expected to result in an amendment to both Forest Plans, creating congruity in management direction and incorporating appropriate new direction.

Proposed Action

The action proposed by the Coconino and Tonto National Forests consists of making management changes within the Fossil Creek area. These changes would result in amendments to both Forest Plans, and would establish new standards and guidelines and new and/or modified management areas. Meeting these goals would facilitate the recovery and protection of riparian vegetation, stream channel characteristics, wildlife and fish habitat, soils, and cultural values, while still providing a variety of recreational experiences.

Possible Alternatives

The following are preliminary management alternatives that have been developed in response to preliminary significant issues derived from both the public and the agency. These preliminary alternatives will be further refined as the analysis process progresses. Additional alternatives may be developed if necessary to respond to new information.

Several management actions are similar for all alternatives, excluding the no action alternative. In all instances, the majority of Forest Road (FR) 708 would remain open to public vehicle

access at the current level of maintenance. FR's 9206W and 9248C would be closed and restored (decommissioned). Camping and campfires would be permitted downstream of the existing Irving power plant facility in locations consistent with resource needs. Sanitation facilities would be installed in the Middle Fossil and/or Irving areas. Most alternatives would include creation of a creek side trail linking the Middle Fossil area with the FR 708 bridge. The Recreation Opportunity Spectrum (ROS) would attempt to preserve a semi-primitive character along Fossil Creek, with as few signs of development and management presence as possible. In the Middle Fossil Creek area, the ROS would allow for developments such as vault toilets, information signs, trails, and traffic barriers, with frequent management presence.

The following preliminary alternatives are currently under consideration:

1. *Alternative A (Proposed Action)*—Alternative A would attempt to strike a balance between recreational needs and resource protection. A road access system would be created in the Middle Fossil Creek area to help facilitate parking and creek access in some locations. The Flume Road and trail would be closed, and the footbridge removed. Camping and campfires would be prohibited from Fossil Springs to Irving. A portion of Management Area (MA) 11 (Verde Valley) on the Coconino NF would be identified as MA 12 (Riparian).

2. *Alternative B*—Under this alternative, management within the Fossil Creek area would continue under existing direction and regulation. No new actions would be taken, and no changes to existing Forest Plan direction would be made.

3. *Alternative C*—Alternative C would emphasize the needs and desires of camping and recreation. The Flume trail would be maintained, with the footbridge removed. Dispersed camping and campfires would be permitted in the Middle Fossil area. Designated dispersed camping would be permitted at Irving, along the Flume trail and at Fossil Springs, although no campfires would be allowed. Management area changes would be as in the Proposed Action (Alternative A).

4. *Alternative D*—Management direction in Alternative D would be more restrictive than other alternatives in terms of access for recreation. FR 708 would not remain open in its entirety—the portion of the road between the Deadmans Mesa Road and the parking area just north of Irving (Flume trail

parking area) would be closed. This stretch (approximately 3 miles) would be converted to a non-motorized trail. A creekside trail linking the Middle Fossil area with the FR 708 bridge would not be created. The Flume Road and trail would be closed and revegetated (decommissioned). No camping or campfires would be permitted from Fossil Springs down to and including Irving. Camping and campfires would be allowed in designated areas downstreams of Irving, with parking limited to along FR 708. A special closure area would be established between Irving and the Fossil Springs dam for wildlife and riparian protection. A new Fossil Creek Conservation MA would be created, and a recommendation made to Congress for a minor expansion of the Fossil Springs Wilderness.

5. *Alternative E*—Management directives in this alternative would emphasize day use of the Fossil Creek area. FR 502E would be narrowed and converted to a motorized trail. The Flume Road and trail would remain in use. The footbridge would remain. Camping and campfires would not be allowed from and including Fossil Springs, downstream to and including the Irving housing area. A new Fossil Creek Conservation MA would be created, incorporating the Fossil Springs Botanical area (Coconino NF) and the proposed State Natural Area (Tonto NF).

Responsible Official

The Coconino and Tonto National Forest Supervisors will be the officials responsible for making management decisions, non-significant Forest Plan Amendments, and recommendations to Congress via the Forest Plan Amendments for special designations if needed.

Nature of Decision To Be Made

Within this analysis and planning process, programmatic decisions will be made for the Fossil Creek Planning Area. The scope of these decisions includes the development of Forest Plan desired conditions, standards and guidelines that would provide for the protection and enhancement of fish and wildlife habitat, riparian values, scenic values, and historic and cultural values. These conditions, standards, and guidelines will also determine the character, type, and location of recreation opportunities, roads, trails, and facilities. Site-specific decisions will be made concerning road and trail management.

There will be one environmental analysis documented in an EIS. These amendments are considered to be non-

significant Forest Plan Amendments, affecting only a minor portion of either involved national forest.

Scoping Process

In October 2002, the Forest Service sent out a scoping letter and a description of the proposed action for the Fossil Creek planning process. This letter was followed by a public open house in Pine, Arizona in December 2002, and a question and answer session with interested groups in Phoenix, Arizona in January 2003. News releases and articles requesting comments have been published as well. In response to these efforts and the information provided, the Forest Service has thus far received approximately 57 letters and over 330 substantive comments concerning this analysis.

Preliminary Issues

The issues and concerns voiced in comment letters and other communications, along with those expressed at public meetings, have been taken into consideration in the identification of significant issues and in the development of the preliminary alternatives described above.

Primary Issue

Despite the considerable amount of agreement regarding protection of the natural and cultural values associated with Fossil Creek, there remains disagreement as to the amount, type, and location of recreation access and restrictions needed. Some believe that current levels and locations of access should be left unchanged, including all roads and trails, and that there should be no camping or campfire restrictions. Others believe that access should be substantially reduced to best meet resource protection goals, specifically suggesting a reduction in access along the riparian corridor.

Sub-Issues

- Proposed camping and campfire restrictions and trail/road closures limit the public's use of the area more than necessary to protect resources.
- Camping, trails, and vehicle access could result in impacts to soil, water, cultural resources, wildlife, vegetation, and travertine.
- Location of access and use, including roads and trails, could impact natural and cultural values and recreation opportunities.

Comments Requested

This notice of intent initiates the scoping process that guides the development of the environmental impact statement. Please provide

additional comment on the proposed action or any of the possible alternatives so that any revisions or additions to these alternatives may be considered.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the

public record on this proposal, and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, section 21)

Dated: June 10, 2003.

Nora B. Rasure,

Forest Supervisor, Coconino National Forest.
[FR Doc. 03-15092 Filed 6-13-03; 8:45 am]

BILLING CODE 3410-11-M

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

The U.S. Chemical Safety and Hazard Investigation Board announces that it will convene a Public Meeting beginning at 10 a.m. local time on June 25, 2003, at the Wyndham City Center Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037. The Board will consider: a staff update on current investigations, review a bulletin on the dangers of nitrogen asphyxiation; review the status of recommendations made in prior CSB investigations; discuss the possibility of future hazard studies; hear a status report on the CSB redesign of its web site; discuss the reactivities roundtable meeting held on June 10, 2003; and finally, review and possibly vote on the agency's revised five-year Strategic Plan.

Recommendations are issued by a vote of the Board and address an identified safety deficiency uncovered during the investigation, and specify how to correct the situation. Safety recommendations are the primary tool used by the Board to motivate implementation of safety improvements and prevent future incidents. The CSB uses its unique independent accident investigation perspective to identify trends or issues that might otherwise be overlooked. CSB recommendations may be directed to corporations, trade associations, government entities, safety organizations, labor unions and others. For an update on the status of all outstanding recommendations, go to the CSB Web site at <http://www.csb.gov>.

All staff presentations are preliminary and are intended solely to allow the Board to consider in a public forum the relevant issues and factors.

The meeting is open to the public. Please notify the CSB if a translator or interpreter is needed 5 business days prior to the public meeting. For more information, please contact Dan Horowitz at 202-261-7613.

Christopher W. Warner,

General Counsel.

[FR Doc. 03-15276 Filed 6-12-03; 2:36 pm]

BILLING CODE 6350-01-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1278]

Grant of Authority for Subzone Status, Hyundai Motor Manufacturing Alabama, LLC (Motor Vehicles), Montgomery, AL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for “* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board (the Board) to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Montgomery Area Chamber of Commerce, grantee of Foreign-Trade Zone 222, has made application for authority to establish special-purpose subzone status at the motor vehicle manufacturing plant of Hyundai Motor Manufacturing Alabama, LLC, located in Montgomery, Alabama (FTZ Docket 55-2002, filed 11-27-2002);

Whereas, notice inviting public comment was given in the **Federal Register** (67 FR 72914, 12-9-2003);

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the motor vehicle manufacturing plant of Hyundai Motor Manufacturing Alabama, LLC, located in Montgomery, Alabama (Subzone 222A), at the location described in the application, subject to the FTZ Act and the Board's regulations, including section 400.28.

Signed at Washington, DC, this 29th day of May 2003.

Joseph A. Spetrini,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 03-15151 Filed 6-13-03; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 24-2003]

Foreign-Trade Zone 43—Battle Creek, MI; Application for Subzone, Perrigo Company (Pharmaceutical Products), Allegan and Muskegon Counties, MI; Correction

The **Federal Register** notice (68 FR 27985-27986, 5/22/2003) describing the application by the City of Battle Creek, Michigan, grantee of FTZ 43, requesting special-purpose subzone status for the pharmaceutical manufacturing and distribution facilities of Perrigo Company (Perrigo) at locations in Allegan and Muskegon Counties, Michigan, is corrected as follows:

Paragraph 6 should read "The closing period for their receipt is July 21, 2003."

Dated: June 6, 2003.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 03-15152 Filed 6-13-03; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-801, A-428-801, A-475-801, A-588-804, A-559-801]

Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and Singapore: Final Results of Antidumping Duty Administrative Reviews, Rescission of Administrative Review in Part, and Determination Not To Revoke Order in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative reviews, rescission of administrative review in part, and determination not to revoke order in part.

SUMMARY: On February 7, 2003, the Department of Commerce published the preliminary results of the administrative reviews of the antidumping duty orders on ball bearings and parts thereof from France, Germany, Italy, and Singapore.

On March 10, 2003, the Department of Commerce published the preliminary result of the administrative review of the antidumping duty order on ball bearings from Japan. The reviews cover 14 manufacturers/exporters. The period of review is May 1, 2001, through April 30, 2002.

Based on our analysis of the comments received, we have made changes, including corrections of certain programming and other clerical errors, in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of the Reviews."

EFFECTIVE DATE: June 16, 2003.

FOR FURTHER INFORMATION: Please contact the appropriate case analysts for the various respondent firms, as listed below, at Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-4733.

France

Mino Hatten (SNR Roulements), Dunyako Ahmadu (SKF), Mark Ross, or Richard Rimlinger.

Germany

Dunyako Ahmadu (FAG), Sochieta Moth (SKF), Catherine Cartos (Paul Mueller), Jeffrey Frank (Torrington), Mark Ross, or Richard Rimlinger.

Italy

Fred Aziz (FAG), Janis Kalnins (SKF), Mark Ross, or Richard Rimlinger.

Japan

Thomas Schauer (Koyo), Lyn Johnson (NTN), David Dirstine (NPBS), Dmitry Vladimirov (Sapporo), Kristin Case (NSK), Mark Ross, or Richard Rimlinger.

Singapore

Yang Jin Chun (NMB/Pelmec) or Richard Rimlinger.

SUPPLEMENTARY INFORMATION:

Background

On February 7, 2003, the Department of Commerce (the Department) published the preliminary results of the administrative reviews of the antidumping duty orders on ball bearings and parts thereof (ball bearings) from France, Germany, Italy, and Singapore (68 FR 6404) (*Preliminary Results for France, et al.*). On March 10, 2003, the Department published the preliminary results of the administrative review of the antidumping duty order

on ball bearings from Japan (68 FR 11357) (*Preliminary Results for Japan*). The period of review (POR) is May 1, 2001, through April 30, 2002. We invited interested parties to comment on the preliminary results. At the request of certain parties, we held hearings for Germany-specific issues on April 2, 2003, and for Japan-specific issues on April 22, 2003. The Department has conducted these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Reviews

The products covered by these reviews are ball bearings and parts thereof. These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following *Harmonized Tariff Schedules* (HTSUS) subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.2580, 8482.99.35, 8482.99.6595, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

The size or precision grade of a bearing does not influence whether the bearing is covered by the order. For a listing of scope determinations which pertain to the orders, see the Scope Determinations Memorandum (Scope Memorandum) from the Antifriction Bearings Team to Laurie Parkhill, dated April 1, 2002, and hereby adopted by this notice. The Scope Memorandum is on file in the Central Records Unit (CRU), Main Commerce Building, Room B-099, in the General Issues record (A-100-001) for the 01/02 reviews.

Although the HTSUS item numbers above are provided for convenience and customs purposes, the written descriptions of the scope of these proceedings remain dispositive.

Analysis of the Comments Received

All issues raised in the case and rebuttal briefs by parties to these concurrent administrative reviews of the

orders on ball bearings are addressed in the "Issues and Decision Memorandum" (Decision Memo) from Laurie Parkhill, Acting Deputy Assistant Secretary, to Jeffrey May, Acting Assistant Secretary, dated June 9, 2003, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. This Decision Memo, which is a public document, is on file in the Central Records Unit (CRU), Main Commerce Building, Room B-099, and is accessible on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memo are identical in content.

Sales Below Cost in the Home Market

The Department disregarded home-market sales that failed the cost-of-production test for the following firms for these final results of reviews:

Country	Company
France	SNR Roulements and SKF.
Germany	FAG, Paul Mueller, and SKF.
Italy	FAG and SKF.
Japan	Koyo, NTN, NPBS, and NSK.
Singapore ...	NMB/Pelmecc.

Use of Facts Available

Section 776(a)(2) of the Act provides that, if an interested party withholds information that has been requested by the Department, fails to provide such information by the submission due date or in the form and manner requested by the Department, significantly impedes a proceeding under the Act, or provides such information but the information cannot be verified, the Department shall, subject to sections 782(d) and (e) of the Act, use facts otherwise available in reaching the applicable determination.

Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information that is necessary to the determination but not meeting all of the established requirements only if the information is submitted by the established deadline, the information can be verified, the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination, the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the established requirements with respect to the information, and the information can be used without undue difficulties.

Koyo's affiliates knew or had reason to know that their sales of ball bearings

were destined for the United States, but Koyo did not report these sales in its original questionnaire response. Moreover, in a supplemental questionnaire dated January 31, 2003, we asked Koyo to "explain whether any of your affiliated resellers * * * sold ball bearings to distributors but had knowledge at the time of sale that the bearings were destined to the United States," and, if so, to "report all such sales as U.S. sales and all expenses associated with such sales at this time." Koyo's response was that neither Koyo nor its affiliates knew or had reason to know at the time of sale that these ball bearings were destined to the United States, but the administrative record demonstrates otherwise. Therefore, we find that Koyo significantly impeded this proceeding by not reporting these sales and associated expenses as we requested. Because of Koyo's non-response to our inquiry, we do not have the data we need to calculate a margin on these U.S. sales. Therefore, we find it appropriate to rely on the facts available in order to establish a duty margin for the sales in question. Please see the Koyo Final Results Analysis Memorandum dated June 6, 2003 (Koyo Final Memo), for a complete description of the facts of this case. (Section 777(b)(1)(A) of the Act prohibits us from disclosing the proprietary business information demonstrating that the affiliated resellers knew or had reason to know at the time of sale that these ball bearings were destined to the United States in this notice.)

In addition, section 776(b) of the Act provides that, if the Department finds that an interested party "has failed to cooperate by not acting to the best of its ability to comply with a request for information," the Department may use information that is adverse to the interests of that party as facts otherwise available. Because Koyo and its affiliates knew or had reason to know that the ultimate destination of their sales of ball bearings was the United States but did not report these sales in the response to our supplemental questionnaire, we have determined that Koyo has not acted to the best of its ability in reporting these sales. Therefore, we find it appropriate to use an adverse inference in establishing the antidumping margin applicable for these sales. As adverse facts available, we calculated the margins for these sales using a rate of 73.55 percent, which is the margin we calculated for Koyo in the less-than-fair-value investigation (*see Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, and Spherical Plain Bearings,*

and Parts Thereof from Japan, 54 FR 20904-20905 (May 15, 1989)) and which we were able to corroborate. Because section 777(b)(1)(A) of the Act prohibits us from discussing the business proprietary information we used in our corroboration of this rate in this notice, please see the Koyo Final Memo for a complete description of our corroboration methodology.

We also find that SKF France did not provide information we requested at verification, thus significantly impeding this proceeding we requested in our January 24, 2003, verification outline, which we issued to SKF France ten days prior to the verification, that SKF France "have at hand all company records and worksheets used in responding to the questionnaire and supplemental requests." In it we also stated that we would "review the computer programs [SKF France] used to identify the sales for reporting and explain the underlying methodology used to compile the home-market sales quantity and value reported in [SKF France's] submissions."

In addition, the verification outline indicated that, "[i]f your client is not prepared to support or explain a response item at the appropriate time, then we will move on to another topic. If, due to time constraints, returning to that item is not possible, we may consider the item unverified. Furthermore, if information requested for verification is not supplied, or is unverified, pursuant to section 776(a) of the Tariff Act (the Act), we may use facts otherwise available in reaching the applicable determination."

At verification, however, SKF France was unprepared to segregate sales of Sarma (an affiliated company within the SKF France entity) product by market, class, or kind of merchandise. Since SKF France did not provide the necessary information during the verification in the form and manner we requested, we find it appropriate to use partial facts available under section 776(a)(2) of the Act.

We find it appropriate to apply adverse partial facts available also to SKF France because SKF France did not act to the best of its ability by not providing information we requested. We issued our verification outline to SKF France in a timely manner. SKF France selected Paris as the verification site and notified us only at the verification that the information that we requested was unavailable in Paris but was located at St. Vallier, France. *See Verification of SKF France's Ball Bearings and Parts Thereof from France and Sarma's Home-Market and Export Price Sales Data* dated March 7, 2003. SKF France

explained to us that the requested information at its Sarma facility could not be transported to Paris for the purpose of verification. SKF France had ample opportunity to notify us in advance so we could plan a visit to these two locations for a further verification but it did not do so.

Section 776(b) of the Act provides that the Department may use as adverse facts available information derived from the petition, a final determination in an antidumping investigation, any previous review, or any other information placed on the record. The statute does not provide a clear obligation or preference for relying on a particular source in choosing information to use as adverse facts available, but the Department may use as facts available a final determination in an less-than-fair-value proceeding even if the less-than-fair-value determination is based on the best information available (BIA). See *Certain Cut-to-Length Carbon Steel Plate from Sweden: Final Results of Administrative Review*, 62 FR 18396, 18402 (April 15, 1997), and *Certain Cut-to-Length Carbon Steel Plate from Mexico: Preliminary Results of Antidumping Duty Administrative Review*, 63 FR 48181, 48183 (September 9, 1998).

For SKF France, we used the highest rate from a prior segment of the hearing, 66.42 percent, and applied it exclusively to Sarma's U.S. sales as adverse facts available. This rate was calculated for SKF France in the less-than-fair-value investigation. See *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, Spherical Plain Bearings, and Parts Thereof from France*, 54 FR 20902 (May 15, 1989). In this case, we were able to corroborate the 66.42 percent margin. Because section 777(b)(1)(A) of the Act prohibits us from discussing the business proprietary information we used in our corroboration of this rate in this notice, please see the SKF France Final Results Analysis Memorandum dated June 6, 2003, for a complete description of our corroboration methodology.

Other Changes Since the Preliminary Results

Based on our analysis of comments received, we have made revisions that have changed the results for certain firms. We have corrected programming and clerical errors in the preliminary results, where applicable. Any alleged programming or clerical errors about which we or the parties do not agree are discussed in the relevant sections of the Decision Memo, which is accessible on the Web at <http://ia.ita.doc.gov/frn/>

[index.html](#) and is on file in the CRU, Room B-099.

Final Results of the Reviews

We determine that the following percentage weighted-average margins on ball bearings exist for the period of May 1, 2001, through April 30, 2002:

Company	Margin (percent)
FRANCE	
SNR Roulements	3.52
SKF	10.08
GERMANY	
FAG	1.45
Torrington	70.41
Paul Mueller	0.19
SKF	3.38
ITALY	
FAG	2.87
SKF	5.08
JAPAN	
Koyo	4.98
NTN	4.51
NPBS	4.21
Sapporo	5.97
NSK, Ltd.	2.68
SINGAPORE	
NMB/Pelmec	1.62

Rescission of the Review in Part

In the *Preliminary Results for Japan*, we stated our intent to rescind the administrative reviews we initiated of Jiro Okayama, Eisho Trading Co., Ltd., and Phoenix International Corporation (collectively "Japanese trading companies") with respect to ball bearings from Japan. See 68 FR at 11357-58. We hereby affirm our preliminary findings regarding this matter and we are rescinding the reviews with respect to these Japanese trading companies in these final results.

We are also rescinding the administrative review we initiated of Taisei Industries, Ltd. (Taisei). Since the preliminary results, Taisei has supplied information to the Department supporting its claim that its suppliers had knowledge at the time of sale to Taisei that their ball bearings were destined for exportation to the United States. Subsequently, we find that Taisei is not the proper party to review with respect to the sales in question. Therefore, we are also rescinding the administrative review with respect to sales made by Taisei.

The discussion of issues and comments pertaining to these trading

companies is contained in the "Resellers" section of the Decision Memo, which is accessible on the Web at <http://ia.ita.doc.gov/frn/index.html> and is on file in the CRU, Room B-009.

Revocation of Order in Part

In the *Preliminary Results for France*, et al, we stated our intent to revoke the order on ball bearings from Germany in part with respect to Paul Mueller. See 68 FR at 6405-06. We find that, because Paul Mueller did not sell ball bearings to the United States in commercial quantities during the first period for which we conducted an administrative review (1998-1999), the regulatory requirement for revocation has not been satisfied. See 19 CFR 351.222(d)(1). Accordingly, we reverse our preliminary intent to revoke the order in part with respect to Paul Mueller and are not revoking the antidumping duty order in part with respect to Paul Mueller in these final results of review.

The discussion of issues and comments pertaining to our decision not to revoke is contained in the "Revocation" section of the Decision Memo, which is accessible on the Web at <http://ia.ita.doc.gov/frn/index.html> and is on file in the CRU, Room B-009.

Assessment Rate

The Department will determine, and the U.S. Bureau of Customs and Border Protection (Customs), formerly known as the U.S. Customs Service, shall assess, antidumping duties on all appropriate entries. We will issue appropriate assessment instructions directly to Customs within 15 days of publication of these final results of reviews. In accordance with 19 CFR 351.212(b)(1), we have calculated, whenever possible, an exporter/importer-specific assessment rate or value for subject merchandise.

a. Export Price

With respect to export-price (EP) sales, we divided the total dumping margins (calculated as the difference between normal value and the EP) for each exporter's importer/customer by the total number of units the exporter sold to that importer/customer. We will direct Customs to assess the resulting per-unit dollar amount against each unit of merchandise on each of that importer's/customer's entries under the relevant order during the review period.

b. Constructed Export Price

For constructed export-price (CEP) sales (sampled and non-sampled), we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each

importer. We will direct Customs to assess the resulting percentage margin against the entered customs values for the subject merchandise on each of that importer's entries under the relevant order during the review period. See 19 CFR 351.212(b)(1).

Cash-Deposit Requirements

To calculate the cash-deposit rate for each respondent (*i.e.*, each exporter and/or manufacturer included in these reviews), we divided the total dumping margins for each company by the total net value of that company's sales of merchandise during the review period subject to each order.

To derive a single deposit rate for each respondent, we weight-averaged the EP and CEP deposit rates (using the EP and CEP, respectively, as the weighting factors). To accomplish this when we sampled CEP sales, we first calculated the total dumping margins for all CEP sales during the review period by multiplying the sample CEP margins by the ratio of total days in the review period to days in the sample weeks. We then calculated a total net value for all CEP sales during the review period by multiplying the sample CEP total net value by the same ratio. Finally, we divided the combined total dumping margins for both EP and CEP sales by the combined total value for both EP and CEP sales to obtain the deposit rate.

We will direct Customs to collect the resulting percentage deposit rate against the entered customs value of each of the exporter's entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Entries of parts incorporated into finished bearings before sales to an unaffiliated customer in the United States will receive the respondent's deposit rate applicable to the order.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative reviews for all shipments of ball bearings entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash-deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and, therefore, *de minimis*, the Department will not require a deposit of estimated antidumping duties; (2) for previously reviewed or investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for

the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash-deposit rate for all other manufacturers or exporters will continue to be the "All Others" rate for the relevant order made effective by the final results of review published on July 26, 1993. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France*, et al: *Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order*, 58 FR 39729 (July 26, 1993). These "All Others" rates are the "All Others" rates from the relevant LTFV investigation.

These deposits requirements shall remain in effect until publication of the final results of the next administrative reviews.

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return of destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO are sanctionable violations.

We are issuing and publishing these determinations in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: June 9, 2003.

Jeffrey May,
Acting Assistant Secretary for Import Administration.

Appendix

Comments and Responses

1. Model Matching
2. Margin-Calculation Methodology
3. CV Profit
4. Price Adjustments
 - A. Direct and Indirect Selling Expenses
 - B. Discounts and Rebates
 - C. CEP Profit
5. Level of Trade

6. Sample Sales, Prototype Sales, and Sales Outside the Ordinary Course of Trade
7. Movement Expenses
8. Cost Issues
9. Miscellaneous
 - A. Facts Available
 - B. Separate Assessment Rates
 - C. Revocation
 - D. Arm's-Length Test
 - E. Resellers

[FR Doc. 03-15148 Filed 6-13-03; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-823-808]

Certain Cut-to-Length Carbon Steel Plate From Ukraine; Final Results of Administrative Review of the Suspension Agreement and Determination Not To Terminate

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of the Administrative Review of the Suspension Agreement on Certain Cut-to-Length Carbon Steel Plate from Ukraine and Determination Not to Terminate.

SUMMARY: On December 9, 2002, the Department of Commerce (the Department) published the preliminary results of administrative review of the suspension agreement on certain cut-to-length carbon steel plate from Ukraine (the Agreement). See *Notice of Preliminary Results of the Administrative Review of the Suspension Agreement on Certain Cut-to-Length Carbon Steel Plate from Ukraine*, 67 FR 72916 (December 9, 2002) (*Preliminary Results*). The merchandise covered by this administrative review is certain cut-to-length carbon steel plate as described in the "Scope of the Review" section of this **Federal Register** notice. The period of review (POR) is November 1, 2000 through October 31, 2001. In these final results, we have determined that Azovstal Iron and Steel Works (Azovstal), Ilyich Iron and Steel Works (Ilyich), and the Government of Ukraine (collectively, respondents) have complied with the terms of the Agreement. However, we are not terminating the Agreement or the underlying investigation, pursuant to section 351.222(b)(1)(i)(B) of the Department's regulations, because the continued maintenance of the Agreement is necessary to offset dumping.

EFFECTIVE DATE: June 16, 2003.

FOR FURTHER INFORMATION CONTACT: Patricia Tran or Robert James, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-1121 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department conducted verification on March 13, 2003, through March 26, 2003. We verified the GOU's responses at the offices of the Ministry of Economy in Kiev, Ukraine on March 13 and 14, 2003; the Department's verifiers then traveled to Mariupol and Donetsk, Ukraine to verify the information submitted by Ilyich and Azovstal from March 17 through 20, 2003. Finally, the Department verified relevant information pertaining to sales made by Azovstal through an affiliated trading company, Leman Commodities. This last portion of the verification took place at Leman's sales offices in Donetsk, Ukraine on March 21, 2003, and at Leman's corporate headquarters in Geneva, Switzerland on March 24 and 25, 2003. We issued the verification report on May 2, 2003.

We invited parties to comment on our *Preliminary Results*. We received a case brief from Azovstal and Ilyich on May 13, 2003. Petitioners, Bethlehem Steel Corporation and United States Steel Corporation, filed their rebuttal brief on May 19, 2003.

Scope of Review

The products covered by this agreement include hot-rolled iron and non-alloy steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and non-alloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150 mm and measures at least twice the thickness. Included as subject merchandise in this Agreement are flat-rolled products of nonrectangular cross-

section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been "worked after rolling") for example, products which have been beveled or rounded at the edges. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000. Although the HTS subheadings are provided for convenience and customs purposes, the written description of the scope of this Agreement is dispositive. Specifically excluded from subject merchandise within the scope of this Agreement is grade X-70 steel plate.

Analysis of Comments Received

All issues raised in the case and rebuttals briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Barbara Tillman, Acting Deputy Assistant Secretary for Import Administration to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated June 6, 2003, which is hereby adopted by this notice. Azovstal and Ilyich submitted a single comment requesting termination of the Agreement and the suspended antidumping investigation. Parties can find a complete discussion of termination of the Agreement and the underlying investigation and the corresponding recommendations in the public Decision Memorandum which is on file in room B-099 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at <http://www.ia.ita.doc.gov>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

For the reasons described in the Decision Memorandum, the Department has determined not to terminate the Agreement or underlying investigation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act.

Dated: June 6, 2003.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

[FR Doc. 03-15150 Filed 6-13-03; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-862]

Notice of Preliminary Determination of Sales at Less Than Fair Value: High and Ultra-High Voltage Ceramic Station Post Insulators from Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 16, 2003.

FOR FURTHER INFORMATION CONTACT: Timothy Finn at (202) 482-0065 or Michele Mire at (202) 482-4711, AD/CVD Enforcement Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that high and ultra-high voltage ceramic station post insulators (HVSPs) from Japan are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margin of sales at LTFV is shown in the *Suspension of Liquidation* section of this notice.

Case History

This investigation was initiated on January 21, 2003.¹ See *Notice of Initiation of Antidumping Duty Investigation: High and Ultra-High Voltage Ceramic Station Post Insulators from Japan*, 68 FR 4169 (January 28, 2003) (*Initiation Notice*). Since the initiation of the investigation, the following events have occurred.

On February 13, 2003, the United States International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan of HVSPs. See *Certain*

¹ The petitioners in this investigation are Lapp Insulator Company LLC (Lapp), Newell Porcelain Co., Inc. (Newell), Victor Insulators, Inc. (Victor), and the IUE Industrial Division of the Communications Workers of America, the union representing employees of Lapp (collectively, the petitioners).

Ceramic Station Post Insulators from Japan, 68 FR 9723 (February 28, 2003).

On February 3, 2003, and February 28, 2003, we solicited comments from interested parties regarding the criteria to be used for model-matching purposes. Petitioners provided comments on February 10, 2003, February 14, 2003, February 24, 2003, and March 18, 2003. Respondent, NGK Insulators, Ltd. (NGK), provided comments on February 10, 2003, February 14, 2003, February 21, 2003, and March 18, 2003.

On February 28, 2003, the Department issued a complete antidumping duty questionnaire to NGK.² NGK submitted its Section A questionnaire response on April 4, 2003. On April 11, 2003, the Department requested that NGK report one additional product characteristic, cantilever strength, in its Sections B and C questionnaire responses. On April 18, 2003, NGK withdrew from the antidumping duty investigation and requested that the Department return its Section A questionnaire response. On May 9, 2003, the Department removed the proprietary version of NGK's original Section A questionnaire response from the official record and returned it to NGK. The Department sent a letter to NGK certifying the removal and destruction of all proprietary copies of NGK's Section A questionnaire response. The Department retained the public version of NGK's Section A questionnaire response as part of the public record.

Period of Investigation

The period of investigation (POI) is October 1, 2001, through September 30, 2002. This period corresponds to the four most recent fiscal quarters prior to the date of the filing of the petition (i.e., December 31, 2002).

Scope of Investigation

The scope of this investigation covers station post insulators manufactured of porcelain, of standard strength, high strength, or extra-high strength,³ solid

² Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the manner in which it sells that merchandise in all of its markets. Section B requests a complete listing of all home market sales, or, if the home market is not viable, of sales in the most appropriate third-country market (this section is not applicable to respondents in non-market economy (NME) cases). Section C requests a complete listing of U.S. sales. Section D requests information on the cost of production (COP) of the foreign like product and the constructed value (CV) of the merchandise under investigation. Section E requests information on further manufacturing.

³ Station post insulators are manufactured in various styles and sizes, and are classified primarily

core or cavity core, single unit or stacked unit, assembled or unassembled, and with or without hardware attached, rated at 115 kilovolts (kV) voltage class and above (550 kV Basic Impulse Insulation Level (BIL) and above), including, but not limited to, those manufactured to meet the following American National Standards Institute, Inc. (ANSI) standard class specifications: T.R.-286, T.R.-287, T.R.-288, T.R.-289, T.R.-291, T.R.-295, T.R.-304, T.R.-308, T.R.-312, T.R.-316, T.R.-362 and T.R.-391. Subject merchandise is classifiable under subheading 8546.20.0060 of the Harmonized Tariff Schedule of the United States (HTSUS) Annotated. While the HTSUS subheading is provided for convenience and customs purposes, the written description above remains dispositive as to the scope of the investigation.

Facts Available (FA)

1. Application of FA

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information requested by the Department, (B) fails to provide such information by the deadline, or in the form or manner requested, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified, the Department shall use, subject to sections 782(d) and (e) of the Act, facts otherwise available in reaching the applicable determination.

Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if all of the following requirements are met: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

On April 18, 2003, NGK notified the Department that it did not intend to participate further in the Department's investigation and requested the return of all of its business proprietary information. NGK was notified by the Department that failure to submit the requested information by the date

according to the voltage they are designed to withstand. Under the governing industry standard issued by the Institute of Electrical and Electronic Engineers (IEEE), the voltage spectrum is divided into three broad classes: "medium" voltage (i.e., less than or equal to 69 kilovolts), "high" voltage (i.e., from 115 to 230 kilovolts), and "extra-high" or "ultra-high" voltage (i.e., greater than 230 kilovolts).

specified could result in use of the FA, as required by section 776(a)(2)(B) of the Act and section 351.308 of the Department's regulations. See letters from the Department to respondent dated February 28, 2003, March 20, 2003, April 1, 2003, and April 16, 2003.

As described above, NGK withdrew its response to Section A of the Department's questionnaire, and chose not to respond to Sections B and C. Because NGK withheld information requested by the Department essential to the calculation of dumping margins, we have applied FA to calculate the dumping margin pursuant to section 776(a)(2) of the Act.

2. Selection of Adverse FA (AFA)

In selecting from among the facts otherwise available, section 776(b) of the Act authorizes the Department to use an adverse inference if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with the request for information. See, e.g., *Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808, 53819-20 (October 16, 1997). As a general matter, it is reasonable for the Department to assume that NGK possessed the records necessary for the Department to complete its investigation. Therefore, by withdrawing some of the information the Department requested, and declining to submit the remainder of the requested information, NGK failed to cooperate to the best of its ability. As NGK failed to cooperate to the best of its ability, we are applying an adverse inference pursuant to section 776(b) of the Act.

3. Corroboration of Information

Section 776(b) of the Act authorizes the Department to use as AFA information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record. In this case, we have used the dumping margin alleged in the petition as AFA.

Section 776(c) of the Act requires the Department to corroborate, to the extent practicable, secondary information used as FA. Secondary information is defined as "{i}nformation derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise." See Statement of Administrative Action (SAA) accompanying the Uruguay Round

Agreements Act (URAA), H.R. Doc. No. 103-316 at 870 (1994), and 19 CFR 351.308(d).

The SAA clarifies that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value (see SAA at 870). The SAA also states that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *Id.*

In order to determine the probative value of the petition margin, we examined evidence supporting the calculation of the antidumping duty margin in the petition. We reviewed the adequacy and accuracy of the information in the petition during our pre-initiation analysis of the petition, to the extent appropriate information was available for this purpose. See *AD Investigation Checklist*, dated January 21, 2003 (*Initiation Checklist*) for a discussion of the margin calculation in the petition (public version is on file in Import Administration's Central Record Unit (CRU) of the Department of Commerce, Room B-099). In addition, in accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the constructed export price (CEP) and normal value (NV) calculations on which the margin in the petition was based.

Constructed Export Price

With respect to the margin in the petition, CEP was based on two price quotes for NGK merchandise during the POI. The petitioners calculated net U.S. price by deducting from the starting price U.S. sales commissions, inventory carrying costs, U.S. warehousing expenses, U.S. imputed credit expenses, foreign inland freight, ocean freight, U.S. customs duty and fees, U.S. inland freight, U.S. indirect selling expenses,

and an amount for CEP profit. See *Initiation Checklist*.

With regard to the CEP contained in the petition, the Department has no information from the respondent and is aware of no other independent sources of information that would enable us to further corroborate the CEP. See *Initiation Checklist*. Notably, the implementing regulation for section 776 of the Act states, "(t)he fact that corroboration may not be practicable in a given circumstance will not prevent the Secretary from applying an adverse inference as appropriate and using secondary information in question." See 19 CFR 351.308(d). Additionally, the SAA at 870 specifically states that where "corroboration may not be practicable in a given circumstance, the Department need not prove that the facts available are the best alternative information." Therefore, based on our efforts, described above, to corroborate information contained in the petition, and in accordance with section 776(c) of the Act, we consider the CEP based on the petition to be corroborated to the extent practicable for purposes of this preliminary determination.

Normal Value

The petitioners calculated NV based on home market price quotes that were obtained through foreign market research. These prices quotes, which were made during the POI, are for subject merchandise of the same grade as that of the merchandise for which the U.S. price quotes for CEP were obtained. See *Initiation Checklist*. With regard to the NV contained in the petition, as with the CEP contained in the petition, the Department has no information from the respondent and is aware of no other independent sources of information that would enable us to further corroborate NV.

Accordingly, in selecting AFA with respect to NGK, the Department applied the petition dumping margin of 105.8 percent.

All Others

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-average dumping margins established for all exporters and producers individually investigated are zero or *de minimis*, or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated "all others" rate for exporters and producers not individually investigated. This provision contemplates that the Department may weight-average margins other than zero, *de minimis*, and FA margins to establish the "all others" rate. Where the data do not permit weight-averaging such rates, the SAA, at 873, provides that we may use other reasonable methods. Because the petition contained only an estimated price-to-price dumping margin, there are no other estimated margins available with which to create the "all others" rate. Therefore, we applied the petition margin of 105.8 percent as the "all others" rate. See, e.g., *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia*, 66 FR 22163 (May 3, 2001).

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Bureau of Customs and Border Protection (BCBP) to suspend liquidation of all imports of HVSPs from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the BCBP to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the U.S. price, as indicated below. These suspension of liquidation instructions will remain in effect until further notice.

Manufacturer/Exporter	Weighted-Average Percent Margin
NGK Insulators, Ltd.	105.8 percent
All Others	105.8 percent

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final antidumping determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. The deadline for that ITC determination

is the later of 120 days after the date of this preliminary determination or 45 days after the date of our final determination.

Public Comment

For the investigation of HVSPs from Japan, case briefs must be submitted no later than 30 days after the publication of this notice in the **Federal Register**.

Rebuttal briefs must be filed within five calendar days after the deadline for submission of case briefs. A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. Public versions of all comments and rebuttals should be

provided to the Department and made available on diskette. Section 774 of the Act provides that the Department will hold a hearing to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs, provided that such a hearing is requested by any interested party. If a request for a hearing is made in an investigation, the hearing will tentatively be held two days after the deadline for submission of the rebuttal briefs, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request within 30 days of the publication of this notice. Requests should specify the number of participants and provide a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination in the investigation of HVSPs from Japan no later than 75 days after the date of this preliminary determination.

This determination is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act.

Dated: June 6, 2003.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 03-15149 Filed 6-13-03; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; Surveys To Support the Inadequate Interoperability Cost Analysis of the U.S. Capital Facilities Industry

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 August 15, 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 or copies of the information collection instrument(s) should be directed to the attention of Phyllis Boyd, National Institute of Standards and Technology, 100 Bureau Drive, Stop 3220, Gaithersburg, MD, 20899-32210, (301) 975-4062. In addition, written comments may be sent via e-mail to phyllis.boyd@nist.gov.

SUPPLEMENTARY INFORMATION

I. Abstract

In accordance with Executive Order 12862, the National Institute of Standards and Technology (NIST), a nonregulatory agency of the Department of Commerce, proposes to conduct a number of surveys of the U.S. capital facilities industry, a sector of the U.S. construction and facilities management industry. The surveys, to be administered to capital facilities architects, general contractors, engineers, suppliers, software developers, and owner-operators, will be designed to gather quantitative data. This data will be used to calculate the efficiency loss, in dollars, of inadequate electronic interoperability in the capital facilities supply chain and in capital facilities life cycle management. Each aforementioned stakeholder group will be administered a unique survey tailored to their activities in the design, construction, and operation of capital facilities. The surveys will collect data on respondents' capital facilities projects, business processes involving the exchange of electronic and paper-based communication, information technology investments, and the amount of labor involved in managing information flows internally and externally. Respondents will also be offered the opportunity to freely comment on the extent to which interoperability issues impact their businesses and operations. The surveys will be voluntary and confidential. At no time will the data collected be disclosed to any third parties.

II. Method of Collection

NIST will collect this information through an Internet survey housed on a Web site using 128-bit encryption. Respondents will create their own unique user IDs and passwords. If respondents indicate that they are

available for further comment or for clarifying responses, they may be contacted via telephone or e-mail.

III. Data

OMB Number: None.

Form Numbers: None.

Type of Review: Regular Submission.

Affected Public: Individuals or households; business or for-profit organizations.

Estimated Number of Respondents: 225.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Respondent Burden Hours: 113.

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: June 10, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-15073 Filed 6-13-03; 8:45 am]

BILLING CODE 3510-CN-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060203A]

Endangered Species; File No. 1438

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Dr. Thane Wibbels, Department of Biology, University of Alabama at Birmingham, Birmingham, AL 35294-1170, has

applied in due form for a permit to take Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta*), and green (*Chelonia mydas*) sea turtles for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before July 16, 2003.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following offices:

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: Patrick Opay, (301) 713-1401 or Carrie Hubard, (301) 713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested 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 222-226).

The applicant proposes to utilize tangle net methodology combined with observational surveys from boats to study sea turtles in the estuarine systems of Alabama state waters from Grand Bay to Perdido Bay. The purpose of the research is to provide a basic understanding of the abundance, location, and movement of sea turtles within these estuarine ecosystems. This research will help resource managers develop optimal management strategies for these estuaries in order to conserve and protect sea turtles and their habitat. The applicant proposes to take 30 Kemp's ridley, 30 loggerhead, and 30 green sea turtles annually. Turtles would be captured with a 9.9 inch (25 cm) mesh tangle net that is 731.7 feet (223 m) long by 19.7 feet (6 m) deep. Turtles would be measured, weighed, flipper tagged, blood sampled and released. A subset of five loggerhead and five Kemp's ridley sea turtles would be tagged with a sonic or satellite transmitter. The requested duration of this permit is 5 years.

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

hearing on this particular request would be appropriate.

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

Dated: June 10, 2003.

Stephen L. Leathery,

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

[FR Doc. 03-15154 Filed 6-13-03; 8:45 am]

BILLING CODE 3510-22-S

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:30 a.m., Wednesday, June 18, 2003.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Review.

FOR FURTHER INFORMATION CONTACT: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-15226 Filed 6-12-03; 11:07 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, June 20, 2003.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

FOR FURTHER INFORMATION CONTACT: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-15227 Filed 6-12-03; 8:45 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, June 27, 2003.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

FOR FURTHER INFORMATION CONTACT: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-15228 Filed 6-12-03; 11:07 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, July 3, 2003.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

FOR FURTHER INFORMATION CONTACT: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-15229 Filed 6-12-03; 11:08 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m. Friday, July 11, 2003.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

FOR FURTHER INFORMATION CONTACT: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-15230 Filed 6-12-03; 11:08 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, July 18, 2003

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

FOR FURTHER INFORMATION CONTACT: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-15231 Filed 6-12-03; 11:08 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, July 25, 2003.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR FURTHER

INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-15232 Filed 6-12-03; 11:08 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Submission for OMB Review; Comment Request— Safety Standard for Automatic Residential Garage Door Operators

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the *Federal Register* of April 1, 2003 (68 FR 15707), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) to announce the agency's intention to seek extension of approval of the collection of information in the Safety Standard for Automatic Residential Garage Door Operators (16 CFR Part 1211). No comments were received in response to that notice. The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information without change for a period of three years from the date of approval.

The Consumer Product Safety Improvement Act of 1990 (Pub. L. 101-608, 104 Stat. 3110) requires all automatic residential garage door openers manufactured after January 1, 1993, to comply with the entrapment protection requirements of UL Standard

325 that were in effect on January 1, 1992. In 1992, the Commission codified the entrapment protection provisions of UL Standard 325 in effect on January 1, 1992, as the Safety Standard for Automatic Residential Garage Door Operators, 16 CFR Part 1211, Subpart A. Certification regulations implementing the standard require manufacturers, importers and private labelers of garage door operators subject to the standard to test their products for compliance with the standard, and to maintain records of that testing. Those regulations are codified at 16 CFR part 1211, Subparts B and C.

The Commission uses the records of testing and other information required by the certification regulations to determine that automatic residential garage door operators subject to the standard comply with its requirements. The Commission also uses this information to obtain corrective actions if garage door operators fail to comply with the standard in a manner which creates a substantial risk of injury to the public.

Additional Information About the Request for Extension of Approval of a Collection of Information

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Safety Standard for Automatic Residential Garage Door Operators, 16 CFR Part 1211.

Type of request: Approval of a collection of information.

General description of respondents: Manufacturers, importers, and private labelers of automatic residential garage door operators.

Estimated number of respondents: 22.

Estimated average number of hours per respondent: 40 per year.

Estimated number of hours for all respondents: 880 per year.

Estimated cost of collection for all respondents: \$37,224.

Comments: Comments on this request for extension of approval of information collection requirements should be submitted by July 16, 2003 to (1) the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395-7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127 or by e-mail at cpsc-os@cpsc.gov.

Copies of this request for reinstatement of the information collection requirements and supporting documentation are available from Linda Glatz, management and program analyst, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-7671.

Dated: June 6, 2003.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 03-15062 Filed 6-13-03; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Finance and Accounting Service announces the proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 15, 2003.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Defense Finance and Accounting Service—Cleveland, DFAS-G/CL, ATTN: Ms. Sharon Winn, 1240 East Ninth Street, Cleveland, Oh 44199-2055.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, Please write to the above address, or call Ms. Sharon Winn, 216-522-5396.

Title, Associated Form, and OMB Number: Trustee Report, DD Form 2826, OMB License 0730-0012.

Needs and Uses: This form is used to report on the administration of the funds received on behalf of a mentally incompetent member of the uniformed services. Pursuant to 37 U.S.C. 602-604.

Affected Public: Individuals.

Annual Burden Hours: 300 hours.

Number of Respondents: 600.

Responses Per Respondent: 1.

Average Burden Per Response: 30 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

When members of the uniformed services are declared mentally incompetent, the need arises to have a trustee appointed to act on their behalf with regard to military pay matters. Trustees will complete this form to report the administration of the funds received on behalf of the member. The requirement to complete this form helps alleviate the opportunity for fraud, waste and abuse of government funds and member's benefits.

June 3, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03-15035 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Finance and Accounting Service announces the proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including have through the

use of automated collection techniques or other forms of information technology.

DATES: August 15, 2003.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Defense Finance and Accounting Service—Cleveland, DFAS-G/CL, ATTN: Ms. Sharon Winn, 1240 East Ninth Street, Cleveland, OH 44199-2055.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Ms. Sharon Winn, (216) 522-5396.

Title, Associated Form, and OMB Number: Application for Trusteeship, DD Form 2827, OMB License 0730-0013.

Needs and Uses: This form is used to apply for appointment of trusteeship for a mentally incompetent member of the uniformed services. Pursuant to 37 U.S.C. 602-604.

Affected Public: Individuals.

Annual Burden Hours: 18.75 hours.

Number of Respondents: 75.

Responses Per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

When members of the uniformed services are declared mentally incompetent, the need arises to have a trustee appointed to act on their behalf with regard to military pay matters. Individuals will complete this form to apply for appointment as a trustee on behalf of the member. The requirement to complete this form helps alleviate the opportunity for fraud, waste and abuse of Government funds and member's benefits.

Dated: June 3, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03-15036 Filed 6-12-03; 8:45 am]

BILLING CODE 5001-08-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0096]

Federal Acquisition Regulation; Information Collection; Patents

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000-0096).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning patents. This OMB clearance currently expires on September 30, 2003.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Comments may be submitted on or before August 15, 2003.

ADDRESSES: Submit comments including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (MVA), Room 4035, 1800 F Street, NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Victoria Moss, Acquisition Policy Division, GSA (202) 501-4764.

SUPPLEMENTARY INFORMATION:

A. Purpose

The patent coverage in FAR subpart 27.2 requires the contractor to report each notice of a claim of patent or copyright infringement that came to the contractor's attention in connection

with performing a Government contract above a dollar value of \$25,000 (sections 27.202-1 and 52.227-2). The contractor is also required to report all royalties anticipated or paid in excess of \$250 for the use of patented inventions by furnishing the name and address of licensor, date of license agreement, patent number, brief description of item or component, percentage or dollar rate of royalty per unit, unit price of contract item, and number of units (sections 27.204-1, 52.227-6, and 52.227-9). The information collected is to protect the rights of the patent holder and the interest of the Government.

B. Annual Reporting Burden

Number of Respondents: 30.

Responses Per Respondent: 1.

Total Responses: 30.

Average Burden Hours Per Response:

.5.

Total Burden Hours: 15.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), Room 4035, 1800 F Street, NW., Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0096, Patents, in all correspondence.

Dated: June 6, 2003.

Laura G. Smith,

Director, Acquisition Policy Division.

[FR Doc. 03-15079 Filed 6-13-03; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0129]

Federal Acquisition Regulation; Information Collection; Cost Accounting Standards Administration

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0129).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved

information collection requirement concerning cost accounting standards administration. This OMB clearance expires on September 30, 2003.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 15, 2003.

ADDRESSES: Submit comments including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Edward Loeb, Acquisition Policy Division, GSA, 501-0650.

SUPPLEMENTARY INFORMATION:

A. Purpose

FAR 30.6 and 52.230-5 include pertinent rules and regulations related to the Cost Accounting Standards along with necessary administrative policies and procedures. These administrative policies require certain contractors to submit cost impact estimates and descriptions in cost accounting practices and also to provide information on CAS-covered subcontractors.

Number of Respondents: 644.

Responses Per Respondent: 2.27.

Total Responses: 1,462.

Average Burden Hours Per Response: 200.85.

Total Burden Hours: 293,643.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0129, Cost Accounting Standards Administration, in all correspondence.

Dated: June 9, 2003.

Laura G. Smith,

Director, Acquisition Policy Division.

[FR Doc. 03-15080 Filed 6-13-03; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Defense Contract Audit Agency Senior Executive Service Performance Review Boards

AGENCY: Defense Contract Audit Agency, DoD.

ACTION: Notice.

SUMMARY: This notice announces the appointment of members to the Defense Contract Audit Agency (DCAA) Performance Review Boards. The Performance Review Boards provide fair and impartial review of Senior Executive Service (SES) performance appraisals and make recommendations to the Director, Defense Contract Audit Agency, regarding final performance ratings and performance awards for DCAA SES members.

EFFECTIVE DATES: Upon publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Dale R. Collins, Chief, Human Resources Management Division, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, Virginia 22060-6219, (703) 767-1039.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are the names and titles of DCAA career executives appointed to serve as members of the DCAA Performance Review Boards. Appointees will serve one-year terms, effective upon publication of this notice.

Headquarters Performance Review Board

Mr. Earl Newman, Assistant Director, Operations, DCAA, Chairperson.

Mr. Robert DiMucci, Assistant Director, Policy and Plans, DCAA, member.

TBA, General Counsel, DCAA, member.

Regional Performance Review Board

Mr. William Serafine, Regional Director, Western Region, DCAA, Chairperson.

Mr. Michael Steen, Regional Director, Eastern Region, DCAA, member.

Mr. Edward Nelson, Deputy Regional Director, Central Region, DCAA, member.

Dated: June 6, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03-15037 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-M

DEPARTMENT OF DEFENSE**Office of the Secretary****Preparation of a Final Supplemental Environmental Impact Statement for the Airborne Laser program****AGENCY:** Missile Defense Agency, DoD.**ACTION:** Notice of availability.

SUMMARY: The Missile Defense Agency (MDA) announces the availability of a Final Supplemental Environmental Impact Statement (FSEIS) for the Airborne Laser (ABL) Program. This FSEIS supplements the Final Environmental Impact Statement (FEIS) for the Program Definition and Risk Reduction Phase of the ABL test program, completed in April 1997. The FSEIS analyzes proposed ABL Program test activities at test ranges associated with Kirtland Air Force Base (AFB) and White Sands Missile Range (WSMR)/ Holloman AFB, New Mexico; and Edwards AFB (EAFB) and Vandenberg AFB (VAFB), California. The FSEIS has been prepared in accordance with the National Environmental Policy Act (NEPA), as amended (42 U.S.C. 4321, *et seq.*), and the Council on Environmental Quality Regulations for implementing the procedural provisions of NEPA (40 CFR Parts 1500–1508). The ABL is a laser weapon system installed on a Boeing 747–400F aircraft capable of operating for extended periods of time. Up to two such aircraft would be developed for testing purposes.

DATES: Comments must be received by July 16, 2003.

ADDRESSES: to obtain a copy of the FSEIS please write to: Mr. Charles J. Brown, Environmental Coordinator, Project Execution Division, Headquarters, Air Force Center for Environmental Excellence, 3207 Sidney Brooks Road, Building 532, Brooks AFB, TX 78235–5363 or a copy of it can also be accessed at http://www.afcee.brooks.af.mil/ec/eiap/eis/abl/ABL_F-SEIS_Apr_03.pdf.

Individuals or organizations may provide comments on the FSEIS by sending written comments to: Ms. Pamela Bain, Director, Legislative Affairs, Missile Defense Agency, 7100 Defense Pentagon, Washington, DC 20301–7100.

FOR FURTHER INFORMATION CONTACT: Mr. Crate J. Spears, (703) 697–4123.**SUPPLEMENTARY INFORMATION:** The ABL weapon system would include four lasers:

- Active Ranging System (ARS) Laser: a small carbon dioxide laser used to begin tracking a target,

- Track Illuminator Laser (TILL): a solid state laser used to provide detailed tracking of a target,

- Beacon Illuminator Laser (BILL): a solid state laser used to measure atmospheric distortion, and

- High-Energy Laser (HEL): the Chemical Oxygen-Iodine Laser (COIL) used to destroy a target.

An additional laser, a surrogate for the High-Energy Laser (SHEL), would be used during testing in place of the HEL. The SHEL is a low-power solid-state laser that would be used in both ground- and flight-testing. The ABL also would include Infrared Search and Track (IRST) sensors, passive infrared devices used to identify a heat source.

The 1997 ABL FEIS analyzed use of a COIL HEL on an aircraft to destroy ballistic missiles in the boost phase. The Record of Decision (ROD) for the FEIS documented the Air Force's decision to proceed with ABL home base activities at EAFB, diagnostic test activities over WSMR, and expanded area test activities at VAFB and the adjacent Point Mugu Naval Air Warfare Center, California. Since completion of the FEIS, specific proposed test activities have been identified and additional information made available about the proposed testing that warranted preparation of a Supplemental Environmental Impact Statement (SEIS).

Dated: June 6, 2003.

Patricia L. Toppings,*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03–15034 Filed 6–13–03; 8:45 am]

BILLING CODE 5001–08–M**DEPARTMENT OF DEFENSE****Office of the Secretary****Defense Advisory Committee on Military Personnel Testing****AGENCY:** Under Secretary of Defense for Personnel and Readiness, DoD.**ACTION:** Notice.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given that a meeting of the Defense Advisory Committee on Military Personnel Testing is scheduled to be held. The purpose of the meeting is to review planned changes and progress in developing computerized and paper-and-pencil enlistment tests and renorming of the tests.

DATES: July 17, 2003, from 8 a.m. to 5 p.m., and July 18, 2003, from 8 a.m. to 5 p.m.**ADDRESSES:** The meeting will be held at the Peabody Court Hotel, 612 Cathedral Street, Baltimore, Maryland 21201.**FOR FURTHER INFORMATION CONTACT:** Dr. Jane M. Arabian, Assistant Director, Accession Policy, Office of the Under Secretary of Defense (Personnel and Readiness), Room 2B271, the Pentagon, Washington, DC 20301–4000, telephone (703) 697–9271.**SUPPLEMENTARY INFORMATION:** Persons desiring to make oral presentations or submit written statements for consideration at the Committee meeting must contact Dr. Jane M. Arabian at the address or telephone number above no later than June 23, 2003.

Dated: June 4, 2003.

Patricia L. Toppings,*Alternate OSF Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03–15041 Filed 6–13–03; 8:45 am]

BILLING CODE 5001–08–M**DEPARTMENT OF DEFENSE****Office of the Secretary****Defense Science Board****AGENCY:** Department of Defense.**ACTION:** Notice of Advisory Committee meeting.

SUMMARY: The Defense Science Board 2003 Summer Study will meet in closed session on August 4–15, 2003, at the Beckman Center, Irvine, CA. At this meeting, the Defense Science Board will discuss interim findings and recommendations resulting from two ongoing Task Force activities: DoD Roles and Missions in Homeland Security, and Future Strategic Strike Forces.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Board will develop recommendations regarding: The definition of “Homeland Security” and the specific roles and missions DoD will be responsible for accomplishing; the prioritized goals for these DoD roles and missions in a national security emergency; the DoD strategy and plans for the employment of National Guard and Reserve forces capabilities to participate in Homeland Security and also respond to warfighting demands overseas; the known and many unknown vulnerabilities to DoD force projection and how projection issues and responsibilities will be addressed in

the larger context of Homeland Security; and the classes of technologies and systems that DoD should have the lead in developing and fielding which have applications for homeland security as well.

The Board will also review and develop recommendations regarding: The assessed future strategic strike force needs of the Department of Defense; the estimated systems life of the current nuclear strike forces; the future need for nuclear strike forces; a strategy for the evolution of the current nuclear force capability; promising non-nuclear strike systems with such capabilities and consequence that should be coherently planned and directed with strategic nuclear forces; and new concepts and approaches, to include hypersonics, for the application of these strategic nuclear and non-nuclear forces that address the future strategic environment.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II), it has been determined that the meeting concerns matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meeting will be closed to the public.

Dated: June 6, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03-15039 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee meeting cancellation.

SUMMARY: The Defense Science Board Task Force on Integrated Fire Support in the Battlespace meetings scheduled for June 4-5, 2003, and July 9-10, 2003, as announced in the **Federal Register** (68 FR 20123, April 24, 2003), are hereby cancelled.

Dated: June 3, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03-15038 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board Task Force on Enabling Joint Force Capabilities will tentatively meet in closed session on July 1, 2003, at SAIC, 4001 N. Fairfax Drive, Arlington, VA. This Task force will review the current state of assigned responsibilities and accountability for joint capabilities to quickly bring combat forces together and focus them on joint objectives across a wide spectrum of possible contingencies and will help identify unfilled needs and areas where assigned responsibility and accountability calls for further clarification and/or organizational arrangements.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting, the Defense Science Board Task Force will identify specific characteristics and examples of organizations that could be capable of accepting responsibility and accountability for delivering the capability with needed responsiveness, and will recommend further steps to strengthen the joint structure ability to quickly integrate service-provided force capabilities into effective joint forces.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II), it has been determined that the Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552(c)(1) and that, accordingly, the meeting will be closed to the public.

Dated: June 6, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03-15040 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-M

DEPARTMENT OF DEFENSE

Office of the Inspector General; Privacy Act of 1974; System of Records

AGENCY: Office of the Inspector General, DoD.

ACTION: Notice to amend and delete systems of records.

SUMMARY: The Office of the Inspector General, DoD, is deleting two systems of records notices and amending three systems of records notice in its existing inventory of record systems subject to

the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 16, 2003 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Room 201, Arlington, VA 22202-4704.

FOR FURTHER INFORMATION CONTACT: Mr. Darryl R. Aaron at (703) 604-9785.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General, DoD, systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: June 5, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion

CIG-02

SYSTEM NAME:

Applicant Records (February 22, 1993, 58 FR 10213).

Reason: These records are being maintained under the Office of Personnel Management Government-Wide Privacy Act systems of records notices. Therefore, the Inspector General, DoD is deleting its system of records notice.

CIG-12

SYSTEM NAME:

Drug Free Workplace Records (February 22, 1993, 58 FR 10213).

Reason: These records are being maintained under the Office of Personnel Management Government-Wide Privacy Act systems of records notices. Therefore, the Inspector General, DoD is deleting its system of records notice.

Amendment

CIG-01

SYSTEM NAME:

Privacy Act and Freedom of Information Act Case Files (April 3, 2003, 68 FR16264).

Changes

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SYSTEM LOCATION:

Delete entry and replace with 'Freedom of Information and Privacy Act Office, Office of Communications and Congressional Liaison, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.'

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CIG-01**SYSTEM NAME:**

Privacy Act and Freedom of Information Act Case Files.

SYSTEM LOCATION:

Freedom of Information and Privacy Act Office, Office of Communications and Congressional Liaison, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who submit Freedom of Information Act (FOIA) and Privacy Act (PA) requests and administrative appeals to the Office of the Inspector General (OIG), DoD and other activities receiving administrative FOIA and Privacy Act support from the OIG; individuals whose FOIA and Privacy Act requests and/or records have been referred by other Federal agencies to the OIG for release to the requester; attorneys representing individuals submitting such requests and appeals, individuals who are the subjects of such requests and appeals, and/or the OIG personnel assigned to handle such requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records created or compiled in response to FOIA and Privacy Act requests and administrative appeals, *i.e.*, original requests and administrative appeals; responses to such requests and administrative appeals; all related memoranda, correspondence, notes, and other related or supporting documentation; and copies of requested records and records under administrative appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552a, as amended; DoD 5400.11-R, Department of Defense Privacy Program; 5 U.S.C. 552, The Freedom of Information Act, as amended; and DoD 5400.7-R, DoD Freedom of Information Act Program.

PURPOSE(S):

Information is being collected and maintained for the purpose of processing FOIA and Privacy Act requests and administrative appeals; for participating in litigation regarding agency action on such requests and appeals; for amendment to records made under the Privacy Act and to document OIG actions in response to these requests; and for assisting the Office of the Inspector General, DoD in carrying out any other responsibilities under the FOIA.

Also, information may be provided to the appropriate OIG element when further action is needed to verify assertions of the requester or to obtain permission to release information obtained from sources.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information from this system may be provided to other Federal agencies and state and local agencies when it is necessary to coordinate responses or denials.

The DoD 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders and on electronic storage media.

RETRIEVABILITY:

Retrieved by individual's name, subject matter, date of document, and request number.

SAFEGUARDS:

Records are stored in locked security containers accessible only to authorized personnel.

RETENTION AND DISPOSAL:

FOIA and Privacy Act paper records that are granted in full are destroyed 2 years after the date of reply. Paper records that are denied in whole or part, no records responses, responses to requesters who do not adequately describe records being sought, do not state a willingness to pay fees, and records which are appealed or litigated, are destroyed 6 years after final FOIA action and 5 years after final Privacy Act

action, or three years after final adjudication by courts, whichever is later. Electronic records are deleted within 180 or when no longer needed to support office business needs.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Freedom of Information Act and Privacy Act Office, Office of Communications and Congressional Liaison, Office of the Inspector General, DoD, 400 Army Navy Drive, Arlington, VA 22202-4704.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act and Privacy Act Office, Office of Communications and Congressional Liaison, Office of the Inspector General, DoD, 400 Army Navy Drive, Arlington, VA 22202-4704.

Please include full information regarding the previous request such as date, subject matter, and if available, copies of the previous OIG reply.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act and Privacy Act Office, Office of Communications and Congressional Liaison, Office of the Inspector General, DoD, 400 Army Navy Drive, Arlington, VA 22202-4704.

Please include full information regarding the previous request such as date, subject matter, and if available, copies of the previous OIG reply.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individuals on whom records are maintained and official records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of a FOIA and Privacy Act action, exempt materials from other systems of records may in turn become part of the case records in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into this FOIA or Privacy Act case record, Office of the Inspector General hereby claims the same exemptions for the records from those 'other' systems that are entered into this system, as claimed for the original primary systems of records which they are a part.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

CIG-13**SYSTEM NAME:**

Travel and Transportation System
(February 22, 58 FR 10213).

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Changes:

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SYSTEM LOCATION:

Delete entry and replace with 'Chief, Travel Branch, Administrative Services Division, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.'

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PURPOSE(S):

Delete '(including Blanket Travel Orders)'.

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RETENTION AND DISPOSAL:

Delete entry and replace with 'Records are maintained in a active status for the current fiscal year. Records are destroyed after six years after the period of the account.'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Chief, Travel Branch, Administrative Services Division, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.'

* * * * *

CIG-13**SYSTEM NAME:**

Travel and Transportation System.

SYSTEM LOCATION:

Chief, Travel Branch, Administrative Services Division, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former Office of the Inspector General employees who participate or who are eligible to participate in OIG Temporary Duty (TDY) and Permanent Change of Station (PCS) Travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of name, Social Security Number, title, grade and series/rank of employee, and travel order number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. Chapter 57, Travel, Transportation, and Subsistence; DoD Directive 4500.9-R, Defense Transportation Regulation, Parts I-VI of the Joint Federal Travel Regulation Volume I and the Joint Travel Regulation, Volume II; DoD Directive 5106.1, Inspector General of the Department of Defense (IG, DOD); DoD Instruction 4500.42, DoD Passenger Transportation Reservation and Ticketing Services; OIG Instruction 5400.42, IG Travel and Transportation Program; OIG Manual 4500.42, OIG Travel Manual; and E.O. 9397 (SSN).

PURPOSE(S):

Information in this system will be used to issue travel orders for TDY and PCS travel; to track travel performed in accordance with budgetary requirements; and to track travel vouchers submitted for reimbursement of travel; and to alert authorities to any discrepancies in travel performed by OIG employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices also apply to this system.

POLICIES, AND PRACTICES FOR STORING, RETRIEVING, ACCESSING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records are stored in an automated file server and automated records on computer disks.

RETRIEVABILITY:

Records are retrieved by name, Social Security Number or travel order number.

SAFEGUARDS:

The system is accessible only by authorized personnel on a need-to-know basis. Access to the automated file server is by assigned password restricted to only those individuals requiring access to the system module in connection with their official duties. Access to the area is through a cipher locked room with the code provided only on a need-to-know basis. Computer disks and paper records are stored in locked file cabinets residing in a

monitored area which is locked after normal business hours.

RETENTION AND DISPOSAL:

Records are maintained in an active status for the current fiscal year. Records are destroyed after six years after the period of the account.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Travel Branch, Administrative Services Division, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

The request should contain their full name, Social Security Number, current home address and telephone number, and if authorizing someone to represent them, a statement to that effect.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written requests to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

The request should contain the full name of the individual, non-duty mailing address and daytime telephone number, and if authorizing someone to represent them, a statement to that effect.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is obtained directly from the individual on Inspector General Form 7750.50-4, Request for Temporary Duty Travel Form; Request for Permanent Change of Station Form; and computer tape of the OIG Personnel Listing.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG-17**SYSTEM NAME:**

Voluntary Leave Transfer Program Records (December 1, 1998, 63 FR 66128).

Changes

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SYSTEM LOCATION:

Delete entry and replace with 'Human Resources Directorate, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Leave recipient records contain the individual's name, organization, office telephone number, Social Security Number, position title, grade, pay level, leave balances, number of hours requested, brief description of the medical or personal hardship which qualifies the individual for inclusion in the program, and the status of that hardship.'

The file may also contain medical or physician certifications and agency approvals or denials.

Donor records include the individual's name, organization, office telephone number, Social Security Number, position title, grade and pay level, leave balances, number of hours donated, the name of the designated recipient.

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PURPOSE(S):

Delete first sentence and replace with 'The file is used in managing the Office of the Inspector General, Department of Defense, Voluntary Leave Transfer Program.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Human Resources Directorate, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.'

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CIG-17**SYSTEM NAME:**

Voluntary Leave Transfer Program Records.

SYSTEM LOCATION:

Human Resources Directorate, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have volunteered to participate in the leave transfer program as either a donor or a recipient.

CATEGORIES OF RECORDS IN THE SYSTEM:

Leave recipient records contain the individual's name, organization, office telephone number, Social Security Number, position title, grade, pay level,

leave balances, number of hours requested, brief description of the medical or personal hardship which qualifies the individual for inclusion in the program, and the status of that hardship.

The file may also contain medical or physician certifications and agency approvals or denials.

Donor records include the individual's name, organization, office telephone number, Social Security Number, position title, grade, and pay level, leave balances, number of hours donated and the name of the designated recipient.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 6331 *et seq.*, Leave; 5 CFR part 630, Absence and Leave; IG Instruction 1424.630, Leave Administration Policy and Procedures; and E.O. 9397 (SSN).

PURPOSE(S):

The file is used in managing the Office of the Inspector General, Department of Defense, Voluntary Leave Transfer Program. The recipient's name, position data, organization, and a brief hardship description are published internally for passive solicitation purposes. The Social Security Number is sought to effectuate the transfer of leave from the donor's account to the recipient's account.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552(a)(b)(3) as follows:

To the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness; where leave donor and leave recipient are employed by different Federal agencies, to the personnel and pay offices of the Federal agency involved to effectuate the leave transfer.

The DoD 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in paper and computerized form.

RETRIEVABILITY:

Records are retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the records or by persons responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and are controlled by personnel screening and computer software.

RETENTION AND DISPOSAL:

Records are destroyed one year after the end of the year in which the file is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Directorate, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Individual should provide full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Privacy Act Officer at the address above.

Individual should provide full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 and may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided primarily by the record subject; however, some data may be obtained from personnel and leave records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG 18**SYSTEM NAME:**

Grievance Records (February 16, 1999, 64 FR 7632).

Changes

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SYSTEM LOCATION:

Records are maintained in the Human Resources Directorate, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Human Resources Directorate, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.'

* * * * *

CIG 18**SYSTEM NAME:**

Grievance Records (February 16, 1999, 64 FR 7632).

SYSTEM LOCATION:

Records are maintained by the personnel office of the Office of the Inspector General, DoD, Personnel and Security Directorate, Employee Relations Division, 400 Army Navy Drive, Suite 512, Arlington, VA 22202-2884.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Inspector General, Department of Defense employees who have submitted grievances in accordance with 5 CFR Part 771, DoD Directive 1400.25-M Subchapter 771 and DoD Inspector General Instruction 1400.5.

CATEGORIES OF RECORDS IN THE SYSTEM:

The case files contain all documents related to grievances including reports of interviews and hearings, examiner's findings and recommendations, copy of the original and final decision, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302, Prohibited personnel practices; 5 U.S.C. 7121, Grievance procedures; 5 CFR part 771; DoD 1400.25-M, Subchapter 771, Administrative Grievance System; DoD Inspector General Instruction 1400.5; and E.O. 9397 (SSN).

PURPOSE(S):

The information will be used by the Inspector General, Department of Defense to control and process grievances; to investigate the allegations; conduct interviews; and render the final decision.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C.

552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552(a)(b)(3) as follows:

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

To provide information to officials of labor organization reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and matter affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in paper form.

RETRIEVABILITY:

Records are retrieved by names of the individuals on whom the records are maintained.

SAFEGUARDS:

Records are maintained in locked metal file cabinets, to which only OIG, DoD authorized personnel have access.

RETENTION AND DISPOSAL:

Records are destroyed four years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Directorate, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written requests for information should include the full name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquires to the Privacy Act Officer, Freedom of Information Act/

Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704.

Written requests for information should include the full name.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 and may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials; or from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 03-15045 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE**Office of the Secretary****Revised Non-Foreign Overseas Per Diem Rates**

AGENCY: DoD, *Per Diem*, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas *per diem* rates.

SUMMARY: The *Per Diem*, Travel and Transportation Allowance Committee is publishing Civilian Personnel *Per Diem* Bulletin Number 231. This bulletin lists revisions in the *per diem* rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 231 is being published in the **Federal Register** to assure that travelers are paid *per diem* at the most current rates.

EFFECTIVE DATE: June 1, 2003.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in *per diem* rates prescribed by the *Per Diem* Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel *Per Diem* Bulletin Number 230. Distribution of Civilian Personnel *Per Diem* Bulletins by mail was discontinued. *Per Diem* Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in *per diem* to

agencies and establishments outside the Department of Defense. For more information or questions about *per diem*

rates, please contact your local travel office. The text of the Bulletin follows:

Dated: June 3, 2003.

Patricia L. Toppings,
*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

BILLING CODE 5001-08-M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA						
ANCHORAGE [INCL NAV RES]						
05/01 - 09/15	170		66		236	04/01/2003
09/16 - 04/30	85		66		151	04/01/2003
BARROW	159		95		254	05/01/2002
BETHEL	129		66		195	05/01/2002
CLEAR AB	80		55		135	09/01/2001
COLD BAY	90		73		163	05/01/2002
COLDFOOT	135		71		206	10/01/1999
COPPER CENTER	99		63		162	05/01/2002
CORDOVA	90		48		138	04/01/2003
CRAIG	100		53		153	04/01/2003
DEADHORSE	95		67		162	05/01/2002
DELTA JUNCTION	79		60		139	04/01/2003
DENALI NATIONAL PARK						
06/01 - 08/31	115		41		156	04/01/2003
09/01 - 05/31	80		38		118	04/01/2003
DILLINGHAM	95		69		164	05/01/2002
DUTCH HARBOR-UNALASKA	120		86		206	04/01/2003
EARECKSON AIR STATION	80		55		135	09/01/2001
EIELSON AFB						
05/01 - 09/15	149		83		232	04/01/2003
09/16 - 04/30	75		76		151	04/01/2003
ELMENDORF AFB						
05/01 - 09/15	170		66		236	04/01/2003
09/16 - 04/30	85		66		151	04/01/2003
FAIRBANKS						
05/01 - 09/15	149		83		232	04/01/2003
09/16 - 04/30	75		76		151	04/01/2003
FOOTLOOSE	175		18		193	06/01/2002
FT. GREELY	79		60		139	04/01/2003
FT. RICHARDSON						
05/01 - 09/15	170		66		236	04/01/2003
09/16 - 04/30	85		66		151	04/01/2003
FT. WAINWRIGHT						
05/01 - 09/15	149		83		232	04/01/2003
09/16 - 04/30	75		76		151	04/01/2003
GLENNALLEN						
05/01 - 09/30	137		61		198	09/01/2001
10/01 - 04/30	89		56		145	09/01/2001
HEALY						
06/01 - 08/31	115		41		156	04/01/2003
09/01 - 05/31	80		38		118	04/01/2003
HOMER						
05/15 - 09/15	109		72		181	04/01/2003
09/16 - 05/14	76		68		144	04/01/2003

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT		M&IE RATE (B)	+	MAXIMUM PER DIEM RATE		EFFECTIVE DATE
	(A)	(C)					
JUNEAU	99		75		174		04/01/2003
KAKTOVIK	165		86		251		05/01/2002
KAVIK CAMP	150		69		219		05/01/2002
KENAI-SOLDOTNA							
04/01 - 10/31	110		83		193		04/01/2003
11/01 - 03/31	69		75		144		04/01/2003
KENNICOTT	179		81		260		04/01/2003
KETCHIKAN							
05/01 - 09/30	110		82		192		04/01/2003
10/01 - 04/30	89		80		169		04/01/2003
KING SALMON							
05/01 - 10/01	225		91		316		05/01/2002
10/02 - 04/30	125		81		206		05/01/2002
KLAWOCK	100		53		153		04/01/2003
KODIAK	90		83		173		04/01/2003
KOTZEBUE							
05/01 - 08/31	141		91		232		04/01/2003
09/01 - 04/30	125		89		214		04/01/2003
KULIS AGS							
05/01 - 09/15	170		66		236		04/01/2003
09/16 - 04/30	85		66		151		04/01/2003
MCCARTHY	179		81		260		04/01/2003
METLAKATLA							
05/30 - 10/01	98		48		146		05/01/2002
10/02 - 05/29	78		47		125		05/01/2002
MURPHY DOME							
05/01 - 09/15	149		83		232		04/01/2003
09/16 - 04/30	75		76		151		04/01/2003
NOME	115		91		206		04/01/2003
NUIQSUT	180		53		233		05/01/2002
POINT HOPE	130		70		200		03/01/1999
POINT LAY	105		67		172		03/01/1999
PORT ALSWORTH	135		88		223		05/01/2002
PRUDHOE BAY	95		67		162		05/01/2002
SEWARD							
05/01 - 09/30	189		67		256		06/01/2003
10/01 - 04/30	79		56		135		06/01/2003
SITKA-MT. EDGE CUMBE							
05/01 - 09/30	110		81		191		06/01/2003
10/01 - 04/30	99		80		179		06/01/2003
SKAGWAY							
05/01 - 09/30	110		82		192		04/01/2003
10/01 - 04/30	89		80		169		04/01/2003
SPRUCE CAPE	90		83		173		04/01/2003
ST. GEORGE	105		55		160		05/01/2003
TALKEETNA	100		89		189		07/01/2002
TANANA	115		91		206		04/01/2003
TOGIK	100		39		139		07/01/2002
TOK							
05/01 - 09/30	81		76		157		04/01/2003

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING		M&IE RATE	MAXIMUM PER DIEM		EFFECTIVE DATE
	AMOUNT (A)	+ =		RATE (B)	RATE (C)	
10/01 - 04/30	60		74	134	04/01/2003	
UMIAT	150		98	248	04/01/2003	
UNALAKLEET	79		80	159	04/01/2003	
VALDEZ						
05/01 - 10/01	139		91	230	04/01/2003	
10/02 - 04/30	79		86	165	04/01/2003	
WAINWRIGHT	120		83	203	05/01/2002	
WASILLA	99		68	167	04/01/2003	
WRANGELL						
05/01 - 09/30	110		82	192	04/01/2003	
10/01 - 04/30	89		80	169	04/01/2003	
YAKUTAT	110		68	178	03/01/1999	
[OTHER]	80		55	135	09/01/2001	
AMERICAN SAMOA						
AMERICAN SAMOA	85		67	152	03/01/2000	
GUAM						
GUAM (INCL ALL MIL INSTAL)	135		76	211	09/01/2002	
HAWAII						
CAMP H M SMITH	112		82	194	05/01/2003	
EASTPAC NAVAL COMP TELE AREA	112		82	194	05/01/2003	
FT. DERUSSEY	112		82	194	05/01/2003	
FT. SHAFTER	112		82	194	05/01/2003	
HICKAM AFB	112		82	194	05/01/2003	
HONOLULU (INCL NAV & MC RES CTR)	112		82	194	05/01/2003	
ISLE OF HAWAII: HILO	100		80	180	06/01/2003	
ISLE OF HAWAII: OTHER	150		79	229	06/01/2003	
ISLE OF KAUAI	158		88	246	05/01/2003	
ISLE OF MAUI	159		89	248	06/01/2002	
ISLE OF OAHU	112		82	194	05/01/2003	
KEKAHA PACIFIC MISSILE RANGE FAC	158		88	246	05/01/2003	
KILAUEA MILITARY CAMP	100		80	180	06/01/2003	
LANAI	395		138	533	05/01/2003	
LUALUALEI NAVAL MAGAZINE	112		82	194	05/01/2003	
MCB HAWAII	112		82	194	05/01/2003	
MOLOKAI	101		98	199	05/01/2003	
NAS BARBERS POINT	112		82	194	05/01/2003	
PEARL HARBOR [INCL ALL MILITARY]	112		82	194	05/01/2003	
SCHOFIELD BARRACKS	112		82	194	05/01/2003	
WHEELER ARMY AIRFIELD	112		82	194	05/01/2003	
[OTHER]	72		61	133	01/01/2000	
JOHNSTON ATOLL						
JOHNSTON ATOLL	0		14	14	05/01/2002	
MIDWAY ISLANDS						
MIDWAY ISLANDS [INCL ALL MILITAR	150		47	197	02/01/2000	
NORTHERN MARIANA ISLANDS						
ROTA	149		72	221	10/01/2002	
SAIPAN	150		88	238	10/01/2002	
TINIAN	85		71	156	10/01/2002	
[OTHER]	55		72	127	04/01/2000	
PUERTO RICO						

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING		M&IE RATE	MAXIMUM PER DIEM		EFFECTIVE DATE
	AMOUNT (A)	+ (B)		= (C)	RATE	
BAYAMON						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
CAROLINA						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
FAJARDO [INCL CEIBA & LUQUILLO]	82		54		136	01/01/2000
FT. BUCHANAN [INCL GSA SVC CTR,						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
HUMACAO	82		54		136	01/01/2000
LUIS MUNOZ MARIN IAP AGS						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
MAYAGUEZ	85		59		144	01/01/2000
PONCE	96		69		165	01/01/2000
ROOSEVELT RDS & NAV STA	82		54		136	01/01/2000
SABANA SECA [INCL ALL MILITARY]						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
SAN JUAN & NAV RES STA						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
[OTHER]	62		57		119	01/01/2000
VIRGIN ISLANDS (U.S.)						
ST. CROIX						
04/15 - 12/14	93		72		165	01/01/2000
12/15 - 04/14	129		76		205	01/01/2000
ST. JOHN						
04/15 - 12/14	219		84		303	01/01/2000
12/15 - 04/14	382		100		482	01/01/2000
ST. THOMAS						
04/15 - 12/14	163		73		236	01/01/2000
12/15 - 04/14	288		86		374	01/01/2000
WAKE ISLAND						
WAKE ISLAND	60		32		92	09/01/1998

[FR Doc. 03-15042 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-C

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to Amend Systems of Records.

SUMMARY: The Department of the Air Force is amending six systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

The amendments are required to alert the users of these systems of records of the additional requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as implemented by DoD 6025.18-R, DoD Health Information Privacy Regulation. Language being added under the 'Routine Use' category is as follows:

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

DATES: 'This proposed action will be effective without further notice on July 16, 2003 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Air Force Privacy Act Manager, Office of the Chief Information Officer, AF-CIO/P, 1155 Air Force Pentagon, Washington, DC 20330-1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 601-4043.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a),

as amended, which requires the submission of a new or altered system report.

Dated: June 5, 2003.

Patricia Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F044 AF SG J

SYSTEM NAME:

Air Force Blood Program (June 11, 1997, 62 FR 31793).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry '**Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

* * * * *

F044 AF SG J

SYSTEM NAME:

Air Force Blood Program.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, dependents of military personnel, government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Emergency blood donor list, donor record cards, and a roster/list by blood type and Rh factor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 262, Regulation of biological products, as implemented by Air Force Instruction 44-105, The Air Force Blood Program.

PURPOSE(S):

Used by Air Force medical centers, hospitals and clinics to control, coordinate and process request for blood donors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in card files.

RETRIEVABILITY:

Retrieved by name. Rosters/lists are filed chronologically.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties, and by commanders of medical centers, hospitals and clinics. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Donor record cards are retained in office files for seven years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force. Official mailing

addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Documents prepared by the Air Force.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F044 AF SG L

SYSTEM NAME:

Medical Treatment Facility Tumor Registry (June 11, 1997, 62 FR 31793).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry **Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

* * * * *

F044 AF SG L

SYSTEM NAME:

Medical Treatment Facility Tumor Registry.

SYSTEM LOCATION:

Air Force medical centers, hospitals, and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who were diagnosed as having or were treated for cancer in

an armed forces medical treatment facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain summaries of treatment provided cancer patients, to include tumor board evaluations, comprehensive chronological summaries of care rendered, a locator system, suspense files for required follow-up treatment and/or evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 55, Medical and Dental Care.

PURPOSE(S):

Used by the military departments for clinical and statistical analysis of designated medical and dental cases, their treatment and results. The files serve as the repository of clinical information relating to individuals evaluated and/or treated in Air Force medical facilities. It is used to conduct statistical analysis and to provide clinical information to other federal medical services, scientific institutions and qualified members of the medical and dental professions (information identifiable by name is released only with permission of the patient). Information is used by the medical facilities to promote education programs and to develop statistics designed to be used as a basis for developing improved diagnostic and therapeutic standards. Used by the individual physician or scientist to develop and write professional papers, and is used by hospital tumor registries to update their case records as to status and quality of survival of individual patients.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be provided to other hospital tumor registries, physicians, scientific institutions.

The DoD "Blanket Routine Uses" published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information

beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files, on computer and computer paper printouts, roll microfilm or microfiche.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and controlled by computer system software.

RETENTION AND DISPOSAL:

Records located at medical facilities are retained in the office files until inactivation of the tumor board or the facility, then forwarded to facility assuming patient responsibility.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders of armed forces medical facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commanders of armed forces medical facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requests must include full name, Social Security Number of sponsor, accession number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commanders of armed forces medical facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions and from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F044 AF SG R**SYSTEM NAME:**

Reporting of Medical Conditions of Public Health and Military Significance (March 23, 2001, 66 FR 16188).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry **Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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F044 AF SG R**SYSTEM NAME:**

Reporting of Medical Conditions of Public Health and Military Significance.

SYSTEM LOCATION:

Epidemiology Services Branch, Epidemiologic Research Division, Armstrong Laboratory, 2601 West Gate Road, Suite 114, Brooks City-Base, TX 78235-5241, medical centers, hospitals and clinics, medical aid stations, Air National Guard activities, and Air Force Reserve units. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Air Force members and their dependents, civilian Air Force employees, retired Air Force members and their dependents, Air Force Reserve and Air National Guard personnel and foreign national Air Force employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, home address, home phone, date of birth, and records relating to communicable diseases, occupational illnesses, animal bites.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 55, Medical and Dental Care; 10 U.S.C. 8013, Secretary of the Air Force; 29 CFR part 1960, Occupational Illness/Injury Reporting Guidelines for Federal Agencies; Air Force Instruction 48-105, Surveillance, Prevention, and Control of Diseases and Conditions of Public Health or Military Significance; and E.O. 9397 (SSN).

PURPOSE(S):

Records from this system of records will be used for ongoing public health surveillance, which is the systematic collection, analysis, and interpretation of outcome-specific data for use in the planning, implementation, and evaluation of public health practice within the Air Force.

Primary users include appropriate Air Force activity/installation preventive medicine and public health personnel and their major command and Air Force counterparts. Records are used and reviewed by health care personnel in the performance of their duties.

Health care personnel include military and civilian personnel assigned to the Air Force facility where the records are maintained. Students participating in a USAF training program may also use and review records as part of their training program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records, or information contained therein, may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the officials and employees of the National Research Council and the Department of Veterans Affairs in cooperative studies of the natural history of disease and epidemiology. Each study in which the records of members and former members of the Air Force are used must be approved by the Surgeon General of the Air Force.

To officials and employees of local and state governments in the performance of their official duties pursuant to the laws and regulations governing local control of communicable diseases, preventive medicine and safety programs, and other public health and welfare programs.

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system, except as stipulated in 'Note' below.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol/drug abuse treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd-2. This statute takes precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The DoD 'Blanket Routine Uses' do not apply to these types of records.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in machine readable form.

RETRIEVABILITY:

Records are retrieved by name, Social Security Number, reportable event, location, or any combination of these.

SAFEGUARDS:

Records are accessed by custodians of the record system and by person(s) responsible for servicing the record system in performance of their official duties and who are properly screened. Except when under direct physical control by authorized individuals, records will be electronically stored in computer storage devices protected by computer system software. Computer terminals are located in supervised areas with terminal access controlled by password or other user code systems.

RETENTION AND DISPOSAL:

Local retention may vary, but will be no less than 5 years after the fiscal year to which the records relate. After that time, records may be destroyed by erasing, deleting, or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Epidemiology Services Branch, Epidemiologic Research Division, Armstrong Laboratory (AL/AOES), 2601 West Gate Road, Suite 114, Brooks City-Base, TX 78235-5241, or comparable official of the Public Health Office

serving the Air Force activity/ installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to Chief, Epidemiology Services Branch, Epidemiologic Research Division, Armstrong Laboratory (AL/AOES), 2601 West Gate Road, Suite 114, Brooks City-Base, TX 78235-5241, or comparable official of the Public Health Office serving the Air Force activity/ installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Written requests should contain the full name and signature of the requester.

Requests in person must be made during normal office duty hours Monday through Friday, excluding national and/or local holidays.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Chief, Epidemiology Services Branch, Epidemiologic Research Division, Armstrong Laboratory (AL/AOES), 2601 West Gate Road, Suite 114, Brooks City-Base, TX 78235-5241, or comparable official of the Public Health Office serving the Air Force activity/ installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Written requests should contain the full name and signature of the requester.

Requests in person must be made during normal office duty hours Monday through Friday, excluding national and/or local holidays.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records in this system are obtained from DOD and Air Force employees involved in the surveillance, prevention, control, and reporting of diseases and conditions of public health or military significance.

Database is compiled using information from personnel, medical, and casualty records, investigative

reports, and environmental sampling data.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F044 AF SG S

SYSTEM NAME:

Alcohol and Drug Abuse Prevention and Treatment Program (December 23, 1999, 64 FR 72072).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry **NOTE:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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F044 AF SG S

SYSTEM NAME:

Alcohol and Drug Abuse Prevention and Treatment Program.

SYSTEM LOCATION:

At servicing Air Force installation Alcohol and Drug Abuse Prevention and Treatment Program (ADAPT) office. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel and dependents, Air Force civilian employees, and Air Force Reserve personnel, who are enrolled in the Alcohol and Drug Abuse Prevention and Treatment Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

As a minimum, the file contains referral information, evaluative materials, diagnostic assessment, treatment plan, counseling case notes, treatment summary, and automated data base, documenting entry and participation in the Air Force ADAPT Program, to include: date and means of identification and substance of abuse.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 290dd-2, Confidentiality of Patient Records; Air Force Instruction 44-121, Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program; Air Force Instruction 36-810, Substance Abuse Prevention and Control; and E.O. 9397 (SSN).

PURPOSE(S):

The file is used to process members in the ADAPT Program; to develop a treatment plan; to assist medical providers in decisions for program disposition; to document progress for individuals enrolled in the ADAPT program; and to prepare recurring reports.

Disclosure within the Air Force is limited to those individuals who need the records in connection with programs relating to abuse treatment, rehabilitation, research, health, and assignment to duty. Only persons authorized by 42 U.S.C. 290dd-2 may review, handle or have access to the file.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: To officials and employees of the Department of Veterans Affairs in the performance of their official duties relating to the adjudication of veterans' claims and in providing medical care to Air Force members.

Note: Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd-2. The results of a drug test of civilian employees may be disclosed only as expressly authorized under 5 U.S.C. 7301. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. The DoD "Blanket Routine Uses" do not apply to these types records.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most

such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and computer and on computer output products.

RETRIEVABILITY:

Retrieved by name, by Social Security Number, by other identification number or system identifier.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties and who are properly screened and cleared for need-to-know. Records are stored and secured in lockable receptacles and are controlled by personnel screening. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Destroy 5 years after the end of the calendar year the case is closed or when a minor child reaches 23 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program Manager, Air Force Medical Operations Agency, (AFMOA/SGOC), 5203 Leesburg Pike, Suite 702, Falls Church VA 22041-3410; and ADAPT Program Managers in the office of the command surgeon at major command headquarters; and ADAPT Program Managers at Air Force installations. Official mailing addresses are published as appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquires to the ADAPT Program Manager at the servicing Air Force installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requests to determine existence of a file should include full name, grade, and unit of assignment. Personal visit proof of identify requires full name and possession of Department of Defense Armed Forces Identification Card; or

driver's license and personal recognition of ADAPT staff member.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address requests to the ADAPT Program Manager servicing AF installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, personnel records, individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F044 AF SG T

SYSTEM NAME:

Suicide Event Surveillance System (SESS) (April 13, 2001, 66 FR 19145).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry 'Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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F044 AF SG T

SYSTEM NAME:

Suicide Event Surveillance System (SESS).

SYSTEM LOCATION:

Defense Enterprise Computing Center, Defense Information Systems Agency Detachment San Antonio, Building 200, 450 Duncan Drive, San Antonio, TX 78241-5940, on behalf of the Air Force Medical Support Agency (AFMSA/SGMID), 2510 Kennedy Circle, Suite 208, Brooks City-Base, TX 78235-5123.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty, retired, reserve and guard personnel; Air Force civilians; dependents; and any DoD military or civilian personnel that are treated at an Air Force medical treatment facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Type of suicide event (completed and nonfatal suicide events), event details, psychological, social, behavioral, relationship, economic and other information, including name, Social Security Number, date of birth, gender, race/ethnic group, marital status, rank, military service, military status, job title, duty Air Force specialty code, permanent duty station, the major command of the permanent duty station, temporary duty station (if applicable), use of military helping services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 55, Medical and Dental Care; 10 U.S.C. 8013, Secretary of the Air Force; 29 CFR part 1960, Occupational Illness/Injury Reporting Guidelines for Federal Agencies; Air Force Instruction 48-105, Surveillance, Prevention, and Control of Diseases and Conditions of Public Health or Military Significance; and E.O. 9397 (SSN).

PURPOSE(S):

Records from this data system will be used for direct reporting of suicide events and ongoing public health surveillance, which is the systematic collection, analysis, and interpretation of outcome-specific data for use in the planning, implementation, evaluation and prevention within the Air Force. Primary users include authorized Air Force activity/installation mental health personnel, their major command and Air Force counterparts, and Headquarters Air Force Office of Special Investigations (AFOSI), Death Investigations Section personnel. Records are created and revised by mental health and AFOSI personnel in the performance of their duties.

Mental health personnel include military and/or civilian staff assigned to the mental health department of the Air Force medical treatment facility where the medical and/or mental health records are maintained.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records, or information contained therein, may specifically be disclosed

outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Statistical summary data with no identifiers may be provided to federal, state and local governments for public health surveillance and research.

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system, except as stipulated in 'Note' below.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol/drug abuse treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd-2. This statute takes precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The DoD 'Blanket Routine Uses' do not apply to these types of records.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products.

RETRIEVABILITY:

Authorized users retrieve records by case identification number which is Social Security Number, plus year, month, day of event date.

SAFEGUARDS:

Records are accessed by custodians of the record system and by person(s) responsible for servicing the record system in performance of their official duties and who are properly authorized. When under direct physical control by authorized individuals, records will be electronically stored in computer storage devices protected by computer system software. Computer terminals are located in supervised areas with terminal access controlled by password or other user code systems.

RETENTION AND DISPOSAL:

Disposition pending (until NARA disposition is approved, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Force Health Protection and Surveillance Branch, Air Force Institute for Environment, Safety and Occupational Health Risk Analysis, 2513 Kennedy Circle, Brooks City-Base, TX 78235-5123.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to Chief, Force Health Protection and Surveillance Branch, Air Force Institute for Environment, Safety and Occupational Health Risk Analysis, 2513 Kennedy Circle, Brooks City-Base, TX 78235-5123.

Written requests should contain the full name, Social Security Number, and signature of the requester.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Chief, Force Health Protection and Surveillance Branch, Air Force Institute for Environment, Safety and Occupational Health Risk Analysis, 2513 Kennedy Circle, Brooks City-Base, TX 78235-5123.

Written requests should contain the full name, Social Security Number, and signature of the requester.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records in this system are obtained from DOD and Air Force employees and compiled using information from personnel, medical, and casualty records, investigative reports, and environmental sampling data.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F044 AF TRANSCOM A

SYSTEM NAME:

Joint Medical Evacuation System (TRAC²ES) (February 26, 2002, 67 FR 8789).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry '**Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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F044 AF TRANSCOM A

SYSTEM NAME:

Joint Medical Evacuation System (TRAC²ES).

SYSTEM LOCATION:

United States Transportation Command, Global Patient Movement Requirements Center, Building 505, Rimkus Drive, Room 100, Scott AFB, IL 62225-5049, and Department of Defense medical treatment facilities, evacuation units and medical regulating offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty, Air National Guard, Army National Guard, Reserve components of the Air Force, Army, Marine Corps, Coast Guard, Public Health Services or National Oceanic and Atmospheric Administration who have been called to Federal Service, and retired personnel of all seven uniformed services as well as their family members, employees of any agency of the U.S. Government including non-appropriated fund and Army and Air Force Exchange Service employees, Air Reserve technicians performing duties as civil servants, and family members (dependents) who reside overseas and whose civil service personnel sponsor is stationed overseas requiring transfer to another medical treatment at the request of U.S. Government medical treatment facilities through Patient Movement Requirements Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

TRAC²ES contains information reported by the transferring medical facility which includes, but is not limited to, patient identity, service affiliation and grade or status, sex, medical diagnosis, medical condition, special procedures or requirements needed, medical specialties required, administrative considerations, personal considerations, home address of patient

and/or duty station, and other information having an impact on the transfer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; 10 U.S.C. Chapter 55, Medical and Dental Care; 10 U.S.C. 2641, Transportation of Certain Veterans on DoD Aeromedical Evacuation Aircraft; DoD Directive 5154.6, Armed Services Medical Regulating; DoD Instruction 6000.11, Patient Movement; and E.O. 9397 (SSN).

PURPOSE:

Information collected is used to determine the appropriate medical treatment facility to which the reported patient will be transferred; to notify the reporting U.S. Government medical treatment facility of the transfer destination; to notify medical treatment facilities of the transfer; to notify evacuation units and medical regulating offices; to evaluate the effectiveness of reported information; to establish the specific needs of the reported patient; for statistical purposes; and when required by law and official purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To civilian hospitals for medical reference to ensure proper care is provided.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices also apply to this system.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol/drug abuse treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd-2. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The DoD 'Blanket Routine Uses' do not apply to these types of records.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant

to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic back-up tape storage media.

RETRIEVABILITY:

By individual's name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodians of the record system and by person(s) responsible for servicing the record system in performance of their official duties and who are properly authorized. When under direct physical control by authorized individuals, records will be electronically stored in computer storage devices protected by computer system software, or in locked file cabinets, locked desk drawers, or locked offices. Computer terminals are located in supervised areas with terminal access controlled by password or other user code systems.

RETENTION AND DISPOSAL:

Medical records of active duty U.S. military members are maintained at the medical unit at which the person receives treatment. On separation or retirement, records are forwarded to National Personnel Records Center (NPRC), St. Louis MO or other designated depository, such as Commandant, U.S. Coast Guard for that agency's personnel, to appropriate Department of Veterans Affairs Regional Office if a VA claim has been filed. Records of non-active duty personnel may be hand carried or mailed to the next military medical facility at which treatment will be received or the records are retained at the treating facility for a minimum of 1 year after date of last treatment then retire to NPRC or other designated depository. At NPRC records for military personnel are retained for 50 years after date of last document, for all others 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

System Administrator, United States Transportation Command, Global Patient Movement Requirements Center, Building 505, Rimkus Drive, Room 100, Scott AFB, IL 62225-5049.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about them is contained in this system should address written inquiries to Chief, Patient Administration of the Military Treatment Facility where treatment was provided.

Individuals requesting information should provide full name, rank or status and parent service, approximate date of transfer, medical treatment facility from which transferred, and current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals requesting information should provide full name, rank or status and parent service, approximate date of transfer, medical treatment facility from which transferred, and current address and telephone number. Forward request to Chief, Patient Administration of the Military Treatment Facility where treatment was provided.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Transferring and receiving treatment facilities, medical regulating offices, evacuation offices, agencies and commands relevant to the patient transfer, and from the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 03-15044 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to Alter Systems of Records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

The alterations (1) add a new purpose where information will be collected on individuals who are involved in incidents of domestic violence. The reporting and maintenance of such information is mandated by Public Law

106-65, section 594, as codified at 10 U.S.C. 1562, and (2) adds a new routine use to permit release of information to the FBI for the purposes of identifying individuals for whom access to a biological agent or toxin would violate the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107-188.

DATES: This action will be effective without further notice on July 16, 2003 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DSS-CF, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767-6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on May 29, 2003, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: June 5, 2003.

Patricia Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.15 DMDC

SYSTEM NAME:

Defense Incident-Based Reporting System (DIBRS) (May 31, 2002, 67 FR 38073).

Changes:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulation; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 1562, Database on Domestic Violence Incidents; 18 U.S.C. 922 note, Brady Handgun Violence Prevention Act; 28 U.S.C. 534 note, Uniform Federal Crime Reporting Act; 42 U.S.C. 10601 *et seq.*, Victims Rights and Restitution Act; 10

U.S.C. 1562, Database on Domestic Violence Incidents; Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub.L. 107-188; DoD Directive 7730.47, Defense Incident-Based Reporting System (DIBRS); and E.O. 9397 (SSN).'

PURPOSE(S):

Delete entry and replace with 'To provide a single central facility within the Department of Defense (DoD) which can serve as a repository of criminal and specified other non-criminal incidents which will be used to satisfy statutory and regulatory reporting requirements, specifically to provide crime statistics required by the Department of Justice (DoJ) under the Uniform Federal Crime Reporting Act; to provide personal information required by the DoJ under the Brady Handgun Violence Prevention Act and the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; statistical information required by DoD under the Victim's Rights and Restitution Act; information required for the DoD database on domestic violence incidents; and to enhance DoD's capability to analyze trends and to respond to executive, legislative, and oversight requests for statistical crime data relating to criminal and other high-interest incidents.'

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Replace 'To the Department of Justice' with 'To the Department of Justice, or any of its components to which authority has been delegated.'

Under the Justice's Routine Use, add a new subparagraph (3) to read as follows: '(3) To compile information on those individuals for whom access to a biological agent or toxin would violate the law so that such information can be included in a database which may be used to determine whether individuals are disqualified from accessing such agents or toxins.'

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CONTESTING RECORD PROCEDURES:

Delete entry and replace with 'The DLA rules for accessing records and appealing initial agency access determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DSS-B, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

The rules for contesting contents are contained in DoD Manual 7730.47-M, Manual for Defense Incident-Based

Reporting System, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DSS-B, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221. Requests for amendment will be forwarded to the DoD Component which supplied the contested information for adjudication under the Privacy Act rules published by that Component.'

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S322.15 DMDC

SYSTEM NAME:

Defense Incident-Based Reporting System (DIBRS).

SYSTEM LOCATION:

Primary Location: Naval Postgraduate School Computer center, Naval Postgraduate School, Monterey, CA 93943-5000.

Back-up Location: Defense Manpower Data Center, DoD Center, 400 Gigling Road, Seaside, CA 93955-6771.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military (includes Coast Guard) or civilian personnel who have been apprehended or detained for criminal offenses which must be reported to the Department of Justice pursuant to the Uniform Crime Reporting Handbook as required by the Uniform Federal Crime Reporting Act.

Active duty military (includes Coast Guard) personnel accused of criminal offenses under the Uniform Code of Military Justice and investigated by a military law enforcement organization.

Active duty military (includes Coast Guard) personnel accused of fraternization, sexual harassment, a sex-related offense, a hate or bias crime, or a criminal offense against a victim who is a minor and investigated by a commander, military officer, or civilian in a supervisory position.

Active duty military (includes Coast Guard) personnel accused of a criminal incident, which is not investigated by a military law enforcement organization, but which results in referral to trial by court-martial, imposition of nonjudicial punishment, or an administrative discharge.

Active duty military (includes Coast Guard) personnel convicted by civilian authorities of felony offenses as defined by State or local law.

Active duty military (includes Coast Guard) personnel who attempt or commit suicide.

Individuals who are victims of those offenses which are either reportable to the Department of Justice or are reportable for having committed

criminal incidents in violation of law or regulation.

Active duty military (includes Coast Guard) personnel who must be reported to the Department of Justice under the Brady Handgun Violence Prevention Act because such personnel have been referred to trial by a general courts-martial for an offense punishable by imprisonment for a term exceeding one year; have left the State with the intent of avoiding either pending charges or giving testimony in criminal proceedings; are either current users of a controlled substance which has not been prescribed by a licensed physician (Note: includes both current and former members who recently have been convicted by a courts-martial, given nonjudicial punishment, or administratively separated based on drug use or failing a drug rehabilitation program) or using a controlled substance and losing the power of self-control with respect to that substance; are adjudicated by lawful authority to be a danger to themselves or others or to lack the mental capacity to contract or manage their own affairs or are formally committed by lawful authority to a mental hospital or like facility (Note: includes those members found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 72b of the Uniform Code of Military Justice); have been discharged from the Armed Services pursuant to either a dishonorable discharge or a dismissal adjudged by a general courts-martial; or have been convicted in any court of a misdemeanor crime of domestic violence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records compiled by law enforcement authorities (e.g., Pentagon Force Protective Agency, military and civilian police, military criminal investigation services or commands); DoD organizations and military commands; Legal and judicial authority (e.g., Staff Judge Advocates, courts-martial); and Correctional institutions and facilities (e.g., the United States Disciplinary Barracks) consisting of personal data on individuals, to include but not limited to, name; social security number; date of birth; place of birth; race; ethnicity; sex; identifying marks (tattoos, scars, etc.); height; weight; nature and details of the incident/offense to include whether alcohol, drugs and/or weapons were involved; driver's license information; actions taken by military commanders (e.g., administrative and/or non-judicial measures, to include sanctions imposed); court-martial results and punishments imposed; confinement

information, to include location of correctional facility, gang/cult affiliation if applicable; and release/parole/clemency eligibility dates.

Records also consist of personal information on individuals who were victims. Such information does not include the name of the victim or other personal identifiers (e.g., Social Security Number, date of birth, etc.), but does include the individual's residential zip code; age; sex; race; ethnicity; and type of injury.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 1562, Database on Domestic Violence Incidents; 18 U.S.C. 922 note, Brady Handgun Violence Prevention Act; 28 U.S.C. 534 note, Uniform Federal Crime Reporting Act; 42 U.S.C. 10601 *et seq.*, Victims Rights and Restitution Act; 10 U.S.C. 1562, Database on Domestic Violence Incidents; Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107-188; DoD Directive 7730.47, Defense Incident-Based Reporting System (DIBRS); and E.O. 9397 (SSN).

PURPOSE(S):

To provide a single central facility within the Department of Defense (DoD) which can serve as a repository of criminal and specified other non-criminal incidents which will be used to satisfy statutory and regulatory reporting requirements, specifically to provide crime statistics required by the Department of Justice (DoJ) under the Uniform Federal Crime Reporting Act; to provide personal information required by the DoJ under the Brady Handgun Violence Prevention Act and the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; statistical information required by DoD under the Victim's Rights and Restitution Act; information required for the DoD database on domestic violence incidents; and to enhance DoD's capability to analyze trends and to respond to executive, legislative, and oversight requests for statistical crime data relating to criminal and other high-interest incidents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may be disclosed outside the Department of

Defense as a routine use pursuant to 5 U.S.C. 552a(b)(3) only as follows:

To the Department of Justice, or any of its components to which authority has been delegated:

(1) To compile crime statistics so that such information can be both disseminated to the general public and used to develop statistical data for use by law enforcement agencies.

(2) To compile information on those individuals for whom receipt or possession of a firearm would violate the law so that such information can be included in the National Instant Criminal Background Check System which may be used by firearm licensees (importers, manufacturers or dealers) to determine whether individuals are disqualified from receiving or possessing a firearm.

(3) To compile information on those individuals for whom access to a biological agent or toxin would violate the law so that such information can be included in a database which may be used to determine whether individuals are disqualified from accessing such agents or toxins.

The DoD 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of record system notices do not apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Retrieved by name, Social Security Number, incident number, or any other data element contained in system.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted by the use of locks, guards, and administrative procedures. Access to personal information is limited to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of passwords which are changed periodically.

RETENTION AND DISPOSAL:

The master file is retained permanently. Input and source records are destroyed after data have been entered into the master file or when no longer needed for operational purposes, whichever is later. Output products (electronic or paper) are destroyed when no longer needed for operational purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DSS-B, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DSS-B, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

Written requests should contain the full name, Social Security Number, date of birth and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and appealing initial agency access determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DSS-B, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

The rules for contesting contents are contained in DoD Manual 7730.47-M, Manual for Defense Incident-Based Reporting System, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DSS-B, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221. Requests for amendment will be forwarded to the DoD Component which supplied the contested information for adjudication under the Privacy Act rules published by that Component.

RECORD SOURCE CATEGORIES:

The military services (includes the U.S. Coast Guard) and Defense agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 03-15046 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE**Department of the Navy****Privacy Act of 1974; System of Records**

AGENCY: Department of the Navy, DoD.

ACTION: Notice to Amend and Delete Records Systems.

SUMMARY: The Department of the Navy is amending one system of records notice in its inventory of records systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a), and deleting one system of records notice.

DATES: The amendment will be effective on July 16, 2003 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations, N09B10, 2000 Navy Pentagon, Washington, DC 20350-2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685-6545 or DSN 325-6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Department of the Navy proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports. The records system being amended is set forth below, as amended, published in its entirety.

Dated: May 30, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion**N05370-2****SYSTEM NAME:**

Financial Interest Disclosure Statements (May 9, 2003, 68 FR 24959).

REASON:

These records are now being maintained under the Office of Government Ethics government-wide Privacy Act systems of records notices OGE/GOVT-1, entitled 'Executive Branch Personnel Public Financial Disclosure Reports and Other Name-

Retrieved Ethics Program Records' and OGE/GOVT-2, entitled 'Executive Branch Confidential Financial Disclosure Reports'.

Amendment**N01640-1****SYSTEM NAME:**

Individual Correctional Records (May 9, 2003, 68 FR 24959).

Changes

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SYSTEM LOCATION:

Delete entry and replace with 'United States Navy Brigs and United States Marine Corps Correctional Facilities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Navy Personnel Command (Pers-84), 5720 Integrity Drive, Millington, TN 38055-8400.'

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N01640-1**SYSTEM NAME:**

Individual Correctional Records.

SYSTEM LOCATION:

United States Navy Brigs and United States Marine Corps Correctional Facilities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Navy Personnel Command (Pers-84), 5720 Integrity Drive, Millington, TN 38055-8400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members confined in a naval facility as a result of or pending trial by courts-martial; military members sentenced to three days bread and water or diminished rations; and military members awarded correctional custody to be served in a correctional custody unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to the administration of individual prisoners in the Department of the Navy confinement and correctional custody facilities—courts martial orders; release orders; confinement orders; medical examiners' reports; requests and receipts for health and comfort supplies; reports and recommendations relative to disciplinary actions; clothing and equipment records; mail and visiting lists and records; personal history records; individual prisoner utilization records; requests for interview; initial

interview; spot reports; prisoner identification records; parolee agreements; inspection record of prisoner in segregation; personal funds records; valuables and property record; daily report of prisoners received and released; admission classification summary; social history; clemency recommendations and actions; parole recommendations and actions; restoration recommendations and actions; psychiatric, psychological, and sociological reports; certificate of parole; certificate of release from parole; requests to transfer prisoners; records showing name, grade, Social Security Number, sex, education, sentence, offense(s), sentence computation, organization, ethnic group, discharge awarded, length of unauthorized absence, number and type of prior punishments, length of service, and type release; reports showing legal status, offense charged, and length of time confined. Names, addresses, and telephone numbers of victims/witnesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 951; 42 U.S.C. 10601 *et seq.*, Victim's Rights and Restitution Act of 1990 as implemented by DoD Instruction 1030.2, Victim and Witness Assistance Procedures; and E.O. 9397 (SSN).

PURPOSE(S):

To determine initial custody classification; to determine when custody grade change is appropriate; to gauge member's adjustment to confinement or correctional custody; to identify areas of particular concern to prisoners and personnel in correctional custody; to determine work assignment; to determine educational needs; serves as the basis for correctional treatment; serves as a basis for recommendations for clemency, restoration, and parole; and to notify victims/witnesses of crime of release related activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, state, and local law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory order.

To state and local authorities for purposes of providing (1) notification

that individuals, who have been convicted of a specified sex offense or an offense against a victim who is a minor, will be residing in the state upon release from military confinement and (2) information about the individual for inclusion in a state operated sex offender registry.

To confinement/correctional system agencies for use in the administration of correctional programs to include custody classification; employment, training and educational assignments; treatment programs; clemency, restoration to duty, and parole actions; verifications concerning military offenders or military criminal records, employment records and social histories.

To victims and witnesses of crime for the purpose of notifying them of date of parole or clemency hearing and other release related activities.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computerized data base.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Computer data base is password protected.

RETENTION AND DISPOSAL:

Two years after a prisoner is released or transferred from a brig or expiration of parole, prisoner records are transferred to the appropriate Federal Records Center.

Federal Records Center Atlanta, 1557 St. Joseph Avenue, East Point, GA 30344 has records from ashore brigs under the area coordination of the Commander, U.S. Atlantic Fleet; Commander, U.S. Naval Forces Europe; Commander, Naval Education and Training, afloat brig on Atlantic Fleet ships, and Naval Consolidated Brig, Charleston.

Federal Records Center Los Angeles, 2400 Avila Road, P.O. Box 6719, Laguna Niegel, CA 92607-6719 has records for ashore brigs under the area consideration of the Commander, U.S. Pacific Fleet; afloat brigs on Pacific Fleet ships; and Naval Consolidated Brig, Miramar.

Records of prisoners accompany their transfer to other facilities.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Officials: Commander, Navy Personnel Command (Pers-84), 5720 Integrity Drive, Millington, TN 38055-8400 and Commandant of the Marine Corps (Code POS-40), Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380-0001.

RECORD HOLDERS:

United States Naval Brigs and United States Marine Corps Brigs. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Commander, Navy Personnel Command (Pers-84), 5720 Integrity Drive, Millington, TN 38055-8400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the United States Naval Brig or United States Marine Corps Brig where incarcerated. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Commander, Navy Personnel Command (Pers-84), 5720 Integrity Drive, Millington, TN 38055-8400.

Requests should include full name and Social Security Number and must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the United States Naval Brig or United States Marine Corps Brig where incarcerated. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Commander, Navy Personnel Command (Pers-84), 5720 Integrity Drive, Millington, TN 38055-8400.

Requests should include full name and Social Security Number and must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military personnel records; military financial and medical records; military and civilian investigative and law enforcement agencies; courts-martial proceedings; records of non-judicial

administrative proceedings; United States military commanders; staff members and cadre supply information relative to service member's conduct or duty performance; and other individuals or organizations which may supply information relevant to the purpose for which this system was designed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

[FR Doc. 03-15047 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Department of the Navy is amending nine systems of records notices in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

The amendments are required to alert the users of these systems of records of the additional requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as implemented by DoD 6025.18-R, DoD Health Information Privacy Regulation. Language being added under the 'Routine Use' category is as follows:

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

DATES: This proposed action will be effective without further notice on July 16, 2003 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations, N09B10, 2000 Navy Pentagon, Washington, DC 20350-2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685-6545 or DSN 325-6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: June 5, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N03461-2

SYSTEM NAME:

POW Follow-up Program (March 2, 1994, 59 FR 9965).

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Add to end of entry '**Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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N03461-2

SYSTEM NAME:

POW Follow-up Program.

SYSTEM LOCATION:

Naval Aerospace Medical Institute, Special Studies Department (25), Naval Air Station, Pensacola, FL 32508-1047.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prisoners of War (POWs) from 1974 to present; matched comparison group

consisting of former aviators; some spouses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records; X-rays; dental and somatotype photographs; newspaper clippings; research questionnaires, Social Security Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397 (SSN).

PURPOSE(S):

To research the effects of the captivity experience on the man and his family and for recommending changes in training and improved health care delivery services, as well as for professional publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files consist of file folders, magnetic and video tapes, key-punched IBM cards, computer tapes, microfiche and microfilm.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

All files in this system are protected by limited, controlled access, locked doors and class 6 security cabinets. Only professional and/or research staff with appropriate security clearances are given access to files.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Head, POW Data Analysis Division,
Naval Aerospace Medical Institute,
Naval Air Station, Pensacola, FL 32508-
1047.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 25, Naval Air Station, Pensacola, FL 32508-1047.

Individual should provide full name, military or civilian status, POW status, security clearance, and service affiliation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 25, Naval Air Station, Pensacola, FL 32508-1047.

Individual should provide full name, military or civilian status, POW status, security clearance, and service affiliation.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal interviews with returned POWs and families of POW/MIA/KIA/ hostages/civilian POWs; newspapers and periodicals; Department of the Army; Bureau of Medicine and Surgery; and Marine Corps Headquarters.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06150-1**SYSTEM NAME:**

Medical Department Professional/
Technical Personnel Development
(February 22, 1993, 58 FR 10789).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry **Note:** This system of records contains individually

identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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N06150-1**SYSTEM NAME:**

Medical Department Professional/
Technical Personnel Development.

SYSTEM LOCATION:

Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120; individual's duty station or reserve unit (see Directory of the Department of the Navy Mailing Addresses); Military Sealift Command, Navy Department, Washington, DC 20390; National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118; Bureau of Medicine and Surgery managed education and training activities; various colleges and universities affiliated with BUMED managed education and training activities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy (military and civilian) health care personnel; applicants to student status in Navy Aerospace Medicine, Navy Aerospace Physiology and Navy Aerospace Experimental Psychology; Navy (military and civilian) personnel qualified as divers or involved in other professional/specialty/technical training; Navy (military and civilian) personnel exposed to occupational/ environmental hazards; distinguished/ noted civilian physicians employed by the Navy in capacity of lecturer/ consultant.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, including demographic, medical, and personal data, records of disciplinary, administrative, and credentialing, and punitive actions, curricula vitae of both active-duty and civilian lecturers/ consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 CFR part 20, Standards for Protection Against Radiation; and E.O. 9397 (SSN).

PURPOSE(S):

To manage the Bureau of Medicine and Surgery's management of health care personnel, including education and training activities; procurement; assignments planning; professional/ specialty/technical training; credentialing; promotional decisions; career development planning; evaluation of candidates for position of lecturer/consultant; mobilization, planning, and verification of reserve service; surgical team contingency planning.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information of adverse actions, including administrative or disciplinary actions or revocations of health care providers' clinical credentials may be disseminated to the various federal and state licensure boards, professional regulating bodies, and appropriate military and civilian organizations and facilities.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records stored on disc, tape, punched cards, and machine listings. Manual records stored in card files and folders in filing cabinets.

RETRIEVABILITY:

Manual records retrieved by full name, Social Security Number, file numbers, program title or locator card.

Automated records retrieved by key to any data field.

SAFEGUARDS:

Records maintained in monitored or controlled access rooms or areas; public access to the records is not permitted; computer hardware is located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in the performance of their duties. Buildings/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Medical Department personnel professional development and training records; Headquarters, BUMED records—retained at BUMED for duration of member's service, then retired to NPRC, St. Louis for 10 year retention; COMNAVMECON field activities—retained 5 years, then destroyed.

Radiation exposure records; personnel exceeding exposure limits—retained at BUMED 50 years, then destroyed; all others—retained 5 years, then destroyed.

Surgical support team records; Headquarters, BUMED—destroyed upon termination of active duty service; BUMED field activities—destroyed upon termination of duty at the Medical Department facility.

Curricular vitae of lecturers/consultants—destroyed upon termination of status at the Medical Department facility.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120; Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132-5100; Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118; Commanding Officers of naval activities, ships and stations.

NOTIFICATION PROCEDURE:

Offices where requester may visit to obtain information of records pertaining to the individual: Potomac Annex, 23rd and E Streets, NW., Washington, DC 20372-5120; Navy medical centers and hospitals; other Navy health care facilities; and BUMED managed education and training facilities.

The individual should present proof of identification such as an I.D. Card, driver's license, or other type of identification bearing signature and photograph.

Written requests may be addressed as follows:

Active duty Navy members or civilian employees presently working for the Navy should address requests to the Commanding Officer of the Facility or ship where they are stationed or employed.

Former members of the Navy should address requests to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132-5100.

Former civilian employees of the Navy should address requests to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.

All written requests should contain full name, rank, Social Security Number, file number (if any) and designator.

RECORD ACCESS PROCEDURES:

Offices where requester may visit to obtain information of records pertaining to the individual: Potomac Annex, 23rd and E Streets, NW., Washington, DC 20372-5120; Navy medical centers and hospitals; other Navy health care facilities; and BUMED managed education and training facilities.

The individual should present proof of identification such as an I.D. Card, driver's license, or other type of identification bearing signature and photograph.

WRITTEN REQUESTS MAY BE ADDRESSED AS FOLLOWS:

Active duty Navy members or civilian employees presently working for the Navy should address requests to the Commanding Officer of the Facility or ship where they are stationed or employed.

Former members of the Navy should address requests to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132-5100.

Former civilian employees of the Navy should address requests to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.

All written requests should contain full name, rank, Social Security Number, file number (if any) and designator.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or

may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military headquarters, offices and commands; education institutions at training hospitals; boards, colleges and associations of professional licensure and medical specialties; personnel records; information submitted by the individual; automated system interface.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06150-2

SYSTEM NAME:

Health Care Record System (May 22, 1996, 61 FR 25637).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry 'Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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N06150-2

SYSTEM NAME:

Health Care Record System.

SYSTEM LOCATION:

Military outpatient health (medical and dental) records of active duty individuals are retained at the member's medical or dental treatment facility. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Military outpatient health (medical and dental) records of current reservists are retained by the member's command. Military outpatient health (medical and dental) records of retired and separated individuals are retained at the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132-5100; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149-7800; Marine Corps Reserve Support Center, 10905 El Monte,

Overland Park, KS 66211-1408; Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372-5300; or Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380-0001.

Inpatient health records are retained at the originating naval medical treatment facility (official mailing addresses are published as an appendix to the Navy's compilation of system of records notices); Department of Veterans Affairs Hospitals; other medical treatment facilities such as PRIMUS; National Personnel Records Center (Military), 9700 Page Avenue, St. Louis, MO 63132-5100; National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118-4199; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149-7800; Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211-1408; Medical Director, American Red Cross, Washington, DC 20226; Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372-5300; or Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380-0001.

Outpatient health (medical and dental) treatment records of civilians are retained at the originating naval medical or dental treatment facility (official mailing addresses are published as an appendix to the Navy's compilation of system of records notices); Department of Veterans Affairs Hospitals; other medical treatment facilities such as PRIMUS; National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132-5100; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118-4199; Medical Director, American Red Cross, Washington, DC 20226; Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372-5300; or Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380-0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel, other military personnel, dependents, retired and separated military personnel and dependents, civilian employees, Red Cross personnel, foreign personnel, VA beneficiaries, humanitarian patients, and all other individuals who receive treatment at a Navy medical or dental treatment facility. All commercial

insurance carriers with whom the Department of the Navy has filed a claim under the Third Party Payers Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Outpatient and inpatient health (medical and dental) records contain forms documenting care and treatment. These records contain patient and sponsor demographic data.

Secondary health records contain forms documenting care and treatment at specific departments or clinics.

Subsidiary health records contain information from individual health records and supporting documentation. Examples are: X-ray files; electrocephalogram tracing files; laboratory or secondary treatment record with supporting documentation or they may be based on the files; pharmacy files, social work case files; alcohol rehabilitation files; psychiatric or psychology case files, including psychology files documenting the clinical psychological evaluation of individuals for suitability for certain assignments; nursing care plans; medication and treatment cards, stat/daily orders; patient intake and output forms; ward reports; day books; nursing service reports; pathology and clinical laboratory reports; tumor registries; autopsy reports; laboratory information system (LABIS); blood transfusion reaction records; blood donor and blood donor center records; pharmacy records, surgery records, and vision records and reports; communicable disease case files, statistics, and reports; occupational health, industrial, and environmental control records, statistics, and reports, including data concerning periodic and total lifetime accumulated exposure to occupational/environmental hazards; emergency room and sick call logs; family advocacy case files, statistics, reports, and registers; psychiatric workload statistics and unit evaluations; gynecology malignancy data, etc.

Aviation physical examinations and evaluation case files contain medical records documenting fitness for admission or retention in aviation programs.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files contain medical records documenting suitability for assignment as Embassy Guards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1095, Collection from Third Party Payers Act; 10 U.S.C. 5131 (as amended); 10 U.S.C. 5132; 44 U.S.C. 3101; 10 CFR part 20, Standards

for Protection Against Radiation; and E.O. 9397 (SSN).

PURPOSE(S):

This system is used by officials, employees and contractors of the Department of the Navy (and members of the National Red Cross in naval medical treatment facilities) in the performance of their official duties relating to the health and medical treatment of Navy and Marine Corps members; physical and psychological qualifications and suitability of candidates for various programs; personnel assignment; law enforcement; dental readiness; claims and appeals before the Council of Personnel Boards and the Board for Correction of Naval Records; member's physical fitness for continued naval service; litigation involving medical care; performance of research studies and compilation of statistical data; implementation of preventive medicine programs and occupational health surveillance programs; implementation of communicable disease control programs; and management of the Bureau of Medicine and Surgery's Radiation program and to report data concerning individual's exposure to radiation.

This system is also used for the initiation and processing, including litigation, of affirmative claims against potential third party payers.

This system is used by officials and employees of other components of the Department of Defense in the performance of their official duties relating to the health and medical treatment of those individuals covered by this record system; physical and psychological qualifications and suitability of candidates for various programs; and the performance of research studies and the compilation of medical data.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the Department of Veterans Affairs in the performance of their official duties relating to the adjudication of veterans' claims and in providing medical care to Navy and Marine Corps members.

To officials and employees of other departments and agencies of the Executive Branch of Government upon request in the performance of their

official duties related to review of the physical qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies.

To private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal Government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies.

To officials and employees of the National Research Council in cooperative studies of the National History of Disease.

To officials and employees of local and state governments and agencies in the performance of their official duties relating to public health and welfare, communicable disease control, preventive medicine, child and spouse abuse prevention and public safety.

To officials and employees of local and state governments and agencies in the performance of their official duties relating to professional certification, licensing and accreditation of health care providers.

To law enforcement officials to protect the life and welfare of third parties. This release will be limited to necessary information. Consultation with the hospital or regional judge advocate is advised.

To spouses of service members (including reservists) who are infected with the Human Immunodeficiency Virus. This release will be limited to HIV positivity information. Procedures for informing spouses will be published by the Director, Naval Medicine and must be used.

To military and civilian health care providers to further the medical care and treatment of the patient.

To release radiation data per 10 CFR part 20.

To third parties in those cases where the Government is seeking reimbursement under the Third Party Payers Act.

When required by federal statute, by executive order, or by treaty, medical record information will be disclosed to the individual, organization, or government agency, as necessary.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of records notices also apply to this system.

Note: Records of identity, diagnosis, prognosis or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is

conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, except as provided in 42 U.S.C. 290dd-2, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under 42 U.S.C. 290dd-2. The DoD 'Blanket Routine Uses' do not apply to these types of records.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary, secondary, and subsidiary medical health records are stored in file folders, microform, on magnetic tape, personal computers, machine listings, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Military health (medical and dental) treatment records are filed and maintained by the last four digits of the military member's Social Security Number, the member's last name, or the member's Social Security Number. A locator case file cross-references the patient's name with the location of his/her record.

Inpatient (clinical) health records are filed and maintained by the last four digits of the sponsor's Social Security Number or a register number. A manual or automatic register of patients is kept at each Navy medical treatment facility. The location of the file can be determined by a seven-digit register number or the patient's name.

Outpatient (medical and dental) health records are filed and maintained by the sponsor's Social Security Number or date of birth, relationship to the sponsor, and name. A locator file cross-references the patient's name with the location of his/her record.

Treatment records retired to a Federal Records Center prior to 1971 are retrieved by the name and service number or file number. After that date, records are retrieved by name and Social Security Number.

Aviation medical records are filed and maintained by Social Security Number and name.

Marine Security Guard Battalion psychological examination, evaluation,

and treatment case files contain medical records documenting fitness for assignment as Embassy Guards and are filed and maintained by Social Security Number and name. Subsidiary health care records may or may not be identified by patient identifier. When they are, they may be retrieved by name and Social Security Number.

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specific monitored or controlled access rooms or areas; public access is not permitted. Computer terminals are located in supervised areas. Access is controlled by password or other user code system. Utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in providing further medical care or in support of administrative/clerical functions. Records are controlled by a charge-out system to clinical and other authorized personnel.

RETENTION AND DISPOSAL

Health care records are retained, retired, and disposed of in accordance with Secretary of the Navy Instruction 5215.5 (Disposal of Navy Marine Corps Records) and Bureau of Medicine and Surgery Instruction 6150.1 (Health Care Treatment Records). Specifics are given below:

Military health (medical and dental) records are transferred with the member upon permanent change of duty station to his/her new duty station. These records are retired to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132-5100; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149-7800; and Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211-1408.

Inpatient health records are transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132-5100 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118-4199, two years after the calendar year of the last date of treatment.

Outpatient health records of civilians are transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132-5100 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118-4199, two years after the calendar year of the last date of treatment.

X-ray files are retained on-site and destroyed three years after the last x-ray in the file. Asbestos x-rays are retained on site indefinitely.

Secondary health records may be retained separate from the health record. A notation is made in the health record that these records exist and where they are being kept. When the health record is retired or the patient transfers, these records should be entered in the health record.

Aviation medical records are retained at the activity and destroyed when 30 years old.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files containing medical records documenting fitness for assignment as Embassy Guards are retained at the activity and destroyed after 50 years.

Clinical psychology case files documenting suitability for special assignment will be retained at the originating medical treatment facility and destroyed when 50 years old.

Radiation exposure records for personnel are maintained indefinitely in the health record, and in a centralized exposure registry held by the Navy Environmental Health Center Detachment, Naval Dosimetry Center, Bethesda, MD 20889-5614.

SYSTEM MANAGER(S) AND ADDRESS:

Service medical (health and dental) records for active and reserve, Navy and Marine Corps: Chief, Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372-5300; Commanding Officers, Naval Activities, Ships and Stations; and, Director, National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132-5100. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

Inpatient and outpatient treatment records: Chief, Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372-5300; Commanding Officers and Officers-in-Charge of naval medical treatment facilities; and, Director, National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132-5100. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

NOTIFICATION PROCEDURE:

Active duty Navy and Marine Corps personnel and drilling members of the Navy and Marine Corps Reserves seeking to determine whether this

system of records contains information about themselves should address written inquiries to the originating medical or dental treatment facility. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

Inactive Naval Reservists should address requests for information to the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149-7800. Marine Reservists should address requests for information to Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211-1408. Former members who have no further reserve or active duty obligations should address requests for information to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132-5100.

All written requests should contain the full name and Social Security Number of the individual, his/her signature, and in those cases where his/her period of service ended before 1971, his/her service or file number. In requesting records for personnel who served before 1964, information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval service.

Records may be requested in person. Proof of identification will consist of the Armed Forces Identification Card or by other types of identification bearing picture and signature.

Requests for inpatient records within two years of inpatient stay should be addressed to the Commanding Officer of the hospital where the individual was treated.

Requests for inpatient records after two years after inpatient stay should be addressed to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118-4199 or to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132-5100.

Requests for subsidiary medical records should be addressed to the Commanding Officer of medical or dental center where treatment was received.

The following data should be provided: Full name, Social Security Number, status, date(s) of treatment or period of hospitalization, address at time of medical treatment, and service number.

Full name, date, and place of birth, I.D. card or driver's license, or other identification to sufficiently identify the individual with the medical records

held by the treatment facility must be presented.

RECORD ACCESS PROCEDURES:

Individuals seeking access to record about themselves contained in this system of records should address written inquiries to the medical or dental treatment facility where treatment was received or to the officials listed under 'Notification procedure'.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reports from attending and previous physicians and other medical personnel regarding the results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-rays, and special studies conducted to provide health care to the individual or to determine the individual's physical and dental qualification.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06150-3

SYSTEM NAME:

Naval Health/Dental Research Center Data File (February 22, 1993, 58 FR 10793).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry **Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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N06150-3

SYSTEM NAME:

Naval Health/Dental Research Center Data File.

SYSTEM LOCATION:

Naval Medical Research and Development Command, Naval Medical Research Institute and/or Naval Dental Research Institute to which individual is assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

For medical: Navy and Marine Corps personnel on active duty since 1960 to date. Civilians taking part in Operation Deep Freeze, 1964 to date.

For dental: Navy and Marine Corps personnel on active duty since 1967 to date.

CATEGORIES OF RECORDS IN THE SYSTEM:

Extracts of information from official medical/dental and personnel records, results of dental examinations conducted by staff research scientists, as well as information dealing with biographical, attitudes, and questions relating to medical and dental health patterns during active service or prior to active duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013 and E.O. 9397 (SSN).

PURPOSE(S):

To research, monitor and analyze the types and frequency of medical and dental diseases and illnesses in Navy and Marine Corps personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Files are maintained on magnetic tape, flexible and hard disks, paper files, punch cards and optically marked cards.

RETRIEVABILITY:

Retrievability is by Social Security Number or service number as appropriate for military and former military personnel. Civilians are by name only.

SAFEGUARDS:

Access is restricted to personnel having a need to work with the research data stored. Access is controlled by password for health records stored on magnetic tape. Computerized dental research records contain I.D. numbers that can be matched to Social Security Number's on code sheets maintained by research personnel.

RETENTION AND DISPOSAL:

Research records are permanent. They are maintained for five years at the activity performing the research and then retired to the Federal Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Navy and Marine Corps personnel and former serving members must provide a Social Security Number or service number as appropriate, give the branch of service, and years of active duty. Civilians in Operation Deep Freeze must identify themselves by full name and the year in which they wintered over.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Navy and Marine Corps personnel and former serving members must provide a Social Security Number or service number as appropriate, give the branch of service, and years of active duty. Civilians in Operation Deep Freeze must identify themselves by full name and the year in which they wintered over.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is derived from (a) Medical Treatment Record Systems, including medical, dental, health records, inpatient treatment records and outpatient treatment records, (b) Personnel Records System and Personnel Rehabilitation Support System, (c) Enlisted Master File, (d) information provided by the members themselves on a volunteer basis in response to specific research questionnaires and forms, and (e) information provided by the members' peers and superiors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06150-4**SYSTEM NAME:**

DoD Birth Defects Registry (December 1, 2000, 65 FR 75258).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry 'Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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N06150-4**SYSTEM NAME:**

DoD Birth Defects Registry.

SYSTEM LOCATION:

Naval Health Research Center,
Emerging Illness Division, P.O. Box
85122, San Diego, CA 92186-5122.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DoD beneficiary infants born in both military and civilian medical facilities beginning October 1, 1993, and their parents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic data and health data potentially related to a birth defect.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 131, Office of the Secretary of Defense; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 2358, Research and Development Projects; E.O. 9397 (SSN); and OASD/HA Policy for National Surveillance for Birth Defects Among Department of Defense (DoD) Health Care Beneficiaries Clinical Policy 99-006 dated November 17, 1998.

PURPOSE(S):

To determine those birth defects that are most common within this population; to provide information regarding increases, if any, in the incidence of specific malformations; to compare rates stratified by beneficiary status (military or dependent) and among active-duty personnel, by occupation; to identify geographical or military service-related areas of reproductive concern for cluster analysis; to identify any correlation of rates of defects with changing trends in cultural, social, and environmental factors; and to provide a data repository that future investigators and policy makers might use to study militarily important birth defects hypotheses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Social Security Administration (SSA) for considering individual claims for benefits for which SSA is responsible.

To the Department of Veterans Affairs (DVA) for considering individual claims for benefits for which that DVA is responsible, and for use in scientific, medical and other analysis regarding reproductive outcomes research associated with military service.

To the Department of Health and Human Services, Centers for Disease

Control and Prevention and state birth defect registries for use in scientific, medical and other analysis regarding reproductive outcomes research associated with military service.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Computerized and paper records.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Access provided on a need-to-know basis only. Computerized information is password protected and maintained in a locked and/or guarded office.

RETENTION AND DISPOSAL:

Records are destroyed when three years old or discontinuance of function, whichever is earlier.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Chief, Bureau of Medicine and Surgery, 2300 E Street, NW., Washington, DC 20372-5300.

System manager: Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the activity where assigned.

The request should contain full name, Social Security Number, and must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records contained in this system of records should address written inquiries to the commanding officer of the activity where assigned.

The request should contain full name, Social Security Number, and must be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, American Red Cross, blood donors, hospitals, persons seeking replacement of blood.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06150-5**SYSTEM NAME:**

Millennium Cohort Study (August 17, 2001, 66 FR 43237).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry **Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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N06150-5**SYSTEM NAME:**

Millennium Cohort Study.

SYSTEM LOCATION:

Naval Health Research Center,
Emerging Illness Division, P.O. Box
85122, San Diego CA 92186-5122.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

An initial probability-based, cross-sectional sample of 100,000 U.S. Armed Forces personnel (active duty Army, Navy, Marine Corps, and Coast Guard and reserve/National Guard), as of October 2000, that will be followed prospectively by postal surveys every 3 years over a 21-year period. The initial sample of 100,000 persons will be comprised of 30,000 individuals who

have been deployed to Southwest Asia, Bosnia, or Kosovo since August 1997, and 70,000 individuals who have not been deployed to these conflicts. In October 2004 and October 2007, a random sample of 20,000 new Armed Forces personnel will be added to the cohort. The total of 140,000 individuals will be followed until the year 2022.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic data, such as name, Social Security Number, rank, grade, gender, military occupational specialty. Health data, such as self-reported medical conditions and symptoms, smoking and drinking behaviors. Validated instruments will be incorporated to capture self-assessed physical and mental functional status (Short Form-36 Veterans), psychosocial assessment (Patient Health Questionnaire), and posttraumatic stress disorder (Patient Checklist-17).

Information obtained from the survey responses will be supplemented with deployment, occupational, vaccination, and healthcare utilization data) related to individual health status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and E.O. 9397 (SSN); DoD Protocol Number 32227; Sec 743, National Defense Authorization Act for Fiscal Year 1999; Sec 735, National Defense Appropriations Act for Fiscal Year 2001; Defense Technology Objective MD.25 Deployed Force Health Protection: Predicting Warfighter Resilience.

PURPOSE(S):

To create a probability-based, cross sectional database of selected veterans who have, or have not, deployed overseas so that various longitudinal health and research studies may be conducted over a 21 year period. The database will be used:

a. To systematically collect population-based demographic and health data to evaluate the health of Armed Forces personnel throughout their careers and after leaving service.

b. To evaluate the impact of operational deployments on various measures of health over time including medically unexplained symptoms and chronic diseases such as cancer, heart disease and diabetes.

c. To serve as a foundation upon which other routinely captured medical and deployment data may be added to answer future questions regarding the health risks of operational deployment, occupations, and general service in the Armed Forces.

d. To examine characteristics of service in the Armed Forces associated with common clinician-diagnosed diseases and with scores on several standardized self-reported health inventories for physical and psychological functional status.

e. To provide a data repository and available representative Armed Forces cohort that future investigators and policy makers might use to study important aspects of service in the Armed Forces including disease outcomes among a Armed Forces cohort.

In addition to revealing changes in veterans' health status over time, the Millennium Cohort Study will serve as a data repository, providing a solid foundation upon which additional epidemiological studies may be constructed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 522a(b)(3):

To the Department of Veterans Affairs (DVA) for (1) considering individual claims for benefits for which that DVA is responsible; and (2) for use in scientific, medical and other analysis regarding health outcomes research associated with military service.

To the Department of Health and Human Services, Centers for Disease Control and Prevention for use in scientific, medical and other analysis regarding health outcome research associated with military service.

Note: All disclosures to the DVA and HHS must have prior approval of the Naval Health Research Center Institutional Review Board and a Memorandum of Understanding must be entered into to ensure the right and obligations of the signatories are clear. Access to data (1) is provided on need-to-know basis only; (2) must adhere to the rule of minimization in that only information necessary to accomplish the purpose for which the disclosure is being made is releasable; and (3) must follow strict guidelines established in the data sharing agreement.

To the Social Security Administration (SSA) for considering individual claims for benefits for which that SSA is responsible.

The DoD "Blanket Routine Uses" that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

Note: This system of records contains individually identifiable health information.

The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated databases; electronic records are stored on magnetic media.

RETRIEVABILITY:

Records are retrieved by military service member's name and Social Security Number.

SAFEGUARDS:

Access to areas where records are maintained is limited to authorized personnel. Access control devices protect areas during working hours and intrusion alarm devices during non-duty hours. Access to data is provided on need-to-know basis only. Password or other user code controls access to data.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration has approved the retention and disposition schedule for these records, treat then as permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commanding Officer, Naval Health Research Center, Box 85122, San Diego, CA 92186-5122.

Record Holder: Senior Investigator, The Millennium Cohort Study, Naval Health Research Center, Emerging Illness Division, P.O. Box 85122, San Diego, CA 92186-5122

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Senior Investigator, The Millennium Cohort Study, Naval Health Research Center, Emerging Illness Division, P.O. Box 85122, San Diego, CA 92186-5122.

The request should contain the service member's name and Social Security Number and must be signed by the service member requesting the information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Senior Investigator, The

Millennium Cohort Study, Naval Health Research Center, Emerging Illness Division, PO Box 85122, San Diego, CA 92186-5122.

The request should contain the service member's name and Social Security Number and must be signed by the service member requesting the information.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual participant survey instruments; Composite Health Care System; Corporate Executive Information Systems; Defense Manpower Data Center; Defense Enrollment Eligibility Reporting System; Civilian Health and Medical Program of the Uniformed Services; survey research instruments and health research records at Naval Medical Center, San Diego; and individual physical exams and biological specimens.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06320-1

SYSTEM NAME:

Health Care Accounts and Insurance Information (February 22, 1993, 58 FR 10794).

Changes

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry **Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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N06320-1

SYSTEM NAME:

Health Care Accounts and Insurance Information.

SYSTEM LOCATION:

Primary System is located at the Bureau of Medicine and Surgery, 2300 E Street, NW., Washington, DC 20372-5300.

Decentralized Segments are located at the Naval Hospitals and Medical Clinics which provide services or perform work giving rise to such accounts receivable. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual receiving health care treatment or examination services funded by the Navy Medical Department. Coverage also includes sponsors and other persons responsible for the debts of such persons. All commercial insurance carriers with whom the Department of the Navy has filed a claim under the Third Party Payers Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and Social Security Number, sponsor's Social Security Number, if applicable, pay grade, branch of service of service, duty station address, account number, activity performing service, patient's insurance information, civilian employer, patient category, time and dates of service, units of service, physicians' and hospitals' statements of service a total charges for treatment including interest, administrative and penalty charges, payment receipts, admission documents, correspondence relating to collection attempts to ascertain eligibility status, patient category, and third party insurer liability, records of payment received and outstanding balances, letter reports of uncollectible accounts receivable, records suspending or terminating collection action or effecting compromise settlement agreements, and requests for recovery of CHAMPUS funds and substantiating documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 191-195, 227, and 952 (also known as the Federal Claims Collection Act of 1966); 10 U.S.C. 1078-1079 and 1095; 37 U.S.C. 702, 705, and 1007; E.O. 9397 (SSN); and, 10 U.S.C. 1095, Collection From Third Party Payers Act.

PURPOSE(S):

To identify and facilitate payment of amounts owed the U.S. Users of the information include Bureau of Medicine and Surgery personnel who are directly involved in processing payments or billings of patient accounts. The information is used to determine

amounts owed, methods to be employed to effect recovery, whether or not the claim can be compromised or collection action thereon terminated or suspended.

To determine amounts owed by third party health insurers, and to collect charges for utility bills and other miscellaneous items. File may be forwarded to the Naval Criminal Investigative Service for investigation or to any component of DOD, as needed, in the performance of their duties related to same.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To third parties in those cases where the Government is seeking reimbursement under the Third Party Payers Act.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records stored on disc, tape, punched cards, and machine listings. Manual records stored on index cards (3x5) in card files and in file folders and reading files.

RETRIEVABILITY:

Automated records are retrieved by either a query or a request for a standard report. Data may be indexed by any data element although the primary search keys are name and Social Security Number. Paper records are filed alphabetically by last name of debtor.

SAFEGUARDS:

Access to the automated system requires user account number and password sign on. Access to the paper records and/or terminals are limited to authorized personnel that are properly screened and trained. Office space where records and/or terminals are located is locked after official working hours.

RETENTION AND DISPOSAL:

Records are retained in active file until collection action has been completed, compromised, suspended, or terminated. They are held in inactive file until statute of limitations has run and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery, 2300 E Street, NW., Washington, DC 20372-5300, and Commanding Officers of Medical Treatment Facilities. Official mailing addresses are published as an appendix to Navy's compilation of system of record notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Bureau of Medicine and Surgery, 2300 E Street, NW., Washington, DC 20372-5300 or to the Commanding Officer of the Medical Treatment Facility where treatment was received. Requests should provide the full name of the patient and sponsor, the military or dependency status of the patient and sponsor, and the location and approximate dates of treatment or examination. Driver's license and/or military I.D. card will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address

written inquiries to the Chief, Bureau of Medicine and Surgery, 2300 E Street, NW., Washington, DC 20372-5300 or to the Commanding Officer of the Medical Treatment Facility where treatment was received. Requests should provide the full name of the patient and sponsor, the military or dependency status of the patient and sponsor, and the location and approximate dates of treatment or examination. Driver's license and/or military I.D. card will be considered adequate proof of identity.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Automated patient administration system records produced at Medical Treatment Facilities include but are not limited to Inpatient Admission/Disposition Records, NAVMEDCOM 6300/5; Report of Treatment Furnished Pay, Patients-Hospitalization/Outpatient Treatment Furnished, DOD 7/7A, Part A/B. Other record source categories are: OCHAMPUS, Denver; U.S. Postal Service; Military Locator Service; State Departments of Motor Vehicles; any component of the DOD; the Department of Justice, the General Accounting Office, retail credit associations, financial institutions, current or previous employers, educational institutions, trade associations, automated system interfaces, local law enforcement agencies, the Department of Health and Human Services, the Internal Revenue Service, and the Office of Personnel Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06320-3**SYSTEM NAME:**

Quality Assurance/Risk Management (February 22, 1993, 58 FR 10797).

Changes:

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry **Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of

1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.'

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N06320-3**SYSTEM NAME:**

Quality Assurance/Risk Management.

SYSTEM LOCATION:

Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5300; health care treatment facilities. Official mailing addresses are published as an appendix to the Navy's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Military health care providers including active duty, reserve, retired, and separated personnel; Naval civilian health care providers including government employees, volunteers, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Credentialing records including Individual Credentials Files, Clinical Activity Files, Clinical Performance Profiles, Performance Appraisal Reports and other records including administrative and disciplinary proceedings; records of current and past employment and/or assignment, current and past clinical privileges, qualifications and performance, peer review records, Internal Review records, statements of physical and mental health.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1102 and 5132; and E.O. 9397 (SSN).

PURPOSE(S):

This system relates to the Bureau of Medicine and Surgery's Quality Assurance/Risk Management Program. It is used to review the quality and appropriateness of care provided to patients; investigate, analyze, and report accidents, injuries, and other incidents which may be related to patient care or safety; to identify health care providers with known or suspected deficiencies or impairments which may affect patient care or safety or be the subject of professional negligence claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C.

552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

With the exception of the subject of a quality assurance act, the identify of any person receiving health care services from the Department of Defense or the identify of any other person associated with the department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record shall be deleted from that record or document before any disclosure of such record is made outside the Department of Defense. Such requirement does not apply to the release of information pursuant to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

Medical quality assurance record (10 U.S.C. 1102) described herein may not be made available to any person under the Freedom of Information Act (5 U.S.C. 552).

QUALITY ASSURANCE RECORDS MAY BE DISCLOSED:

To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to Department of Defense health care facilities or to perform monitoring, required by law, or Department of Defense Health care facilities.

To an administrative or judicial proceeding commenced by a present or former Department of Defense health care provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was a member of an employee of the Department of Defense.

To a hospital, medical care center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was a member or employee of the Department of Defense and who has applied for or been granted authority or employment to provide health care services in or on behalf of such institutions.

To an officer, employee, or contractor of the Department of Defense who has a need for such record or testimony to perform official duties.

To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record of testimony be provided for a purpose authorized by law.

In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in the above paragraph, but only with respect to the subject of such proceeding.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on hard copy forms in filing cabinets.

RETRIEVABILITY:

Records are retrieved by full name or Social Security Number of health care provider, or other alpha/numeric identifier.

SAFEGUARDS:

Files are monitored during normal working hours by authorized personnel and the room or the files are locked at all other times.

RETENTION AND DISPOSAL:

Records are retained at the command to which the health care provider is assigned and are transferred to the provider's new command upon transfer. When health care providers leave the health care system, the Individual Credentials Files are ordinarily retained at a provider's last command for 10 years and then destroyed. If the provider's Individual Credentials File contains a permanent adverse privileging action or an investigation of criminal misconduct, the original is

forwarded to BUMED for the 10 year retention period and then permanently archived. Performance Appraisal Reports and associated documents are retained at each command to which a provider is assigned for 10 years after the provider leaves the facility and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5300. Commanding officers or Officers in charge of Navy Medical Department health care treatment facilities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the naval medical facility where the treatment was received or to the Chief, Bureau of Medicine and Surgery. Requests should contain the full name, Social Security Number, and signature of the individual. The individual may also visit BUMED or the health care treatment facility. Visitors must possess proof of identification such as I.D. card, driver's license, or other identification showing name and a recent photograph of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the naval medical facility where the treatment was received or to the Chief, Bureau of Medicine and Surgery. Requests should contain the full name, Social Security Number, and signature of the individual. The individual may also visit BUMED or the health care treatment facility. Visitors must possess proof of identification such as I.D. card, driver's license, or other identification showing name and a recent photograph of the individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Incident reports relating to patients, staff, and other personnel documenting accidents, injuries, and other incidents, together with supportive

correspondence and statements including statistical display and summaries.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06320-4**SYSTEM NAME:**

Blood Donor Files (September 9, 1996, 61 FR 47483).

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add to end of entry **Note:** This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice."

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N06320-4**SYSTEM NAME:**

Blood Donor Files.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel donating blood or seeking replacement of blood.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood donation and blood replacement requirement records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 21 U.S.C. 600-799; and E.O. 9397 (SSN).

PURPOSE(S):

To record emergency blood requests by blood type, identify donors, replace blood provided to cover individuals, and to meet regulatory requirements imposed by the Food and Drug Administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C.

552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD "Blanket Routine Uses" that appear at the beginning of the Navy's compilation of systems notices apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Computerized and paper records.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Access provided on a need-to-know basis only. Computerized information is password protected and maintained in a locked and/or guarded office.

RETENTION AND DISPOSAL:

Records are destroyed when three years old or discontinuance of function, whichever is earlier.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Chief, Bureau of Medicine and Surgery, 2300 E Street, NW., Washington, DC 20372-5300.

System manager: Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the activity where assigned.

The request should contain full name, Social Security Number, and must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records contained in this system of records should address written inquiries to the commanding officer of the activity where assigned.

The request should contain full name, Social Security Number, and must be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, American Red Cross, blood donors, hospitals, persons seeking replacement of blood.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 03-15048 Filed 6-13-03; 8:45 am]

BILLING CODE 5001-08-U

DELAWARE RIVER BASIN COMMISSION**Notice of Commission Meeting and Public Hearing**

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Thursday, June 26, 2003. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: an update on development of the Commission's new comprehensive plan, including a proposed resolution for implementation of the proposed Basin Plan and assessments by the states of how their current programs align with the proposed Basin Plan; a presentation by Janet Bowers of the Chester County Water Resources Authority on Watersheds, the Chester County watersheds management plan; an update on development of the TMDLs for PCBs in the Delaware Estuary; a report on formation of the PCB TMDL Implementation Advisory Committee ("IAC"), including proposed revision of Resolution No. 2001-11 authorizing formation of the IAC; a report of the Monitoring Advisory Committee; and a proposal to adopt a revised grade classification and compensation system and amend the Administrative Manual: By-Laws, Management and Personnel.

The subjects of the public hearing to be held during the 1 p.m. business

meeting include, in addition to the dockets listed below, a proposed resolution to revise the Commission's fee schedule for the review of projects under Section 3.8 and Article 10 of the Delaware River Basin Compact and institute fees for docket transfers.

1. *Exelon Generating Co., LLC D-69-210 CP, Final (Revision 11)*. A demonstration mine pool withdrawal project to supply up to 519 million gallons per 30 days (17.3 mgd) of augmentation flow to tributaries of the Schuylkill River for downstream withdrawal directly from the main stem Schuylkill River. Exelon proposes to modify its operations to establish criteria for utilization of mine pool water for periodic augmentation of the East Norwegian Creek, a tributary of the Schuylkill River, in accordance with an existing Pennsylvania Department of Environmental Protection National Pollutant Discharge Elimination System permit. The water will be pumped from the Wadesville Mine Pool on properties of the Reading Anthracite Company located in New Castle and Norwegian Townships and St. Clair Borough, Schuylkill County, Pennsylvania. Exelon Generating Co., LLC proposes to withdraw from the augmented flow of the Schuylkill River at its Limerick Generating Station (LGS) in Limerick Township, Montgomery County, Pennsylvania, approximately 72 river miles downstream of the augmentation source. The water will be used as an alternate source of cooling water make-up for the LGS nuclear powered generation facility. The withdrawal from the Schuylkill River at the LGS site is to proceed during times when natural low flow or temperature conditions in the Schuylkill River otherwise restrict Exelon from withdrawal, provided that augmentation of the flow precedes the withdrawal. The revised operations are projected to maintain a flow regime during withdrawal equivalent to the natural flow regime without the augmentation and withdrawal. The project is designed both to provide an alternate source of water to the LGS and to improve the water quality of mine pool drainage.

2. *Borough of Westville D-79-86 CP Renewal*. A ground water withdrawal renewal project to decrease withdrawal from 37.5 mg/30 days to 28.5 mg/30 days of water to the applicant's public water distribution system from Wells Nos. 4, 5 and 6 in the Potomac-Raritan-Magothy (PRM) aquifer. The project is located in Westville Borough, Gloucester County, New Jersey.

3. *FiberMark North America, Inc. D-82-31 Renewal* 3. A ground water withdrawal renewal project to increase

withdrawal from 2.4 mg/30 days to 2.85 mg/30 days to supply the applicant's paper manufacturing facility from existing Well No. 1, and return non-contact cooling water to ground water via injection Well No. 2 in the Tohickon Creek Watershed. The project is located in Quakertown Borough, Bucks County, Pennsylvania and is located in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Town of Newton D-90-111 CP Renewal*. A ground water withdrawal renewal project to continue withdrawal of 10.85 mg/30 days to supply the applicant's public water distribution system from existing Well No. PW-1 in the Kittatinny formation. The project is located in the Paulin's Kill Watershed in the Town of Newton, Sussex County, New Jersey.

5. *South Whitehall Township Authority D-91-82 CP Renewal*. A ground water withdrawal renewal project to continue withdrawal of 60 mg/30 days to supply the applicant's water distribution system from existing Wells Nos. 1, 2, 3, 5, 6, 9, 10, 11, 13, and 14 in the Cedar Creek and Jordan Creek Watersheds. The project is located in South Whitehall Township, Lehigh County, Pennsylvania.

6. *Borough of Orwigsburg D-92-05 CP Renewal*. A ground water withdrawal renewal project to continue withdrawal of 11.6 mg/30 days to supply the applicant's public water supply system from existing Wells Nos. 1, 2, 3, and 4 in the Mahannon Creek Watershed. The project is located in Orwigsburg Borough, Schuylkill County, Pennsylvania.

7. *Mantua Township Municipal Utilities Authority D-2000-04 CP*. A ground water withdrawal renewal project to supply up to 57 mg/30 days of water to the applicant's public water distribution system from existing Wells Nos. 2-8 in the Potomac-Raritan-Magothy and the Mt. Laurel-Wenonah Aquifers. Commission approval on September 19, 1996 was limited to 10 years and will expire unless renewed. The applicant requests that the total withdrawal from all wells be increased from 47 mg/30 days to 57 mg/30 days. The project is located in Mantua Township, Gloucester County, New Jersey.

8. *Upper Hanover Municipal Authority D-2001-61 CP*. A project to expand a 0.02 mgd STP to process 0.15 mgd while maintaining tertiary level of treatment. The project will continue to serve the predominantly residential area of Upper Hanover Township, Montgomery County, Pennsylvania, where the STP is located off the intersection of Frey and Buck Roads.

STP effluent will be discharged to Macoby Creek in the Perkiomen Creek Watershed through the existing outfall.

9. *Thornbury Township D-2003-04 CP*. A project to expand a 0.12 million gallons per day Sewage Treatment Plant (STP) to process 0.18 mgd, while continuing to provide secondary treatment via an extended aeration activated sludge treatment process. The STP is located between Thornton and Cheyney Roads in Thornbury Township, Delaware County, Pennsylvania and will continue to serve the predominantly residential customers in that municipality. STP effluent will continue to be discharged to the non-tidal portion of Chester Creek via the existing force main.

10. *Upper Saucon Sewage Treatment Authority D-2003-05 CP*. A project to rerate a 2.0 million gallon per day (mgd) sewage treatment plant (STP) to process 2.5 mgd, while continuing to provide advanced secondary level of treatment via the A/O Process. The project is located just southwest of the intersection of Old Bethlehem Pike and Pennsylvania Route 78 in Upper Saucon Township, Lehigh County, Pennsylvania. The project will continue to serve the predominantly residential population of Coopersburg Borough and Upper Saucon Township. No new treatment facilities are proposed, and the plant will continue to discharge to Saucon Creek in the Lehigh River Watershed via the existing outfall.

11. *City of Bordentown D-2003-11 CP*. A ground water withdrawal project to provide up to 31.97 million gallons per 30 days of water to the applicant's public water supply system from New Well No. 5 and to retain the total combined allocation of 90 mg/30 days from all wells, Wells 1, 2, 3, and 5 (proposed). Well No. 5 is screened in the Raritan Formation and is located in the Crosswicks Creek Watershed in Hamilton Township, Mercer County, New Jersey. All wells will continue to serve the applicant's existing service area of the City of Bordentown, the Township of Bordentown, and via bulk water sale, the Borough of Fieldsboro, all in Burlington County, New Jersey.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting: Minutes of the May 8, 2003 business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; a report by the Commission's general counsel; a resolution amending Resolution No. 2001-11 concerning a TMDL Implementation Advisory Committee ("IAC"); a resolution adopting a revised grade classification and compensation

system and amending the Administrative Manual: By-Laws, Management and Personnel; and a resolution providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year 2003–2004, commencing July 1, 2003.

Draft dockets scheduled for public hearing on June 26, 2003 are posted on the Commission's Web site, <http://www.drbc.net>, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Please contact Thomas L. Brand at 609–883–9500 ext. 221 with any docket-related questions.

Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at 609–883–9500 ext. 203. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the hearing should contact the Commission Secretary directly at 609–883–9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission may accommodate your needs.

Dated: June 9, 2003.

Christopher M. Roberts,

Public Information Officer.

[FR Doc. 03–15117 Filed 6–13–03; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

Elementary and Secondary Education Act; Unsafe School Choice Option; Final Deadlines for Implementation

AGENCY: Office of Safe and Drug-Free Schools, Department of Education.

ACTION: Notice of final deadlines for implementation.

SUMMARY: The Deputy Under Secretary for Safe and Drug-Free Schools establishes deadline dates for implementation of the Unsafe School Choice Option (USCO) requirements, under section 9532 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001. This notice establishes deadlines by which each State must identify persistently dangerous schools, as well as offer students attending a persistently dangerous school and students who are victims of a violent criminal offense while on school property the opportunity to transfer to a safe school.

The notice of final deadlines for implementation is effective June 16, 2003.

FOR FURTHER INFORMATION CONTACT:

Kristen Hayes, U.S. Department of Education, 400 Maryland Ave., SW., Room 3E340, Washington, DC 20202–6123. Telephone: (202) 708–9431. Or via Internet: Kristen.Hayes@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION: These final deadlines implement the Unsafe School Choice Option (USCO), section 9532 of the Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001 (Pub. L. 107–110), enacted January 8, 2002.

On April 7, 2003, the Deputy Under Secretary published a notice of proposed deadlines for final implementation (notice of proposed deadlines) for this provision in the **Federal Register** (68 FR 16789).

In the notice of proposed deadlines, the Deputy Under Secretary proposed two deadlines for timely implementation of the USCO provision. The notice of proposed deadlines proposed (1) requiring each State to identify those schools that meet its definition of a persistently dangerous school by July 1, 2003, and each July 1st thereafter; and (2) requiring each State to allow students attending a persistently dangerous public elementary or secondary school and students who are victims of a violent criminal offense the opportunity to transfer to a safe school by the start of the 2003–2004 school year and each start of the school year thereafter.

This notice of final deadlines for implementation contains significant changes that are fully explained in the Analysis of Comments and Changes elsewhere in this notice.

Analysis of Comments and Changes

In response to the Deputy Under Secretary's invitation to comment in the notice of proposed deadlines, 13 parties submitted comments. Six of the commenters addressed the issue of the deadlines proposed in the notice of proposed deadlines. Following is an analysis of the comments and changes the Department has made in the deadlines since publication of the notice of proposed deadlines.

We group major issues according to subject. Generally, we do not address technical and other minor changes. We also do not address suggested changes that the law does not authorize the Secretary to make.

Deadline for Identifying Persistently Dangerous Schools

Comments: Six commenters requested the July 1, 2003 and each July 1st thereafter deadline for labeling schools persistently dangerous be reconsidered. Four commenters proposed deadlines between July 15 and August 15; one commenter proposed a flexible timeframe of July 1–September 30, and the other commenter felt that the July 1 deadline was too soon, but did not propose a specific date.

Some of these commenters objected to the July 1st deadline because they believed it would not provide States with a sufficient amount of time to collect and analyze the most recent school year's data by July 1st. Others contended that the deadline might force a State to omit its most recent school year's data in identifying persistently dangerous schools, and therefore not recognize improvements in the school's environment that were made in the most recent school year.

Discussion: We agree that the July 1 implementation date could have had a negative impact on the States' ability to utilize the most recent school year's data in identifying persistently dangerous schools. It could also have been difficult for some States to complete analysis of the data by July 1.

Changes: In response to these comments, the Deputy Under Secretary establishes a final deadline requiring each State to identify schools that meet its definition of a persistently dangerous school in sufficient time to permit local educational agencies (LEAs) to offer students in schools identified as persistently dangerous the option to transfer to a safe school at least 14 calendar days before the start of the 2003–2004 school year, and each school year thereafter.

Deadline for Offering Students Opportunity To Transfer

Comments: We received three comments pertaining to the proposed start of school year deadline for transferring students who attend a persistently dangerous school or students who are victims of a violent criminal offense to transfer to a safe school. Two commenters stated that this deadline was feasible. One commenter proposed the effective date of student transfers be changed to October 1st of each year, at the earliest, to allow

schools and parents sufficient time to prepare and respond to the requirements of the USCO provision.

Discussion: We believe a deadline for offering the transfer option to students attending a persistently dangerous school must appropriately balance the concerns of the States and local educational agencies with the needs of the individual students attending a persistently dangerous school or who are the victims of a violent criminal offense at school. Notification of the option to transfer to a safe school at the start of the school year would result in students not being able to transfer to a safe school until after the school year has begun. We believe that the benefits of having students transfer in advance of the school year include greater continuity and an easier transition for the students.

Changes: The Deputy Under Secretary establishes a deadline requiring each LEA to offer students who attend persistently dangerous schools the opportunity to transfer to a safe school at least 14 calendar days before the start of the 2003–2004 school year. This deadline will also apply in each school year thereafter. The Deputy Under Secretary also establishes a deadline requiring each local educational agency to offer students who are victims of violent criminal offenses while at school or on school grounds the opportunity to transfer to a safe school beginning at the start of the 2003–2004 school year. This deadline will also apply in each school year thereafter.

Final Deadlines

The Deputy Under Secretary establishes a final deadline requiring each State to identify schools that meet its definition of a persistently dangerous school in sufficient time to permit LEAs to offer students in schools identified as persistently dangerous the option to transfer to a safe school at least 14 calendar days before the start of the 2003–2004 school year. This deadline will also apply in each school year thereafter.

The Deputy Under Secretary establishes a final deadline requiring each LEA to offer students who attend persistently dangerous schools the opportunity to transfer to a safe school at least 14 calendar days before the start of the 2003–2004 school year. This deadline will also apply in each school year thereafter. The Deputy Under Secretary also establishes a deadline requiring each LEA to offer students who are victims of violent criminal offenses while at school or on school grounds the opportunity to transfer to a safe school beginning at the start of the

2003–2004 school year. This deadline will also apply in each school year thereafter.

We recognize that the start of the school year will vary from LEA to LEA. The opportunity to transfer provided by USCO must be offered to affected students at least 14 calendar days before the start of the school year in their LEA. Changes to this policy, consistent with statutory requirements and these deadlines, may be made as needed by the State.

Waiver of Delayed Effective Date

Under the Administrative Procedures Act (5 U.S.C. 553), the Secretary generally establishes an effective date for regulations 30 days after the final notice appears in the **Federal Register**. Due to the changes postponing the implementation dates in this notice of final implementation, and the seriousness of attending a persistently dangerous school or being a victim of a violent criminal offense, the Secretary waives the delayed effective date for good cause under 5 U.S.C. 533(d)(3).

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/legislation/FedRegister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>.

(Catalog of Federal Domestic Assistance Number does not apply.)

Program Authority: 20 U.S.C. 7912.

Dated: June 11, 2003.

Eric Andell,

Deputy Under Secretary for Safe and Drug-Free Schools.

[FR Doc. 03–15156 Filed 6–13–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Science; Fusion Energy Sciences Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee. The Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, July 31, 2003, 9 a.m. to 6 p.m.; and Friday, August 1, 2003, 9 a.m. to 12 noon.

ADDRESSES: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, Maryland 20878, USA.

FOR FURTHER INFORMATION CONTACT: Albert L. Opdenaker, Office of Fusion Energy Sciences; U.S. Department of Energy; 1000 Independence Avenue, SW., Washington, DC 20585–1290; Telephone: 301–903–4927.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to complete action on the charge related to exploring the possibility of using fusion energy for non-electric applications. In addition, the Committee will be given a charge on Fusion Science and Engineering Workforce Development and the organization of the panel for dealing with that charge and perhaps some preliminary thoughts on which directions to pursue would be explored at this meeting.

Tentative Agenda:

Thursday, July 31, 2003

- Office of Fusion Energy Sciences Perspective
- Report from the Panel on non-Electric Applications
- Discussion of the Report
- Presentation of a Scientific Paper TBD
- Public Comments

Friday, August 1, 2003

- Discussion of Workforce Development Charge
- Status of International Thermonuclear Experimental Reactor (ITER) Activities
- Planning for Next Meeting

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Albert L. Opdenaker at 301–903–8584 (fax) or albert.opdenaker@science.doe.gov (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable

provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: We will make the minutes of this meeting available for public review and copying within 30 days at the Freedom of Information Public Reading Room; 1E-190; Forrestal Building; 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on June 10, 2003.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 03-15106 Filed 6-13-03; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under the Biomass Research and Development Act of 2000. The Federal Advisory Committee Act (Public Law No. 92-463, 86 Stat. 770) requires that agencies publish these notices in the **Federal Register** to allow for public participation.

DATES: July 17, 2003, 8 a.m.

ADDRESSES: Hilton Crystal City Hotel at National Airport, Crystal Room, 2399 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: John Ferrell, Designated Federal Officer for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586-7766.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance that promotes research and development leading to the production of biobased industrial products.

Tentative Agenda: Agenda will include discussions on the following:

- Development of recommendations to the Biomass R&D Board on the future

direction for federal biomass research and development activities, and methods for facilitating consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups.

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you should contact John Ferrell at (202) 586-7766 or Bioenergy@ee.doe.gov (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Co-Chairs of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Co-Chairs will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days of the meeting at the Freedom of Information Public Reading Room; Room 1E-190; Forrestal Building; 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on June 10, 2003.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 03-15107 Filed 6-13-03; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

State Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), requires that public notice of these meetings be announced in the **Federal Register**.

DATES: July 10, 2003 from 8:30 am to 5 pm, and July 11, 2003 from 8:30 am to 4 pm.

ADDRESSES: Lawrence Berkeley National Laboratory, One Cyclotron Road, Berkeley, CA 94720, 510-495-2892.

FOR FURTHER INFORMATION CONTACT:

William J. Raup, Office of Communications and Outreach Energy Efficiency and Renewable Energy (EERE), U.S. Department of Energy, Washington, DC 20585, Telephone 202/586-2214.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for Energy Efficiency and Renewable Energy regarding goals and objectives and programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101-440).

Tentative Agenda: Briefings on, and discussions of:

- EERE Programmatic Update
- Lawrence Berkeley National Laboratory (LBNL) Program Discussion and Tour of LBNL facility
- Regional Office Update

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William J. Raup at the address or telephone number listed above. Requests to make oral presentations must be received five days prior to the meeting; reasonable provision will be made to include the statements in the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on June 10, 2003.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 03-15108 Filed 6-13-03; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7513-3]

EPA National Advisory Council for Environmental Policy and Technology Notification of Public Advisory Committee Teleconference Meeting**AGENCY:** U.S. Environmental Protection Agency (EPA).**ACTION:** Notification of Public Advisory Committee Teleconference Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the National Advisory Council for Environmental Policy and Technology (NACEPT) will meet in a public teleconference on Monday, July 7, 2003, from 3 p.m. to 4:30 p.m. Eastern Time. The meeting will be hosted out of the main conference room, U.S. EPA, 655 15th Street, NW., Suite 800, Washington, DC 20005. The meeting is open to the public, however, due to limited space, seating will be on a registration-only basis. For further information regarding the teleconference meeting, or how to register and obtain the phone number, please contact the individual listed below.

Background: NACEPT is a federal advisory committee under the Federal Advisory Committee Act, PL 92463. NACEPT provides advice and recommendations to the Administrator and other EPA officials on a broad range of domestic and international environmental policy issues. NACEPT consists of a representative cross-section of EPA's partners and principle constituents who provide advice and recommendations on policy issues and serve as a sounding board for new strategies that the Agency is developing. A subset of NACEPT is organized as the Report on the Environment (ROE) Workgroup.

Purpose of Meeting: The NACEPT Council will review and comment on the draft advice letter developed by the NACEPT Report on the Environment Workgroup. The Council was asked by EPA's Office of Environmental Information and the Office of Research and Development to provide perspective and input on the types of questions and issues that should be highlighted during the national dialogue meetings that EPA will schedule following the release of EPA's Draft Report on the Environment.

Availability of Review Materials: If you wish to receive a copy of the draft advice letter from the NACEPT ROE Workgroup, please contact Ms. Altieri at (202) 233-0061.

FOR FURTHER INFORMATION CONTACT:

Members of the public wishing to gain access to the conference room on the day of the meeting must contact Ms. Sonia Altieri, Designated Federal Officer for NACEPT, U.S. Environmental Protection Agency (1601E), Office of Cooperative Environmental Management, 655 15th Street, NW., Suite 800, Washington, DC 20005; telephone/voice mail at (202) 233-0061 or via email at altieri.sonia@epa.gov.

The agenda will be available to the public upon request. Written comments for NACEPT's consideration should be submitted no later than Wednesday, July 2, 2003.

General Information: Additional information concerning the National Advisory Council for Environmental Policy and Technology (NACEPT) can be found on our website (<http://www.epa.gov/ocem>).

Meeting Access: Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Ms. Altieri at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: June 11, 2003.

Sonia Altieri,

Designated Federal Officer.

[FRL Doc. 03-15125 Filed 6-13-03; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL HOUSING FINANCE BOARD**Sunshine Act Meeting Notice; Announcing an Open Meeting of the Board of Directors**

TIME AND DATE: The meeting of the Board of Directors is scheduled to begin at 10a.m. on Wednesday, June 18, 2003.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Proposed Rule Regarding Acquired Member Assets. The rule would revise the Acquired Member Assets (AMA) regulation (12 CFR part 955) to create less prescriptive AMA requirements, to provide each Federal Home Loan Bank (Bank) with greater responsibility for designing and managing its AMA program, subject to ongoing supervisory review, and to codify a Bank's authority to acquire as AMA certain instruments that represent an interest in loans that individually could qualify as AMA.

Interim Final Rule Regarding the Privacy Act and the Freedom of Information Act

The revised Privacy Act regulation (12 CFR part 913) is written in a "user-friendly" format using plain language and, where appropriate, a question-and-answer format and reflects a reassignment of responsibility and authority for running the Federal Housing Finance Board's Privacy Act program to the Office of General Counsel. The rule also amends the Freedom of Information Act fee schedule (12 CFR 910.9) to take into account increased salary and operational costs.

Final Rule Updating the Description of the Federal Housing Finance Board's Organization and Functions

The rule revises the regulation describing the agency's general organization and functions to reflect the current structure and assignment of responsibilities (12 CFR part 905).

Appointment of Director—Federal Home Loan Bank of Topeka

Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) requires the Federal Housing Finance Board to appoint public interest directors to the boards of directors of the Federal Home Loan Banks.

Designation of Community Interest Director—Federal Home Loan Bank of Cincinnati

Section 7(a) of the Federal Home Loan Bank Act (12 U.S.C. 1427(a)) requires at least two public interest directors appointed by the Federal Housing Finance Board to the board of directors of each Federal Home Loan Bank to be community interest directors, that is, from organizations with more than a two-year history of representing consumer or community interests on banking services, credit needs, housing or financial consumer protections.

2003 Designation of Federal Home Loan Bank Directorships

Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) requires the Federal Housing Finance Board annually to designate directorships for the election of Federal Home Loan Bank directors.

FOR FURTHER INFORMATION CONTACT: Mary H. Gottlieb, Paralegal Specialist, Office of General Counsel, by telephone at 202/408-2826 or by electronic mail at gottliebmb@fhfb.gov.

Dated: June 10, 2003.

By the Federal Housing Finance Board.
Arnold Intrater,
General Counsel.
 [FR Doc. 03-15193 Filed 6-11-03; 4:49 pm]
BILLING CODE 6725-01-P

FEDERAL MARITIME COMMISSION

Performance Review Board

AGENCY: Federal Maritime Commission.
ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

FOR FURTHER INFORMATION CONTACT:
 Harriette H. Charbonneau, Director of Human Resources, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573.

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Steven R. Blust,
Chairman.

The Members of the Performance Review Board Are:

- Joseph E. Brennan, Commissioner
- Harold J. Creel, Jr., Commissioner
- Rebecca F. Dye, Commissioner
- Delmond J.H. Won, Commissioner
- Norman D. Kline, Chief Administrative Law Judge
- Frederick M. Dolan, Jr., Administrative Law Judge
- Michael A. Rosas, Administrative Law Judge
- Bryant L. VanBrakle, Secretary
- Bruce A. Dombrowski, Executive Director
- Florence A. Carr, Director, Bureau of Trade Analysis
- Vern W. Hill, Director, Bureau of Enforcement
- Sandra L. Kusumoto, Director, Bureau of Consumer Complaints and Licensing
- Austin L. Schmitt, Deputy Executive Director

[FR Doc. 03-15081 Filed 6-13-03; 8:45 am]
BILLING CODE 6730-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank

Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 30, 2003.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Boulevard Financial, LP*, Tuscola, Illinois; to acquire outstanding shares of TNB Bancorp, Inc., Tuscola, Illinois, and thereby indirectly acquire Tuscola National Bank, Tuscola, Illinois.

B. Federal Reserve Bank of Kansas City (James Hunter, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Stanley Alan Judd*, Fairbury, Nebraska; to acquire control of Washington 1st Banco, Inc., Washington, Kansas, and thereby indirectly acquire voting shares of The First National Bank of Washington, Washington, Kansas.

Board of Governors of the Federal Reserve System, June 10, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03-15033 Filed 6-13-03; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank

indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 10, 2003.

A. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309-4470:

1. *Alapaha Holding Company*, Alapaha, Georgia; to become a bank holding company by acquiring 100 percent of Bank of Alapaha, Alapaha, Georgia.

2. *Community Banks of Georgia, Inc.*, Jasper, Georgia; to become a bank holding company by acquiring 100 percent of the outstanding shares of Community Bank of Pickens County, Jasper, Georgia.

3. *Traditions Bancshares, Inc.*, Cullman, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Traditions Bank (In Organization), Cullman, Alabama.

B. Federal Reserve Bank of Minneapolis (Richard M. Todd, Vice President and Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Marquette Financial Companies*, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Valley Bancorp, Inc., Phoenix, Arizona, and thereby indirectly acquire Valley Bank of Arizona, Phoenix, Arizona.

Board of Governors of the Federal Reserve System, June 10, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03-15032 Filed 6-13-03; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM**Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company, Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 7, 2003.

A. Federal Reserve Bank of Atlanta. (Sue Costello, Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30303:

1. *GB&T Bancshares, Inc.*, Gainesville, Georgia; to merge with Baldwin Bancshares, Inc., Milledgeville, Georgia, and thereby indirectly acquire First National Bank of the South, Milledgeville, Georgia.

Board of Governors of the Federal Reserve System, June 5, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03-15110 Filed 6-13-03; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION**Interagency Committee for Medical Records (ICMR); Cancellation of Medical Standard Forms**

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Standard Form 521, Medical Record—Dental is cancelled. The SF 603A, Medical Record—Dental Continuation will replace the SF 521 because the Federal medical community no longer uses it.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501-0581.

DATES: Effective June 16, 2003.

Dated: June 9, 2003.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer, General Services Administration.

[FR Doc. 03-15109 Filed 6-13-03; 8:45 am]

BILLING CODE 6820-34-M

GENERAL SERVICES ADMINISTRATION

[2003-N03]

GSA Discontinues Printing and Distribution of the Catalog of Federal Domestic Assistance

AGENCY: Office of Governmentwide Policy; Office of Acquisition Policy, GSA.

ACTION: Notice.

SUMMARY: For years, GSA has published a printed version of the Catalog of Federal Domestic Assistance (CFDA or Catalog), as required by legislation dating to 1977 and 1983. That same legislation allowed GSA to distribute free copies of the printed Catalog to designated recipients. In fiscal year 2003, we distributed nearly 10,000 paper copies of the Catalog at no cost to the recipients.

Current legislation, however, authorizes GSA to determine in what form to prepare and publish the Catalog. Consistent with the Administration's Electronic-Government initiatives, the Government Paperwork Elimination Act, and a move to a paper free environment, GSA will now disseminate the Catalog electronically through the CFDA Web site on the Internet. As a result, effective immediately, GSA will no longer print and distribute free copies of the Catalog.

The Internet and GSA's free CFDA Web site at <http://www.cfda.gov> will be

the primary means of disseminating the Catalog. In addition to what is already there, the Web site will soon contain a version of the Catalog that, when printed by any user, will have the same layout as the printed document that the Government Printing Office (GPO) has provided.

Furthermore, GPO recently indicated that it will continue printing and selling the CFDA to interested buyers. For information about purchasing the Catalog of Federal Domestic Assistance from GPO, call the Superintendent of Documents at 202-512-1800 or toll free at 866-512-1800, or you may reach GPO's on-line bookstore at <http://bookstore.gpo.gov>.

DATES: This notice is effective June 16, 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hospodar, CFDA Team Leader, General Services Administration, by phone at (202) 208-4052.

Dated: June 10, 2003.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy.

[FR Doc. 03-15103 Filed 6-13-03; 8:45 am]

BILLING CODE 6820-61-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration on Aging****Agency Information Collection Activities; Submission for OMB Review; Comment Request; 2003 National Survey of Older Americans Act Participants**

AGENCY: Administration on Aging, HHS.

ACTION: Notice.

SUMMARY: The Administration on Aging (AoA) 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: Submit written comments on the collection of information within 30 days of the publication of this notice.

ADDRESSES: Submit written comments on the collection of information by fax 202.395.6974 or by mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St., NW., rm. 10235, Washington, DC 20503, Attn: Allison Herron Eydtt, Desk Officer for AoA.

FOR FURTHER INFORMATION CONTACT: *Cynthia.Bauer@aoa.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, AoA

has submitted the following proposed collection of information to OMB for review and clearance.

With the 2003 National Surveys of Older Americans Act Participants, the Administration on Aging continues its initiative, started with the Performance Outcomes Measures Project (POMP), to develop and test performance outcome measures for Older Americans Act programs. Surveys to be conducted in 2003 will test consumer assessment instruments at the national and state level for nutrition, transportation, homemaker, information and assistance and caregiver services.

AoA estimates the burden of this collection of information as follows: Area Agency on Aging—Number of Respondents: 120; Number of Responses per Respondent: one; Average Burden per Response: 2 hours; Area Agency on Aging Burden: 240 hours—National Survey—Number of Respondents: 5040; Number of Responses per Respondent: one; Average Burden per Response: .5 hours; National Survey Burden: 2,520 hours—State Surveys—Number of Respondents: 5600; Number of Responses per Respondent: one; Average Burden per Response: .5 hours; State Survey Burden: 2,800 hours—Total Burden—5,560 hours.

Dated: June 3, 2003.

Josefina G. Carbonell,

Assistant Secretary for Aging.

[FR Doc. 03-15061 Filed 6-13-03; 8:45 am]

BILLING CODE 4154-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 03N-0050]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Investigational Device Exemptions Reports and Records

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing 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: Submit written or electronic comments on the collection of information by July 16, 2003.

ADDRESSES: The Office of Management and Budget (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 faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202-395-6974.

FOR FURTHER INFORMATION CONTACT: Peggy Robbins, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Investigational Device Exemptions Reports and Records—21 CFR Part 812 (OMB Control Number 0910-0078)—Extension

Section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) establishes the statutory authority to collect information regarding investigational devices and establishes rules under which new medical devices may be tested using human subjects in a clinical setting. The Food and Drug Administration Modernization Act of 1997 added section 520(g)(6) to the act and permitted changes to be made either to the investigational device or to the clinical protocol without FDA approval of an investigational device exemption (IDE) supplement.

An IDE allows a device, which would otherwise be subject to provisions of the act, such as premarket notification or premarket approval, to be used in investigations involving human subjects. The safety and effectiveness of the device involving human subjects is being studied. The purpose of part 812 (21 CFR part 812) is to encourage, to the extent consistent with the protection of public health and safety and with ethical standards, the discovery and development of useful devices intended for human use. The IDE regulation is designed to encourage the development of useful medical devices and allow investigators the maximum freedom possible, without jeopardizing the health and safety of the public or violating ethical standards.

To do this, the regulation provides for different levels of regulatory control depending on the level of potential risk the investigational device presents to

human subjects. Investigations of significant risk devices, ones that present a potential for serious harm to the rights, safety, or welfare of human subjects, are subject to the full requirements of the IDE regulation. Nonsignificant risk device investigations, ones that do not present a potential for serious harm, are subject to the reduced burden of the abbreviated requirements.

The regulation also includes provisions for treatment IDEs. The purpose of these provisions is to facilitate the availability, as early in the device development process as possible, of promising new devices to patients with life-threatening or serious conditions for which no comparable or satisfactory alternative therapy is available.

Section 812.10 allows the sponsor of the IDE to request a waiver to all of the requirements of part 812. This information is needed for FDA to determine if waiver of the requirements of part 812 will impact the public's health and safety.

Sections 812.20, 812.25, and 812.27 consist of the information necessary to file an IDE application with FDA. The submission of an IDE application to FDA is required only for significant risk device investigations. Section 812.20 lists the data requirements for the original IDE application; § 812.25 lists the contents of the investigational plan; and § 812.27 lists the data relating to previous investigations or testing. The information in this original IDE application is evaluated by the Center for Devices and Radiological Health to determine whether the proposed investigation will reasonably protect the public health and safety and for FDA to make a determination to approve the IDE.

Once FDA approves an IDE application, a sponsor must submit certain requests and reports. Under § 812.35, a sponsor who wishes to make a change in the investigation, which affects the scientific soundness of the study or the rights, safety, or welfare of the subjects, is required to submit a request for the change to FDA. Under § 812.150, a sponsor is required to submit reports to FDA. These requests and reports are submitted to FDA as supplemental applications. This information is needed for FDA to assure protection of human subjects and to allow review of the study's progress.

Section 812.36(c) identifies the information necessary to file a treatment IDE application. FDA uses this information to determine if wider distribution of the device is in the interests of the public health. Section

812.36(f) identifies the reports required to allow FDA to monitor the size and scope of the treatment IDE, to assess the sponsor's due diligence in obtaining marketing clearance of the device, and to ensure the integrity of the controlled clinical trials.

Section 812.140 lists the recordkeeping requirements for investigators and sponsors. FDA requires this information for tracking and oversight purposes. Investigators are required to maintain records, including correspondence and reports concerning the study; records of receipt, use or disposition of devices; records of

each subject's case history and exposure to the device; informed consent documentation; study protocol and documentation of any deviation from the protocol. Sponsors are required to maintain records, including correspondence and reports concerning the study; records of shipment and disposition; signed investigator agreements; adverse device effects information; and, for a nonsignificant risk device study, an explanation of the nonsignificant risk determination, records on device name and intended use, study objectives, investigator

information, investigational review board (IRB) information, and statement on the extent that good manufacturing practices will be followed.

The most likely respondents to this information collection will primarily be medical device manufacturers, investigators, hospitals, health maintenance organizations, and businesses.

In the **Federal Register** of March 12, 2003 (68 FR 11868), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN¹

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
812.10	1	1	1	1	1
812.20, 812.25, and 812.27	600	0.5	300	80	24,000
812.35 and 812.150 (significant)	600	7	4,200	6	25,200
812.150 (non-significant)	600	0.017	10	6	60
812.36(c)	6	1	6	120	720
812.36(f)	6	2	12	20	240
Total					50,221

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

21 CFR Section	No. of Recordkeepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Record	Total Hours
812.140 Original Supplemental	600	0.5	300	10	3,000
Nonsignificant	600	7	4,200	1	4,200
	600	1	600	6	3,600
Total					10,800

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

II. Reporting

Section 812.10 estimates are based on the fact that FDA has received very few, if any, waiver requests in the past, and estimates that very few will be submitted in the future. Therefore, FDA estimates a minimal burden to account for waiver requests.

Sections 812.20, 812.25, and 812.27 estimates are based on the average of IDEs submitted from fiscal years 1995

through 2002. FDA estimates the annual reporting burden for one IDE original application to be approximately 80 hours and the annual reporting burden for one IDE supplement to be approximately 6 hours.

Sections 812.35 and 812.150 estimates are based on the average of IDE supplements submitted from fiscal years 1995 through 2002 for significant risk device studies. FDA estimates the annual reporting burden for one IDE

supplement to be approximately 6 hours.

The reporting burden for nonsignificant risk device studies (§ 812.150) is negligible. Nonsignificant risk device studies are not reported to FDA unless a problem is reported such as, an unanticipated adverse device reaction, failure to obtain informed consent, withdrawal of IRB approval, or a recall of a device. In the past, an

average of 10 incidences or less annually have been reported to FDA.

Section 812.36(c) and (f) estimates are based on FDA's experience with the treatment use of drugs and knowledge of the types of devices that may meet the treatment use criteria. FDA estimates that an average of six treatment use applications will be submitted each year. FDA estimates that it will take approximately 120 hours to prepare a treatment IDE and the total annual burden for preparing applications will be 720 hours. FDA also estimates that it will take approximately 20 hours to prepare a semiannual report, resulting in a total annual burden of 240 hours for annual reports.

III. Recordkeeping

Section 812.40 estimates are based on conversations with manufacturers, industry trade association groups, and businesses over the last 3 years. For significant risk device investigations, FDA has estimated that the recordkeeping burden for preparing an original IDE submission averages 10 hours for each original IDE submission. Similarly, through the same conversations previously mentioned, FDA has estimated recordkeeping for each supplement requires 1 hour. The recordkeeping burden for nonsignificant risk device investigations is difficult to estimate because nonsignificant risk device investigations are not required to be submitted to FDA. The IDE staff estimates that the number of recordkeepers for nonsignificant risk device investigations is equal to the number for active significant risk device investigations. The recordkeeping burden, however, is reduced for device nonsignificant risk studies. It is estimated that 600 recordkeepers will spend 6 hours each in maintaining these records.

Dated: June 9, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 03-15059 Filed 6-13-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N-0201]

Minimizing Medication Errors— Methods for Evaluating Proprietary Names for Their Confusion Potential; Public Meeting; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of May 30, 2003 (68 FR 32529). The document announced a public meeting to explore current methods being used to evaluate proprietary drug names to reduce medication errors due to similarity in drug names. The document published with inadvertent errors. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Joyce Strong, Office of Policy and Planning (HF-27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-7010.

SUPPLEMENTARY INFORMATION: In FR Doc. 03-13591, appearing on page 32529 in the **Federal Register** of Friday, May 30, 2003, the following corrections are made:

1. On page 32530, in the first column, under "**FOR FURTHER INFORMATION CONTACT**", in the second paragraph, "202-835-3533" is corrected to read "202-572-7751".
2. On page 32530, in the third column, the first full sentence is corrected to read "Speakers who wish to participate in the open public meeting must register by June 13, 2003."
3. On page 32530, in the third column, under section III, the first sentence is corrected to read "To speak at the meeting, you must preregister by June 13, 2003."

Dated: June 9, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 03-15058 Filed 6-13-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Transmissible Spongiform Encephalopathies Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Transmissible Spongiform Encephalopathies Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 17, 2003, from 8 a.m. to 6 p.m., and on July 18, 2003, from 8 a.m. to 4:30 p.m.

Location: Holiday Inn Select, 8120 Wisconsin Ave., Bethesda, MD, 301-652-2000.

Contact Person: William Freas or Sheila D. Langford, Center for Biologics Evaluation and Research (HFM-71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-827-0314, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12392. Please call the Information Line for up-to-date information on this meeting.

Agenda: On July 17, 2003, the committee will discuss the safety of bovine bone gelatin in oral and topical drugs, food and cosmetics. The committee will then discuss bovine spongiform encephalopathy in Canada and potential implications for FDA-regulated products. In the afternoon, the committee will hear presentations on transmissible spongiform encephalopathies (TSEs) and decontamination of medical equipment and facilities. On Friday, July 18, 2003, the committee will discuss designing, interpreting, and validating studies to evaluate reprocessing methods for removing TSE contamination from medical devices. In the afternoon, the committee will discuss methods to decontaminate facilities and equipment used to prepare human cellular and tissue products, and human blood products, including plasma derivatives, to reduce the theoretical risk of transmitting TSE agents.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 10, 2003. Oral presentations from the public will be scheduled between approximately 11:35 a.m. and 11:55 a.m., and 1:55 p.m. and 2:25 p.m. on July 17, 2003; and between approximately 9:50 a.m. and 10:20 a.m., and 1:30 p.m. and 2 p.m. on July 18, 2003. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 11, 2003, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an

indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact William Freas or Sheila D. Langford at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 9, 2003.

Peter J. Pitts,

Associate Commissioner for External Relations.

[FR Doc. 03-15105 Filed 6-13-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on the National Health Service Corps; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of the following meeting:

Name: National Advisory Council on the National Health Service Corps.

Dates and Times: July 10, 2003, 5 p.m.-7 p.m.; July 11, 2003, 8:30 a.m.-5 p.m.; July 12, 2003, 9 a.m.-5:30 p.m.; July 13, 2003, 8 a.m.-10:30 a.m.

Place: Washington Terrace Hotel, 1515 Rhode Island Avenue, NW., Washington, DC 20005, (202) 232-7000.

Status: The meeting will be open to the public.

Agenda: The agenda will focus on meeting with Agency management to determine the desired areas of recommendations for the Council to address in the upcoming year. The Council will also review the new National Health Service Corps Legislation to discuss possible areas of recommendations. Agenda items and times are subject to change as priorities dictate.

FOR FURTHER INFORMATION CONTACT: Tira Robinson, Division of National Health Service Corps, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8A-55, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 594-4140.

Dated: June 9, 2003.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 03-15104 Filed 6-13-03; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Evaluation of the NIDCD Partnership Program OMB # 0925-0479

SUMMARY: In compliance with the requirement of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute on Deafness and Other Communication Disorders (NIDCD), the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Evaluation of the NIDCD Partnership Program. *Type of*

Information Collection Request: REVISION. *Need and Use of Information Collection:* The NIDCD was established to support biomedical and behavioral research and research training in hearing, smell, balance, taste, voice, speech and language. Although minorities and women will dominate the work force within the next decade, both groups are under represented in the science and health professional field. Because of this concern, the NIDCD, with assistance from the Office of Research on Minority Health, established the Partnership Program in 1994 to increase the number of minority scientists and health care professionals doing research on communication and communication disorders. The proposed survey will yield data about: (1) Reasons for participation in the program; (2) satisfaction of participants with the program and (3) how participation in the program has lead to the pursuit of a career in the health field. This survey will track the Partnership Program's success at increasing the number of women and minorities who are scientists. *Frequency of Response:* One. *Affected Public:* Individuals. *Type of Respondent:* Partnership Program Participants and Applicants. The annual reporting burden is as follows: *Estimated Number of Respondents:* 51; *Estimated Number of Responses per Respondent:* 2; *Average Burden Hours Per Response:* .50; and *Estimated Total Annual Burden Hours Requested:* 18. The total annualized cost to respondents is estimated at: \$288. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

(Note: The following table is acceptable for the Respondent and Burden Estimate Information, if appropriate, instead of the text as shown above.)

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
New Program Participants	7	2	.50	3.5
Past Program Participants	14	2	.50	7
Program Applicants	30	1	.25	7.5
Total	51	18

Request For Comments

Written and/or suggestions from the public and affected agencies are invited on one or more of the following points (1) Whether the proposed collection of information is necessary for fulfillment of the NIDCD mission, including

whether the information will have practical utility; (2) the accuracy of the estimate of the burden of the proposed data collection, including the validity of the methodology; (3) ways to enhance the quality, utility, and clarity of the data collection and (4) ways to

minimize the burden of the collection of information on the respondents, including appropriate use of automated collection techniques and information technology.

Direct Comments to OMB

Written comments and/or suggestions regarding the item(s) 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 Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Mrs. Kay C. Johnson-Graham, EEO Officer, Office of Equal Employment Opportunity, NIDCD, NIH, Building 31, Room 3C08, 31 Center Drive, Bethesda, MD 20892, or call non-toll-free number 301-402-6415 or E-mail your request, including your address to: kay_johnson@ms.nidcd.nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: June 3, 2003.

W. David Kerr,

Executive Officer, NIDCD National Institutes of Health.

[FR Doc. 03-15138 Filed 6-13-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Human Genome Research Institute; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, Sequencing Technology 2.

Date: June 18, 2003.

Time: 11:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Wilco Building, 6000 Executive Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, (301) 402-0838.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 9, 2003.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-15130 Filed 6-13-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Human Genome Research Institute; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, Database Review.

Date: July 2, 2003.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Building 31, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301-402-0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 9, 2003.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-15135 Filed 6-13-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Child Health and Human Development; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Adolescent Literacy RFA.

Date: July 10-11, 2003.

Time: 8:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Marita R. Hopmann, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Building, Room 5E01, Bethesda, MD 20892, (301) 435-6911, hopmannm@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 9, 2003.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-15131 Filed 6-13-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel. ITV Doctoral Applications.

Date: June 18, 2003.

Time: 11 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Martha Ann Carey, PhD, RN, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9608, Bethesda, MD 20892-9608, 301-443-1606, mcarey@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 9, 2003.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-15132 Filed 6-13-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel. Ways to Improve Hospital Care for Older People.

Date: June 23-24, 2003.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sofitel Chicago O'Hare, 5550 N. River Rd, Rosemont, IL 60018.

Contact Person: Arthur d. Schaerdel, DVM, the Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496-9669.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 9, 2003.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-15133 Filed 6-13-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, RFP-NICHD-2003-13—Web Based Data Coordinating Center.

Date: July 6-8, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E01, Bethesda, MD 20892, (301) 435-6902, khanh@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 9, 2003.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-15134 Filed 6-13-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin

Diseases Special Emphasis Panel, Review of Developmental Grants.

Date: June 27, 2003.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Tracy A. Shahan, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Blvd, One Democracy Plaza, Suite 800, Bethesda, MD 20892, (301) 594-4974.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 9, 2003.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-15136 Filed 6-13-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SRA Conflict SEP for MDCN2.

Date: June 16, 2003.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Carole L. Jelsema, PhD, Scientific Review Administrator and Chief, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435-1248, jelsemac@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Musculoskeletal and Dental Sciences Integrated Review Group, Oral Biology and Medicine Subcommittee 1.

Date: June 17-18, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435-1781, th88q@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSSX 02M: SAT and SB Member Conflict.

Date: June 18, 2003.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435-1171, rosenl@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Gene Therapy and Inborn Errors.

Date: June 19, 2003.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Camilla E. Day, PhD, Scientific Review Administrator, Genetic Sciences IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, MSC 7890, Bethesda, MD 20892, (301) 435-1037, dayc@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1, CDF-2 (40): Ivem National Resource.

Date: June 19-21, 2003.

Time: 7 p.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Hotel, 8651 Spectrum Blvd., San Diego, CA 92123.

Contact Person: Ramesh K. Navak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7840, Bethesda, MD 20892, (301) 435-1026.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Monkeypox Virus Pathogenesis.

Date: June 23, 2003.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Joanna M. Pyper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, (301) 435-1151, pyperj@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Review of "Cancer-Associated Mutants of DNA Polymerase beta".

Date: June 25, 2003.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Syed M. Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, (301) 435-1211.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Developmental Brain Disorders Study Section (DBD).

Date: June 26-27, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Sherry L. Stuesse, PhD, Scientific Review Administrator, Division of Clinical and Population-Based Studies, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5188, MSC 7846, Bethesda, MD 20892, 301-435-1785, stuesses@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Epidemiology.

Date: June 27, 2003.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Washington-Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Ann Hardy, DRPH, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435-0695, hardyan@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Predoctoral Fellowships for Minority Students & Students with Disabilities.

Date: June 27, 2003.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th Street, NW., Washington, DC 20007.

Contact Person: Michael H. Sayre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435-1219.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ALTX 4 Member Conflict.

Date: June 27, 2003.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2175, MSC 7818, Bethesda, MD 20892, 301-435-1243, begunn@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Plasmodium Biology.

Date: June 27, 2003.

Time: 4:15 p.m. to 6:15 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Marian Wachtel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3208, MSC 7858, Bethesda, MD 20892, (301) 435-1148, wachtelm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Oncological Sciences Integrated Review Group, Clinical Oncology Study Section.

Date: June 29–July 1, 2003.

Time: 5:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Grand, 2350 M Street, NW., Washington, DC 20037.

Contact Person: Sharon K. Gubanich, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6204, MSC 7804, Bethesda, MD 20892, (301) 435-1767, gubanics@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Molecular Targets for Cancer Drug Discovery.

Date: July 29–July 1, 2003.

Time: 6:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Syed M. Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, (301) 435-1211.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS-associated Opportunistic Infections and Cancer Study Section.

Date: June 30–July 1, 2003.

Time: 8 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Mayflower, 1127 Connecticut Ave., NW., Washington, DC 20036.

Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435-1168.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict.

Date: June 30, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852,

Contact Person: Syed Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435-1043, amirs@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, F10 (20): Fellowships, Pathophysiology.

Date: June 30–July 1, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Governor's House Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Peter J. Perrin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2183, MSC 7818, Bethesda, MD 20892, (301) 435-0682, perrinp@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SRB 51R Improvements in Imaging Methods & Technologies: RFA EB03-007.

Date: June 30–July 1, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Eileen W. Bradley, DSC, Chief and Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435-1179, bradleye@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Immunology: Small Business and Technology Applications.

Date: June 30–July 1, 2003.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7812, Bethesda, MD 20892, (301) 435-3565.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Oncological Sciences Integrated Review Group, Radiation Study Section.

Date: June 30–July 2, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Embassy Row Hotel, 2100 Massachusetts Avenue, Washington, DC.

Contact Person: Paul K. Strudler, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 435-1716, strudlep@fcsr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS-

L (10)B Drug Delivery & Drug Discovery SBIR/STTR Panel.

Date: June 30–July 1, 2003.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points Sheraton Hotel, 1201 K Street, NW., Washington, DC 20005.

Contact Person: Sergei Ruvinov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, (301) 435–1180, ruvinser@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Steroids and Neurons.

Date: June 30, 2003.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Visual Perception Study Section.

Date: June 30, 2003.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael A. Steinmetz, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, Room 5172 MSC 7844, Bethesda MD 20892, 301–435–1247, steinmem@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS T: 10B: Small Business: Endocrinology, Metabolism, Nutrition, & Reproductive Sciences.

Date: June 30–July 1, 2003.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 9, 2003

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15137 Filed 6–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1469–DR]

Illinois; Amendment No. 2 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Illinois (FEMA–1469–DR), dated May 15, 2003, and related determinations.

EFFECTIVE DATE: June 3, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Illinois is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 15, 2003:

Union County for Individual Assistance. (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance

Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–15096 Filed 6–13–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1462–DR]

Kansas; Amendment No. 7 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–1462–DR), dated May 6, 2003, and related determinations.

EFFECTIVE DATE: June 4, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Kansas is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 6, 2003:

Meade County for Public Assistance (already designated for Individual Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–15100 Filed 6–13–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1462-DR]

Kansas; Amendment No. 6 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Kansas (FEMA-1462-DR), dated May 6, 2003, and related determinations.

EFFECTIVE DATE: May 30, 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 the incident period for this disaster is closed effective May 30, 2003.

(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,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03-15101 Filed 6-13-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1471-DR]

Kentucky; Major Disaster and Related Determinations

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

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major

disaster for the Commonwealth of Kentucky (FEMA-1471-DR), dated June 3, 2003, and related determinations.

EFFECTIVE DATE: June 3, 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 June 3, 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 storms, flooding, mud and rock slides, and tornadoes on May 4-27, 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 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 Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Charles M. Butler, of FEMA 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:

Anderson, Boyd, Breckenridge, Boyle, Bullitt, Caldwell, Carter, Crittenden, Elliott, Fleming, Garrard, Grayson, Greenup, Hardin, Hart, Henderson, Hopkins, Jefferson,

Jessamine, Larue, Lewis, Lawrence, Mason, McLean, Meade, Mercer, Nelson, Rowan, Union, Washington, Webster, and Woodford Counties for Individual Assistance.

Ballard, Boyd, Breathitt, Calloway, Carter, Crittenden, Estill, Fleming, Greenup, Hart, Henderson, Hopkins, Lewis, Livingston, McLean, Mercer, Nicholas, Owsley, Perry and Rowan 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,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03-15095 Filed 6-13-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1463-DR]

Missouri; Amendment No. 7 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA-1463-DR), dated May 6, 2003, and related determinations.

EFFECTIVE DATE: June 3, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 6, 2003:

Dent, Gasconade, Iron, Monroe, and Phelps Counties for Individual Assistance.

Crawford County for Individual Assistance (already designated for Public Assistance.) (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program—Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–15099 Filed 6–13–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1463–DR]

Missouri; Amendment No. 8 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–1463–DR), dated May 6, 2003, and related determinations.

EFFECTIVE DATE: June 4, 2003.

FOR FURTHER INFORMATION CONTACT:

Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 6, 2003:

Gasconade County for Public Assistance (already designated for Individual Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment

Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program—Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–15102 Filed 6–13–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1467–DR]

New York; Amendment No. 1 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New York (FEMA–1467–DR), dated May 12, 2003, and related determinations.

EFFECTIVE DATE: June 4, 2003.

FOR FURTHER INFORMATION CONTACT:

Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New York is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 12, 2003:

Livingston, Madison, Orleans, Otsego, and Schenectady Counties for Public Assistance.

Seneca County for Public Assistance (already designated for Individual Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program—Other Needs; 83.544, Public Assistance

Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–15097 Filed 6–13–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1465–DR]

Oklahoma; Amendment No. 3 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma (FEMA–1465–DR), dated May 10, 2003, and related determinations.

EFFECTIVE DATE: June 3, 2003.

FOR FURTHER INFORMATION CONTACT:

Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 10, 2003:

Cherokee, Creek, Okmulgee, and Seminole Counties for Individual Assistance.

Garvin and Nowata Counties for Individual Assistance and Public Assistance.

Beaver and Cimarron Counties for Public Assistance.

Delaware, Muskogee, Pontotoc, Roger Mills, Texas, and Washington Counties for Public Assistance (already designated for Individual Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program—Other Needs; 83.544, Public Assistance

Grants; 83.548, Hazard Mitigation Grant Program)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03-15098 Filed 6-13-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Open Meeting/Conference Call, Board of Visitors for the National Fire Academy

AGENCY: U.S. Fire Administration (USFA), FEMA, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice of open meeting via conference call.

SUMMARY: In accordance with section 10 (a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, FEMA announces the following committee meeting:

Name: Board of Visitors (BOV) for the National Fire Academy.

Dates of Meeting: July 28, 2003

Place: Building H, Room 300, National Emergency Training Center, Emmitsburg, Maryland.

Time: July 28, 2003, 2-4 p.m.

Proposed Agenda: Review National Fire Academy Program Activities.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public in the Emmitsburg commuting area with seating available on a first-come, first-served basis. The meeting is open to the public; however, teleconference lines are limited. Members of the general public who plan to participate in the meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447-1117, on or before July 21, 2003. Dial-in information will be provided to those wishing to participate via telephone.

Minutes of the meeting will be prepared and will be available for public viewing in the Office of the U.S. Fire Administrator, U.S. Fire Administration, Federal Emergency Management Agency, Emmitsburg, Maryland 21727. Copies of the minutes will be available upon request within 60 days after the meeting.

Dated: June 10, 2003.

R. David Paulison,

U.S. Fire Administrator.

[FR Doc. 03-15094 Filed 6-13-03; 8:45 am]

BILLING CODE 6718-08-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Submission of Paperwork Reduction Act Request to Office of Management and Budget

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Information Collection Request for Bureau of Indian Affairs (BIA) for a Certificate of Degree of Indian or Alaska Native Blood (CDIB) has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 25). The BIA is soliciting public comments on the subject proposal.

DATES: Written comments must be submitted on or before July 16, 2003.

ADDRESSES: Written comments should be sent directly to the Desk Officer for the Department of the Interior, by facsimile at (202) 395-5806 or you may send an e-mail to:

Ruth.Solomon@omb.eop.gov.

Send a copy of your comments to Duane Bird Bear, Chief, Division of Tribal Government Services, Office of Tribal Services, Bureau of Indian Affairs, 1849 C Street, NW., MS-320-SIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection may be obtained by contacting Carolyn Newman, 202-513-7641.

SUPPLEMENTARY INFORMATION: No comments on the workload burden or the form itself (OMB Control No. 1076-0153) were received during or before the close of the public comment period on April 21, 2003, as requested in the Notice published in the **Federal Register** (68 FR 7800) on February 18, 2003. Comments were received but they concerned substantive requirements for descendants of members of federally recognized Indian tribes but who were not themselves enrolled members of the tribe. This issue will be addressed during rule revision.

Abstract

The purpose of this collection is to assist in determining the eligibility of individuals for various programs and

services available to American Indians and Alaska Natives. This part specifies the requirements for the documentation of degree of Indian blood and uniform standards by which we may issue, amend, or invalidate a Certificate of Degree of Indian or Alaska Native Blood. Disclosure of information may be given to the Department of the Interior and the Department of Justice when required for litigation or anticipated litigation. Notification of inquiries or access must be addressed to the appropriate Regional Director, Bureau of Indian Affairs.

We have adjusted the estimated number of respondents and the burden based on historical trend and for these reasons: (1) The number of federally recognized tribes has remained stable, (2) the number of requests for the CDIB form, usually issued once, has decreased and (3) the BIA field offices and agencies have reduced the number of CDIB forms, processed pending the issuance of a final rule.

Submission of this information is voluntary. However, not providing information may result in a determination that an individual is not eligible to receive program services based upon his/her status as an American Indian or Alaska Native. The information to be collected includes: certificates of birth and death, probate determinations, court orders, affidavits, Federal or tribal census records and Social Security records.

Request for Comments

The Department of the Interior invites comments on:

(a) Whether the 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 agencies' estimate of the burden (including the hours and cost) of the proposed collection of information, including the validity of the methodology and assumption used;

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

The Office of Management and Budget has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, comments submitted in response to this notice should be

submitted to OMB within 30 days in order to assure their maximum consideration. Please note: comments, names, addresses of commentators are available for public review during regular business hours. If you wish us to withhold any information, you must state this prominently at the beginning of your comment. We will honor your request to the extent allowable by law. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless a currently valid OMB control number is displayed. You may request copies of the information collection forms and our submission to OMB from the person listed in **FOR FURTHER INFORMATION CONTACT** section.

Title: Request for Certificate of Degree of Indian or Alaska Native Blood, 25 CFR part 70.

OMB Control number: 1076-0153.

Description of respondents:

Individual Indians who may be eligible to receive program services based upon their status and/or degree of Indian or Alaska Native blood.

Frequency: All information and documentation is to be collected once from each requester.

Estimated completion time: The reporting and record keeping burden for this collection of information is estimated to average 1.5 hours for each response for an estimated 154,200 requests per year or 231,300 hours, including the time for reviewing instructions, searching existing data sources and gathering needed data. In addition, 2,400 appeals are expected annually at 2.5 hours per appeal, which adds 6000 hours of burden. Thus, the estimated total annual reporting and record keeping burden for this entire collection is estimated to be 237,300 hours.

Total annual burden: 237,300 hours.

Estimated non-hour cost: There are no costs to consider, except postage and the cost of duplicating the original application form, because verification of the information is already available for other reasons.

Dated: June 6, 2003.

Aurene M. Martin,

Assistant Secretary—Indian Affairs.

[FR Doc. 03-15147 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-4J-P 1

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-034-03-1220-DA]

Environmental Statements; Notice of Intent; Grand Staircase-Escalante National Monument, UT

AGENCY: Department of the Interior, Bureau of Land Management, Grand Staircase-Escalante National Monument, Utah.

ACTION: Notice of Intent to consider a proposed plan amendment and prepare an Environmental Assessment (EA) for the Grand Staircase-Escalante National Monument (GSENM) to allow consideration of toilet facilities at designated campsites in the Frontcountry and Passage Zones and to consider additional designated campsites beyond that currently allowed in the management plan. The Monument includes public lands in Garfield and Kane counties, Utah.

SUMMARY: Pursuant to the Bureau of Land Management (BLM) Planning Regulations (43 CFR part 1600) this notice advises the public that the BLM, GSENM is considering amending the GSENM Management Plan as it pertains to the installation of toilet facilities at designated campsites in the Frontcountry and Passage Zones and the number of designated campsites allowed in the Frontcountry and Passage Zones. Plan Decisions FAC-10 and FAC-15 state that toilet facilities will not be provided at designated campsites in the Frontcountry and Passage Zones. With increased visitor use, human waste has become a concern at some of the sites being considered for designation as primitive campsites. Language used in Plan Decision FAC-16 for the Outback Zone states in part that toilet facilities could be considered for protection of resources in limited cases where other tools to protect resources are ineffective. The plan amendment proposes to adopt this same language for the Frontcountry and Passage Zones so that toilet facilities could be considered at designated campsites for the protection of resources in these zones as well. Plan Decisions FAC-10 and FAC-15 limit the number of sites that can be designated for primitive camping to 10 in the Frontcountry Zone and 25 in the Passage Zone. Visitor use has exceeded expectations when the plan was developed and additional primitive campsites are needed to meet the public demand. The plan amendment proposes to allow additional primitive campsites to be designated in the Frontcountry and Passage Zones with no specific

number of sites identified. Additional site specific analysis as required by the National Environmental Policy Act (NEPA) would be prepared for campsite designation.

DATES: This notice initiates a 30-day public scoping period. If you have information, data, or concerns related to the potential impacts of the proposed plan amendments, have comments on the planning criteria, or suggestions for alternatives, please submit them to the address below. Scoping comments must be received at the address below within 30 days of the date this notice is published in the **Federal Register**.

ADDRESSES: Written scoping comments should be sent to: Monument Manager, Grand Staircase-Escalante National Monument, 190 East Center Street, Kanab, Utah 84741. Planning documents and letters received, including names and street addresses of respondents, will be available for public review at the GSENM Office in Kanab, Utah during regular business hours (8 a.m. to 5 p.m.) Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review and disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety and may be published as part of the EA. If you are not currently on our mailing list and wish to receive a copy of future planning documents, please send your name and address to the address listed above.

FOR FURTHER INFORMATION CONTACT: Barbara Sharrow, Assistant Monument Manager Visitor Services, 435-644-4312, or Dave Hunsaker, Monument Manager, 435-644-4330.

SUPPLEMENTARY INFORMATION: The BLM is preparing an EA to analyze the impacts of designating primitive campsites as required by the GSENM Management Plan. This EA will also be used to address the potential impacts of the proposed plan amendments as described above. The BLM has contracted with a third party, IHI Environmental of Salt Lake City, Utah to prepare the EA. The BLM has identified the following planning criteria, which will guide development of the amendment:

1. The proposed plan amendment and environmental analysis will be

completed in compliance with the Federal Land Policy and Management Act (FLPMA), NEPA, and all other applicable laws.

2. The proposed plan amendment and environmental analysis will be developed using an interdisciplinary approach (*e.g.*, a team approach using a variety of skills and perspectives such as biologists, archaeologists, etc.) with input from interested public, State and local governments, and other Federal agencies.

3. Analysis and decisions in the proposed plan amendment and environmental analysis apply only to this action and will provide for the balance of long term sustainability with short-term uses.

Dated: May 5, 2003.

Sally Wisely,

State Director.

[FR Doc. 03-15056 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-090-03-1610-DO]

Notice of Intent To Revise the Kemmerer Resource Management Plan and Prepare an Associated Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to revise the Kemmerer Resource Management Plan (RMP) and prepare an associated Environmental Impact Statement (EIS); solicitation of public comments on resource issues and preliminary planning criteria; and call for coal resource information and other resource information for the Kemmerer planning area, Wyoming.

SUMMARY: This document (1) provides notice that the Bureau of Land Management (BLM) intends to prepare a revised RMP with an associated EIS; (2) solicits public comments regarding resource issues and preliminary planning criteria; and, (3) solicits resource information for coal and other resources for the Kemmerer planning area. The planning area encompasses approximately 1,422,000 acres of public land and is located in Lincoln, Sweetwater, and Uinta Counties, Wyoming.

DATES: This notice initiates the public scoping process. The BLM can best utilize public comments and resource information submissions submitted

within 60 days of publication of this notice in the **Federal Register**.

ADDRESSES: Please send written comments and resource information submissions via mail to the BLM, Kemmerer Field Office, 312 Highway 189 North, Kemmerer, Wyoming 83101; or electronically to krmp_wymail@blm.gov. Members of the public may examine documents pertinent to this proposal in the Kemmerer Field Office. Comments, including names and street addresses of respondents, will be available for public review at the Kemmerer Field Office during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays, and may be published as part of the EIS process. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, please state this prominently at the beginning of your written comment. The BLM will honor such requests to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For further information or to have your name added to the RMP mailing list, contact Tom Davis at the above mentioned address or by telephone at (307) 828-4500, or electronically to krmp_wymail@blm.gov.

SUPPLEMENTARY INFORMATION: The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national interests. The public scoping process will help identify planning issues and planning criteria, including an evaluation of the existing RMP in the context of the needs and interests of the public and provide opportunities for commenting on documents published throughout the RMP revision process.

1. Preliminary Issues

Preliminary issues and management concerns have been identified by BLM personnel, other agencies, and in meetings with individuals and user groups. These issues represent the BLM's knowledge to date on the existing issues and concerns with the current RMP. The major issue themes that may be addressed in the planning effort include:

A. Energy and mineral resource exploration and development;

B. Access to and transportation on BLM lands;

C. Recreation and Off-Highway Vehicle (OHV) management;

D. Wildlife habitat and management of crucial habitat and migration corridors;

E. Management and cumulative effect of land uses and human activities on Threatened, Endangered, Candidate, and Sensitive species and their habitats;

F. Vegetation, including impacts of invasive species;

G. Management of cultural and paleontological resources, including National Historic Trails;

H. Land ownership adjustments;

I. Fire management;

J. Livestock grazing;

K. Visual Resource Management;

L. Potential establishment of special management areas; and,

M. Air and water quality.

2. Categorization of Issues

After gathering public comments on what issues the RMP should address, the BLM will place suggested issues in one of three categories: issues to be resolved in the RMP revision, issues resolved through policy or administrative action, and issues beyond the scope of the RMP revision. Rationale will be provided in the RMP for issues to be resolved through policy or administrative action and issues beyond the scope of the RMP.

3. Preliminary Planning Criteria

The BLM identified the following preliminary planning criteria to guide resolution of the issues considered in the planning effort (the BLM may revise these criteria during the planning process or in response to public comment):

A. The revised RMP will recognize the existence of valid existing rights.

B. The decisions in the revised RMP will cover BLM-administered public lands, including split-estate lands where the subsurface minerals are severed from the surface right, and the BLM has legal jurisdiction over one or the other.

C. The BLM will use a collaborative and multi-jurisdictional approach to determine the desired future condition of public lands.

D. The BLM will strive to ensure that its management decisions are complimentary to other planning jurisdictions and adjoining properties, within the boundaries described by law and regulation.

E. The environmental analysis will consider a reasonable range of alternatives that focus on the relative values of resources and respond to the issues. Management prescriptions will reflect multiple use resource principles.

F. The BLM will use current scientific information, research, new technologies, and the results of resource assessments, monitoring, and coordination to determine appropriate local and regional management strategies that will enhance or restore impaired ecosystems.

G. Revised RMP decisions will comply with all applicable laws, regulations, policy, and guidance.

4. Call for Coal Resource Information and Other Resource Information

Parties interested in coal leasing and development should provide coal resource data for their area(s) of interest. Identification of interests in future coal leasing, substantiated with adequate coal resource data, allows the BLM to address development potential during the RMP revision process and helps avoid unnecessary work, delays, or RMP amendments.

Proprietary data marked as confidential may be submitted in response to this call for coal resource information and other resource information. Please submit all proprietary information submissions to the Kemmerer Field Manager at the address listed above. The BLM will treat submissions marked as "Confidential" in accordance with the laws and regulations governing the confidentiality of such information.

In addition to coal resource data, the BLM seeks resource information and data for other public land values (e.g., air quality, archaeology, fire/fuels, fisheries, forestry, geologic hazards, lands and realty, oil and gas (including coalbed methane), paleontology, rangeland management, recreation, trona, water quality, and wildlife).

5. Public Participation

The BLM will announce public meetings and comment periods through one or more of the following: Local news media, newsletters, and the Kemmerer Field Office Web site, <http://www.wy.blm.gov/kfo/info.htm>, at least 15 days prior to the event. Meetings will tentatively be held in the fall of 2003 in Evanston, Green River, and Kemmerer, Wyoming. The minutes and list of attendees for each meeting will be available to the public and open for 30 days so that attendees may clarify the views they expressed. The BLM will also provide additional opportunities for public participation throughout the RMP revision process.

Dated: April 29, 2003.

Robert A. Bennett,

State Director.

[FR Doc. 03-15057 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-910-0777-26-241A]

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Arizona Resource Advisory Council Meeting notice.

SUMMARY: This notice announces a meeting of the Arizona Resource Advisory Council (RAC).

The business meeting will be held on July 10, 2003, at the BLM National Training Center, 9828 North 31st Avenue in Phoenix, Arizona. It will begin at 9:30 a.m. and conclude at 4 p.m. The agenda items to be covered include: Review of the May 7-8, 2002 meeting minutes; BLM State Director's Update on Statewide Issues; Updates on Sustaining Working Landscape Initiative, Wilderness Handbook Revisions, Arizona Land Tenure Adjustment Strategy, Land and Water Conservation Fund Acquisitions; RAC Questions on Written Reports from BLM Field Office Managers; Reports by the Standards and Guidelines, Recreation and Public Relations, Wild Horse and Burro Working Groups; Reports from RAC members; and Discussion of future meetings. A public comment period will be provided at 11:30 a.m. on July 10, 2003, for any interested publics who wish to address the Council.

FOR FURTHER INFORMATION CONTACT:

Deborah Stevens, Bureau of Land Management, Arizona State Office, 222 North Central Avenue, Phoenix, Arizona 85004-2203, (602) 417-9215.

Michael Taylor,

Acting Arizona State Director.

[FR Doc. 03-15090 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO530-1430-ES; COC-63839]

Notice of Realty Action: Proposed Classification of Public Lands for Recreation and Public Purposes Lease in Rio Grande County, CO

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of realty action.

SUMMARY: The following public land in Rio Grande County, Colorado, has been examined and found suitable for

classification for lease to the Town of South Fork, Colorado under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*) The Town of South Fork proposes to use the land for recreation purposes. Publication of this notice will initiate public review, consultation and collaboration for this classification action.

New Mexico Principal Meridian, Colorado

T.40 N., R. 3 E.,

Sec. 26, metes and bounds tract in lot 1 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 27, metes and bounds tract in lot 9 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The total amount of public land affected by this classification comprises approximately 62 acres.

Upon publication of this notice in the **Federal Register**, the above-described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. If an application to lease the lands has not been filed within 18 months following the publication of this notice in the **Federal Register**, this segregation will automatically expire, and the public lands classified in this notice will return to their former status without further action by the authorized officer.

SUPPLEMENTARY INFORMATION: The Town of South Fork proposes to construct, operate and maintain recreation facilities on the above-described land. The land is not needed for Federal purposes. Leasing this public land parcel is consistent with the San Luis Resource Management Plan (December 1985) and would be in the public interest. The lease if issued, would be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior; detailed information concerning this action is available for review at the Del Norte Field Office, Bureau of Land Management, 13308 West Highway 160, Del Norte, Colorado, or by calling William Miller (719-852-6219).

Classification Comments: Interested parties may submit comments involving the suitability of the land for recreation purposes. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or whether the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the Bureau of Land Management followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for recreation purposes.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease or classification of the land to the Field Manager, Del Norte Field Office, Bureau of Land Management, 13308 West Highway 160, Del Norte, Colorado 81132. Any adverse comments will be evaluated by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

Dated: April 10, 2003.

Randall Burgess,

Del Norte Field Manager.

[FR Doc. 03-15049 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-JB-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[COC-54563; CO-520-1430-EU]

Notice of Intent to Amend the San Luis Resource Management Plan; and Notice of Realty Action for the Baxter Public Land Sale, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an amendment to the San Luis Resource Management Plan; and notice of realty action, direct sale of public land in Saguache County, Colorado.

SUMMARY: The Bureau of Land Management (BLM), Saguache Field Office (SFO) announces its intent to prepare an amendment to a Resource Management Plan (RMP), pursuant to the BLM planning regulations in 43 CFR 1600. The amendment would consider whether or not a 28.63 acre public land parcel currently included in the SFO's non-sale zone is suitable for direct sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), as amended, to resolve an occupancy trespass.

The following land would be sold at no less than the appraised fair market value:

New Mexico Principal Meridian, Colorado

T. 44 N., R. 7 E.,

Sec. 13: lot 1,

Sec. 24: lot 1, 2

Containing 28.63 acres.

The parcel will be offered by direct sale, without mineral rights, to John Baxter. The land described is hereby segregated from appropriation under the public land laws, including the mining laws, until the land is sold or 270 days from publication of this notice, whichever occurs first. Detailed information concerning this sale, including dates, price, patent reservations, sale procedures, etc. will be available upon request.

DATES: Interested parties may submit written comments to the Field Office Manager at the address listed below. Comments will be accepted for 45 days after the date this notice is published in the **Federal Register**.

ADDRESSES: If you wish to comment, request additional information or request to be put on the mailing list, you may do so by any of several methods. You may mail or hand-deliver your comments or requests to: Field Manager, Bureau of Land Management, Saguache Field Office, 46525 Hwy 114, Saguache, CO 81149; 719-655-2547. Comments, including names and addresses of respondents, will be available for public review at the Bureau of Land Management, Saguache Field Office, 46525 Hwy 114, Saguache, CO during regular business hours. Individual respondents may request confidentiality. If you wish to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Tom Goodwin, Field Manager, or Bill Miller, Realty Specialist, at the address and phone number listed above.

SUPPLEMENTARY INFORMATION: The RMP provides for three land ownership adjustment zones—disposal, retention, and exchange. Of these three zones, sale of public land is limited to those lands identified in the disposal zone. The proposed amendment would make public land located within the non-sale zone available for direct sale to resolve an occupancy trespass.

A legal notice describing the proposed planning action will be placed in the local newspaper. This notice will also be sent to the Governor of Colorado, Saguache County Commissioners, adjacent landowners, and potentially affected members of the public. The analysis of this action will be done by an interdisciplinary team. The analysis and plan amendment are scheduled for completion in June 2003.

Date Issued: April 14, 2003.

Tom Goodwin,

Saguache Field Manager.

[FR Doc. 03-15050 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-JB-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-021-1430-EQ; MTM-74913]

Notice of Realty Action; Noncompetitive Lease in Big Horn County, MT

AGENCY: Bureau of Land Management, Miles City Field Office, Interior.

ACTION: Notice.

SUMMARY: The following described land has been examined and identified as suitable for leasing under section 302 of the Federal Land Policy and Management Act (43 U.S.C. 1732) at not less than fair market value:

Principal Meridian

Big Horn County

T. 8 S., R. 39 E.,

Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 10.00 acres.

DATES: Interested parties may submit comments on or before July 31, 2003.

ADDRESSES: Written comments should be sent to Miles City Field Office, Bureau of Land Management, 111 Garryowen Road, Miles City, Montana 59301. Any adverse comments will be evaluated by the BLM Montana State Director, who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Bureau.

FOR FURTHER INFORMATION CONTACT: Pam Wall, Miles City Field Office, Miles City, Montana 59301, telephone 406-233-2846.

SUPPLEMENTARY INFORMATION: The purpose of this proposed lease is to authorize the use of public land for topsoil stripping, removal of overburden, highwall crest, catch bench, and dragline sidebench to provide maximum coal recovery from Spring

Creek Coal Company's coal lease MTM-069782. The catch bench and dragline sidebench will serve multiple purposes, which include but are not limited to, drainage ditches, light vehicle access, and haul truck haulage. The total disturbed area would be approximately 3.5 acres. The subject land would be offered noncompetitively to Spring Creek Coal Company as an amendment to their existing Land Use Lease MTM-74913 for stockpiling of topsoil and overburden, construction of a haul road, and for drainage control, as the land is adjacent to the Spring Creek coal mine operation. The proposed lease amendment will provide authorized surface use of the public land. The lease amendment will be subject to the terms and conditions of the existing lease.

The application will be accepted for this lease amendment at the address listed above at the end of the 45 day comment period for this notice. The application will be subject to reimbursement of costs in accordance with the provisions of 43 CFR 2920.6. The land will be leased at fair market value as determined by appraisal. The application must include a reference to this notice and a complete description of the proposed project.

Public Comment Procedures: Please submit your comments on issues related to the proposed action, in writing, according to the **ADDRESSES** section above. Comments on the proposed action should be specific, should be confined to issues pertinent to the proposed action, and should explain the reason for any recommended change. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing. BLM may not necessarily consider or include in the Administrative Record comments that BLM receives after the close of the comment period (*see DATES*) or comments delivered to an address other than those listed above (*see ADDRESSES*).

BLM will make your comments, including your name and address, available for public review at the Miles City Field Office address listed in **ADDRESSES** above during regular business hours (8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays).

Under certain conditions, BLM can keep your personal information confidential. You must prominently state your request for confidentiality at the beginning of your comment. BLM will consider withholding your name, street address, and other identifying information on a case-by-case basis to the extent allowed by law. BLM will make available to the public all

submissions from organizations and businesses and from individuals identifying themselves as representatives or officials of organizations or businesses.

Dated: April 28, 2003.

David McIlroy,

Field Office Manager.

[FR Doc. 03-15052 Filed 6-13-03; 8:45 am]

BILLING CODE 4310--\$S-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-070-07-1230-00: 8371]

Proposed Supplementary Rules for the BLM-Managed Shoreline of Lake Havasu, the Parker Strip Recreation Area, and the Craggy Wash Area, in Mohave and La Paz Counties, AZ and in San Bernardino County, CA

AGENCY: Lake Havasu Field Office, Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: This notice contains proposed revised supplementary rules for the BLM-managed shoreline of Lake Havasu, a manmade lake on the Colorado River located in Arizona and California, including the boat-access campsites; revised supplementary rules for the Parker Strip Recreation Area, located along the Colorado River downstream from Lake Havasu; and new supplementary rules for the Craggy Wash area, located north of the Lake Havasu City Municipal Airport (AZ). These supplementary rules are part of the implementation of the ongoing management of the Lake Havasu Shoreline Program. The revised supplementary rules would replace existing rules for the Parker Strip Recreation Area and for the Crossroads and Empire Landing Campgrounds. Heavy visitation during the fall, winter and spring makes new supplementary rules for Craggy Wash necessary. The supplementary rules will help reduce conflicts among a wide variety of multiple users.

DATES: You should submit your comments by July 16, 2003. In developing final supplementary rules, BLM may not consider comments postmarked or received in person or by electronic mail after this date.

FOR FURTHER INFORMATION CONTACT:

Mike Henderson, Assistant Field Manager, or Bryan Pittman, Field Staff Law Enforcement Ranger, Bureau of Land Management, Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake

Havasu City, Arizona 86406, telephone (928) 505-1200.

SUPPLEMENTARY INFORMATION:

- I. Comment Procedure
- II. Background
- III. Discussion of Supplementary Rules
- IV. Procedural Matters

I. Comment Procedure

A. How Do I Comment on the Proposed Supplementary Rules?

If you wish to comment, you may submit your comments by any one of several methods.

You may mail comments to Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86406.

You may deliver comments to Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86406.

You may comment via email to lhfo_az@blm.gov. If you do not receive a confirmation that we have received your electronic message, contact us directly at (928) 505-1200.

Please submit your comments on issues related to the proposed supplementary rules, in writing or in email, according to the section above. Comments on the proposed supplementary rules should be specific, should be confined to issues pertinent to the proposed supplementary rules, and should explain the reason for any change you recommend. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing.

BLM may not necessarily consider or include in the Administrative Record for the final rule comments that BLM receives or comments delivered to an address other than those listed above.

B. May I Review Comments Submitted by Others?

Comments, including names and street addresses of respondents, will be available for public review at the address listed, by mail or personal delivery, during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except Federal holidays.

Individual respondents may request confidentiality, which we will honor to the extent allowable by law. If you wish to withhold your name or address, except for the city or town, 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 to public inspection in their entirety.

II. Background

The supplementary rules for the Lake Havasu Shoreline areas are part of the ongoing management of the Lake Havasu Shoreline Program. The program, initiated in 1997, manages the shoreline riparian area. It includes the pre-existing shoreline campsites as Federal fee recreation sites under the authorities described in 36 CFR part 71. The sites had been developed as designated fee sites by the Arizona State Parks Department while these lands were under a lease administered by the Bureau of Land Management. The lease was voluntarily terminated, leaving the sites to return to the jurisdiction of BLM.

The primary purpose of the Lake Havasu Shoreline Program is to provide areas for boating, camping and day use. The recreation sites, designated as camp or day use sites, are in most cases the traditional use areas of boat camping visitors. Arizona State Parks selected designated sites using criteria based on visitor use patterns, availability of shoreline access, and a need to establish sanitation facilities along heavily used shoreline areas. This program was established to accommodate the increasing demand for boat accessible site safety and property, to provide natural resource protection through improved management of the camping use and the riparian area. The designation of fee campsites assures that specific locations are available for such use year after year.

The Parker Strip Recreation Area is a heavily used area that contains campgrounds, day use areas, boat ramps, picnic areas, concession operated resorts, and a National Backcountry Byway. Authority for the designation of fee campsites is contained in Title 43, Code of Federal Regulations, Part 8360, Subpart 8365, Sections 2 and 2-3. Authority for the payment of fees is in 36 CFR, Subpart 71. Authority for including this program in the Fee Demonstration Pilot Program was contained in the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) and the FY 1996 Appropriations Act (Public Law 104-134).

The Craggy Wash area is located north of the Lake Havasu City Municipal Airport and east of State Route 95. It is a heavily used dispersed camping area during the cooler part of the year. The area is also frequented by target shooters, off road vehicle operators, sightseers, bicyclists and hikers. More than 300 people may be present at the same time on frequent occasions.

III. Discussion of Supplementary Rules

The proposed supplementary rules for Lake Havasu Shoreline would supersede Rules for Lake Havasu Shoreline, published on May 21, 1998 (63 FR 27995). The shoreline supplementary rules would apply to the BLM-managed lands located within 1,000 linear feet of the high water mark (450 foot elevation line) of Lake Havasu, located in Mohave and La Paz counties, Arizona and in San Bernardino County, California. These rules also apply to the portions of Lake Havasu located within 500 linear feet of designated campsites, day use sites, boat ramps, fishing docks, boat docks and swimming beaches. Included in this are the following currently designated campsites listed generally from North to South:

Bluebird 1, 2
Wren Cove 1,2,3
Mallard Cove 1,2,3,4,5,6
Teal Point 1,2
Widgeon Key 1,2,4
Road Runner 2,3,4
Solitude Cove
Balance Rock Cove
Friendly Island 1,2,3,4
Goose Bay 1,2
Pilot Rock 1,2,3
Steamboat Cove 1,2,3,4
Buzzard Cove
Eagle Cove
Eagle Point
Ewe Camp
Rachel's Camp
Burned Camp
Linda's Camp
Sand Isle 1,2,3,4
Standard Wash 1,2,3,4,5,6
Echo Cove 1,2,3,4
Coyote Cove 1,2
BLM 1,2
Whyte's Retreat 1,2
Rocky Landing 1,2,3,4
Satellite Cove 1,2,3
Hum Hum Cove 1,2
Cove of the Little Foxes
Disneyland 1,2,3,4
Gnat Keys 1,2,3,4
Hi Isle 2,4,5,6,7,8,10,11,12,14,15
Big Horn 1,3,4
Bass Bay 1,2
Larned Landing 1,2,3,4,5
Bill Williams 1,2,3,4,5

The proposed supplementary rules for the Parker Strip Recreation Area would supercede Rules for Parker Strip Recreation Area, published on October 12, 1995 (60 FR 53194), and rules for Empire Landing and Crossroads Campgrounds, published on May 18, 1998 (63 FR 27316). The Parker Strip rules apply to the Parker Strip Recreation Area, which is defined as follows:

Gila and Salt River Meridian, Arizona

T11N, R18W, Sec. 15, 16, 22, 28 and 34.

T10N, R18W, Sec. 5 (W¹/₂, NW¹/₄, SW¹/₄), Sec. 6, Sec. 7, Lots 1-4, (NE¹/₄, N¹/₂, SE¹/₄, SW¹/₄, SE¹/₄), Sec. 18 (Lot 1, NW¹/₄, NE¹/₄).
T10N, R19W, Sec. 12, Sec. 13 (N¹/₂, N¹/₂ N¹/₂, SW¹/₄, NE¹/₄, NW¹/₄, SE¹/₄, NE¹/₄, N¹/₂, SE¹/₄, NW¹/₄, SW¹/₄, NW¹/₄, W¹/₂, SW¹/₄), Sec. 14, 22 and 23. Section 24 (W¹/₂, NW¹/₄).

San Bernardino Meridian, California

T2N, R27E, all.
T2N, R26E, Sec. 1, 11-15, 21-27 and 34-36.
T1N, R26E, Sec. 2,3, 10 and 11.

The proposed supplementary rules for Craggy Wash dispersed camping area would be new, made necessary by heavy visitation during the fall, winter and spring. The Craggy Wash area is defined as public lands located with the following legal description.

T14N, R20W, sec. 4 (N¹/₂), sec. 3 (N¹/₂), sec. 2 (N¹/₂).
T15N, R20W, sec. 33, 34, 35, 36.

BLM has developed the shoreline, Parker Strip, and Craggy Wash supplementary rules to manage continued multiple use of the sites. These rules will be available in the Lake Havasu Field Office and BLM will post them at the sites affected. Most of the shoreline supplementary rules that follow were first published in 1998. We have expanded the area of applicability to include all of the BLM-managed shoreline of Lake Havasu in Arizona and California. The previous supplementary rules applicable to the lake shoreline were limited to the areas in the vicinity of the shoreline campsites. The term "recreation site" includes any developed campsite or day use site or similar recreational development. The supplementary rules that follow also apply to the surface of Lake Havasu located within 500 linear feet of designated campsites. Acts occurring in that portion of the lake have a direct impact on, and connection with, public safety and resource protection of the campsite areas.

IV. Procedural Matters

The principal author of these supplementary rules is Bryan Pittman, Field Staff Law Enforcement Ranger, BLM Lake Havasu Field Office.

Regulatory Planning and Review (E.O. 12866)

These supplementary rules are not significant and are not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) These supplementary rules will not have an effect of \$100 million or more on the economy. They will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or

safety, or state, local, or tribal governments or communities.

(2) These supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) These supplementary rules do not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) These supplementary rules do not raise novel legal or policy issues.

The supplementary rules will not affect legal commercial activity, but merely contain rules of conduct for public use of a limited selection of public lands.

Regulatory Flexibility Act

The Department of the Interior certifies that these supplementary rules will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The supplementary rules will not affect legal commercial activity, but will govern conduct for public use of a limited selection of public lands.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

These supplementary rules do not constitute a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. These supplementary rules:

Do not have an annual effect on the economy of \$100 million or more. (See the discussion under Regulatory Planning and Review, above.)

Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. See the discussion above under Regulatory Flexibility Act.

Do not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

These supplementary rules do not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than \$100 million per year. The supplementary rules do not have a significant or unique effect on state, local, or tribal governments or the private sector. The supplementary rules have no effect on governmental or tribal entities. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with Executive Order 12630, the supplementary rules do not have significant takings implications. The enforcement provision in the proposed supplementary rules does not include any language requiring or authorizing forfeiture of personal property or any property rights. E.O. 12630 addresses concerns based on the Fifth Amendment dealing with private property taken for public use without compensation. The land covered by the supplementary rules is public land managed by the Bureau of Land Management; therefore no private property is affected. A takings implications assessment is not required.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, BLM finds that the proposed supplementary rules do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The supplementary rules do not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The supplementary rules do not preempt state law.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that these supplementary rules do not unduly burden the judicial system and meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with Executive Order 13175, we have found that this final rule would not include policies that have tribal implications. The supplementary rules would not affect lands held for the benefit of Indians, Aleuts, or Eskimos.

Paperwork Reduction Act

These supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

These supplementary rules do not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make these supplementary rules easier to understand, including answers to questions such as the following:

(1) Are the requirements in the supplementary rules clearly stated?

(2) Does the supplementary rules contain technical language or jargon that interferes with its clarity?

(3) Does the format of the supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?

(4) Would the supplementary rules be easier to understand if they were divided into more (but shorter) sections?

(5) Is the description of the supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the rules? What else could we do to make the supplementary rules easier to understand?

If you have any comments on how we could make these supplementary rules easier to understand, in addition to sending the original to the address shown above, please send a copy to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW., Washington, DC 20240. You may also e-mail the comments to this address: Execsec@ios.doi.gov.

Under the authority of 43 U.S.C. 1733a and 43 CFR 8360.0-7, BLM proposes the following supplementary rules.

Dated: May 19, 2003.

Elaine Y. Zielinski,

State Director, Bureau of Land Management, Arizona.

Supplementary Rules for Lake Havasu Shoreline Area

1. You must purchase a permit in order to use a designated recreation site, including occupying a site for any use exceeding 20 minutes.

2. You must not moor any watercraft or floating platform at a recreation site or offshore in the vicinity or cove of any such site for more than 20 minutes without purchasing a permit. The fee for a use permit will be in accordance with the fee schedule, requirements, and procedures that BLM established under the Recreation Fee Demonstration Pilot Program, and are payable in U.S. funds only.

3. You must present the appropriate use permit upon demand to any authorized BLM official inspecting the site. If you are away from the campsite,

the permit must be visibly displayed in accordance with posted instructions, or in the manner directed by a BLM official.

4. You must not reassign or transfer your permit to another individual or group and/or campsite(s).

5. Any authorized BLM official may revoke your permit, without reimbursement, if you violate any BLM rule or regulation. If BLM revokes your permit, you must remove all personal property and leave the recreation site within one hour of notice.

6. A recreation site is considered occupied after you have paid the appropriate permit fee, you have taken possession of the site by placing personal property at the site, and the permit is displayed in accordance with written instructions or as directed by a BLM official. You must not occupy a site in violation of instructions from a BLM official, or when there is reason to believe that the unit is properly occupied by another person or persons.

7. Except for authorized Federal, state or local personnel, during the commission of their duties, a permitted site cannot be occupied by other visitors without the consent of the permittee.

8. You must not occupy a site designated as "day use" between sunset and sunrise.

9. A single vessel and its occupants may not occupy more than one site.

10. During the hours of 10 p.m. to 6 a.m., in accordance with applicable state time zone standards, you must maintain quiet within normal hearing range of the designated recreation sites.

11. You must not cut or collect any firewood, including dead and down wood and all other vegetative material.

12. You must not moor vessels to vegetation, signs, shade ramadas, tables, grills or fire rings, toilets, trash receptacles, or other objects or structures not designed for such use.

13. You must not beach or moor a vessel in excess of posted time limits.

14. You must not discharge or use firearms or projectile weapons inside or within a half mile of any occupied recreation site.

15. You must not discharge or possess any fireworks.

16. You must keep the site free of litter and trash during the period of occupancy. You must remove all personal property, and the site must be clean, upon your departure.

17. You must keep pets on a leash no longer than six (6) feet.

18. You must not leave pets unattended, and you must remove pet waste from the site or dispose of it in available trash receptacles.

19. You must not violate any provisions of boating laws as described

in Title 5, Chapter 3, of the Arizona Revised Statutes or in the California Harbors and Navigation Code (as applicable).

20. Possession of alcoholic beverages by a person under the age of 21 years is prohibited.

21. Consumption of alcoholic beverages by a person under the age of 21 years is prohibited in the portions of the affected area that are located within Arizona.

22. You must not possess glass beverage containers on land or in the water. You may possess glass beverage containers only within the confines of a vessel.

23. Reserving recreation sites in any manner, including leaving personal property unattended overnight, is prohibited.

24. Recreation sites used for camping activities must be occupied overnight by the permittee.

25. You must not leave personal property unattended for more than 24 hours. Personal property left unattended beyond such time limit is subject to disposition under the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 484(m)).

Supplementary Rules for the Parker Strip Recreation Area

Rules number 1, 3, 4, 5, 6, 7, 8, 15, 16, 20, 21, 23, 24 and 25 of the Lake Havasu Shoreline Supplementary Rules also apply to the Parker Strip Recreation Area. In addition, the following rules apply to the Parker Strip Recreation Area.

26. You must not park or operate vehicles in violation of posted restrictions.

27. Except in designated OHV Open areas, you must operate vehicles only on maintained roads and routes.

28. Vehicles operated between Parker Dam Road and the Colorado River in California must be legal for highway operation. You may operate non-highway legal golf carts in this area only within concession resorts and facilities, and within BLM-managed campgrounds.

29. Within one-half mile of Parker Dam Road, you may camp only in designated campsites.

30. Disorderly conduct is prohibited.

31. You must not discharge or use firearms in California within one mile of Parker Dam Road. In Arizona, you must not discharge or use firearms within the Parker Strip Recreation Area.

32. In BLM-managed campgrounds, no more than eight persons may occupy a single campsite.

Supplementary Rules for Craggy Wash

From October 1 through April 30 of each year, the following supplementary rules are in effect:

1. You must maintain your campsite free of trash and litter.

2. You must not discharge a firearm for the purpose of target practice or plinking. You may engage in legitimate hunting activities.

3. You must not operate a motor vehicle at a speed greater than 15 mph.

4. You must maintain quiet within hearing range of any other person or camp unit between 10 p.m. and 6 a.m. You must not operate a generator during these hours.

5. You must not collect firewood, including any dead and down wood, or any other vegetative material.

6. You must restrain a pet with a leash not longer than six (6) feet.

7. You must not leave a pet unattended.

8. You must not possess or discharge fireworks.

9. You must not leave personal property unattended for more than 24 hours.

Penalties

The authority for these supplementary rules is provided in 43 CFR 8365.1-6. Persons who violate these rules are subject to arrest, and upon conviction may be fined up to \$100,000 and/or imprisoned for not more than 12 months, as amended by 18 U.S.C. 3571 and 18 U.S.C. 3581.

[FR Doc. 03-15053 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-32-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-072-1220-HB]

Notice of Proposed Supplementary Rules for Fee Collection Sites Within the Area Managed by the Butte Field Office; Montana

AGENCY: Bureau of Land Management, Butte Field Office, Montana, Interior.

ACTION: Proposed supplementary rules.

SUMMARY: The Bureau of Land Management (BLM) Butte Field Office is proposing supplementary rules in order to regulate fee collection at sites administered under the Land and Water Conservation Fund (43 U.S.C. 4601). The supplementary rules are necessary to help ensure that the public makes proper payment for recreational use of public lands facilities.

DATES: You should submit your comments on or before July 16, 2003. In

developing final rules, BLM may not consider comments postmarked or received in person or by electronic mail after this date.

ADDRESSES: You may hand-deliver comments or mail comments on the proposed rules to Bureau of Land Management, Butte Field Office, 106 N. Parkmont, Butte, Montana 59701. You may also comment via the Internet to: *MT_Butte_FO@blm.gov*.

FOR FURTHER INFORMATION CONTACT: Brad Rixford, Outdoor Recreation Planner, 106 N. Parkmont, Butte, Montana 59701, 406-533-7600.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Please submit your comments on issues related to the proposed rules, in writing, according to the **ADDRESSES** section above. Comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rules, and should explain the reason for any recommended change. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing. BLM may not necessarily consider or include in the Administrative Record for the final rule comments that BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

BLM will make your comments, including your name and address, available for public review at the Butte Office address listed in **ADDRESSES** above during regular business hours (8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays).

Under certain conditions, BLM can keep your personal information confidential. You must prominently state your request for confidentiality at the beginning of your comment. BLM will consider withholding your name, street address, and other identifying information on a case-by-case basis to the extent allowed by law. BLM will make available to the public all submissions from organizations and businesses and from individuals identifying themselves as representatives or officials of organizations or businesses.

II. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

These supplementary rules are not a significant regulatory action and are not subject to review by Office of Management and Budget under Executive Order 12866. These

supplementary rules will not have an effect of \$100 million or more on the economy. They are not intended to affect commercial activity, but contain rules of conduct for public use of certain recreational areas. They will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. These proposed supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The supplementary rules do not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor do they raise novel legal or policy issues.

Clarity of the Supplementary Rules

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. We invite your comments on how to make these proposed supplementary rules easier to understand, including answers to questions such as the following:

- (1) Are the requirements in the proposed supplementary rules clearly stated?
- (2) Do the proposed supplementary rules contain technical language or jargon that interferes with their clarity?
- (3) Does the format of the proposed supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- (4) Would the supplementary rules be easier to understand if they were divided into more (but shorter) sections?
- (5) Is the description of the proposed supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the proposed supplementary rules? How could this description be more helpful in making the supplementary rules easier to understand?

Please send any comments you have on the clarity of the supplementary rules to the address specified in the **ADDRESSES** section.

National Environmental Policy Act

The BLM has prepared an environmental assessment (EA) or management agreement and has found that the proposed supplementary rules would not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the Environmental Protection Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The supplementary rules merely contain rules to require payment of camping fees and display of

tickets for use of certain recreational lands in Montana. These rules are designed to ensure proper payment for use of public land facilities. A detailed statement under NEPA is not required. BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified in the **ADDRESSES** section. The BLM invites the public to review these documents and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the "Public comment procedure" section above.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended, 5 U.S.C. 601-612, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The supplementary rules do not pertain specifically to commercial or governmental entities of any size, but to public recreational use of specific public lands. Therefore, BLM has determined under the RFA that these proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

These supplementary rules do not constitute a "major rule" as defined at 5 U.S.C. 804(2). Again, the supplementary rules merely contain rules for fee payment for recreational use of certain public lands. The supplementary rules have no effect on business-commercial or industrial-use of the public lands.

Unfunded Mandates Reform Act

These supplementary rules do not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than \$100 million per year; nor do these proposed supplementary rules have a significant or unique effect on state, local, or tribal governments or the private sector. The supplementary rules do not require anything of state, local, or tribal governments. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)

Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights (Takings)

The supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. The supplementary rules do not address property rights in any form, and do not cause the impairment of anybody's property rights. Therefore, the Department of the Interior has determined that the supplementary rules would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 13132, Federalism

The supplementary rules will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The supplementary rules affect land in only one state, Montana, and do not address jurisdictional issues involving the state government. Therefore, in accordance with Executive Order 13132, BLM has determined that these proposed supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor has determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

These proposed supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Dated: May 7, 2003.

A. Jerry Meredith,

Acting State Director, Bureau of Land Management, Montana State Office.

Supplementary Rules for Fee Collection at Land and Water Conservation Fund Sites

Under 43 CFR 8365 and 16 U.S.C. 4601-6a(e), the Bureau of Land Management will enforce the following rules on public land at Holter Lake, Holter Dam, Log Gulch, Departure Point, Devil's Elbow, Clark's Bay and Divide Recreation Sites. You must follow these rules:

Sec. 1 Fee Requirements

- a. You must pay the posted day use or camping fee.
- b. You must display your fee payment receipt at your campsite or on your vehicle.

Sec. 2 Penalties

On public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), 43 CFR 8365.1-6 and U.S.C. 4601-6a(e) any person who violates any of these supplementary rules within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$100. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

[FR Doc. 03-15054 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-100-1220-AF]

Proposed Supplementary Rules for the Lower Blackfoot River Corridor; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed supplementary rules for recreation use of public lands along the Blackfoot River and McNamara Road, Missoula County, Montana.

SUMMARY: This notice proposes supplementary rules incorporating restrictions on recreation use on public lands located within one quarter mile on either side of the Blackfoot River and/or McNamara Road extending from Johnsrud Park upstream for approximately 10 miles. The proposed supplementary rules are necessary to address resource protection needs identified in the Lower Blackfoot Corridor Environmental Assessment, MT-100-00-02.

DATES: You should submit your comments by July 16, 2003. In developing final rules, BLM may not consider comments postmarked or received in person or by electronic mail after this date.

ADDRESSES: You may mail or deliver comments on the proposed supplementary rules to Field Manager, Bureau of Land Management, Missoula Field Office, 3255 Fort Missoula Road, Missoula, Montana 59804. You may also comment by internet e-mail at the following address: MT_Missoula_FO@blm.gov.

FOR FURTHER INFORMATION CONTACT: Nancy Anderson, Missoula Field Office, 3255 Fort Missoula Road, Missoula, Montana 59804, (406) 329-3914.

SUPPLEMENTARY INFORMATION:

- I. Comment Procedure
- II. Background
- III. Discussion of Supplementary Rules
- IV. Procedural Matters

I. Comment Procedure

A. How Do I Comment on the Proposed Supplementary Rules?

If you wish to comment, you may submit your comments by any one of several methods.

You may mail comments to Field Manager, Bureau of Land Management, Missoula Field Office, 3255 Fort Missoula Road, Missoula, Montana 59804.

You may deliver comments to the Missoula Field Office, 3255 Fort Missoula Road, Missoula, Montana 59804.

You may comment via email to MT_Missoula_FO@blm.gov. If you do not receive a confirmation that we have received your electronic message, contact us directly at (406) 329-3914.

Please submit your comments on issues related to the proposed supplementary rules, in writing or in email, to any of these addresses. Comments on the proposed supplementary rules should be specific, should be confined to issues pertinent to the proposed supplementary rules, and should explain the reason for any change you recommend. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing.

BLM may not necessarily consider or include in the Administrative Record for the final rule comments that BLM receives or comments delivered to an address other than those listed above.

B. May I Review Comments Submitted By Others?

Comments, including names and street addresses of respondents, will be available for public review at the address listed under "**ADDRESSES:** Mail or personal delivery" during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except Federal holidays.

Individual respondents may request confidentiality, which we will honor to the extent allowable by law. If you wish to withhold your name or address, except for the city or town, 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 to public inspection in their entirety.

II. Background

The Blackfoot River Recreation Corridor is a multi-cooperative partnership consisting of private landowners, Montana Department of Fish, Wildlife and Parks, and BLM. This partnership was established in the 1970s to provide protection of natural resources and private property and to provide public safety along 26 miles of free flowing Blackfoot River.

In its June 1997 Lower Blackfoot River Assembled Land Exchange Environmental Assessment (MT-074-07-06), the BLM stated that "recreation along the Blackfoot River would continue to be managed under the existing Blackfoot River Recreation Corridor Landowner's Agreement."

In 1998, BLM began acquiring land within the corridor. BLM now manages approximately 12,000 acres of land upstream from Johnsrud Park.

Since 1999, BLM has managed this area under an interim restriction order under 43 CFR 8364.1(d). This order contains prohibited acts related to camping, motor vehicle use, public safety, and resource protection.

In 2001, BLM completed the Lower Blackfoot Corridor Environmental Assessment. You may obtain the Environmental Assessment, upon which these supplementary rules are based, from the Missoula Field Office.

The lands affected by these rules are public lands in Missoula County, Montana, in the following sections:

- T. 14 N., R. 15 W.,
Secs. 18 and 19.
- T. 13 N., R. 16 W.,
Secs. 4, 5, and 6.
- T. 14 N., R. 16 W.,
Secs. 13 and 14, 20 to 29, inclusive, 32 and 33.

III. Discussion of Supplementary Rules

Implementing these supplementary rules will establish consistency with the existing Montana Department of Fish, Wildlife and Parks' Blackfoot River Recreation Corridor rules. The proposed supplementary rules are consistent with the interim restriction order and are supported by the Lower Blackfoot Corridor Environmental Assessment MT-100-00-02.

BLM is proposing these supplementary rules under the authority of 43 CFR 8365.1-6.

IV. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

These proposed supplementary rules are not a significant regulatory action and are not subject to review by Office of Management and Budget under

Executive Order 12866. These supplementary rules would not have an effect of \$100 million or more on the economy. They are not intended to affect commercial activity, but contain rules of conduct for public use of certain recreational areas. They would not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities. These proposed supplementary rules would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The supplementary rules would not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor would they raise novel legal or policy issues.

Clarity of the Supplementary Rules

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. We invite your comments on how to make these proposed supplementary rules easier to understand, including answers to questions such as the following:

- (1) Are the requirements in the proposed supplementary rules clearly stated?
- (2) Do the proposed supplementary rules contain technical language or jargon that interferes with their clarity?
- (3) Does the format of the proposed supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- (4) Would the supplementary rules be easier to understand if they were divided into more (but shorter) sections?
- (5) Is the description of the proposed supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the proposed supplementary rules? How could this description be more helpful in making the supplementary rules easier to understand?

Please send any comments you have on the clarity of the supplementary rules to the address specified in the **ADDRESSES** section.

National Environmental Policy Act

The BLM has prepared an environmental assessment (EA) and has found that the proposed supplementary rules would not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the Environmental Protection Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The supplementary rules merely contain

rules of conduct for certain recreational lands in Montana. These rules are designed to protect the environment and the public health and safety. A detailed statement under NEPA is not required. BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified in the **ADDRESSES** section. The BLM invites the public to review these documents and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the "Public comment procedure" section above.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended, 5 U.S.C. 601-612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The supplementary rules do not pertain specifically to commercial or governmental entities of any size, but to public recreational use of specific public lands. Therefore, BLM has determined under the RFA that these proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

These supplementary rules do not constitute a "major rule" as defined at 5 U.S.C. 804(2). Again, the supplementary rules merely contain rules of conduct for recreational use of certain public lands. The supplementary rules would have no effect on business—commercial or industrial—use of the public lands.

Unfunded Mandates Reform Act

These supplementary rules would not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than \$100 million per year; nor would these proposed supplementary rules have a significant or unique effect on State, local, or tribal governments or the private sector. The supplementary rules would do not require anything of state, local, or tribal governments. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

The supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. The supplementary rules do not address property rights in any form, and do not cause the impairment of anybody's property rights. Therefore, the Department of the Interior has determined that the supplementary rules would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 13132, Federalism

The supplementary rules 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. The supplementary rules would affect land in only one state, Montana, and do not address jurisdictional issues involving the state government. Therefore, in accordance with Executive Order 13132, BLM has determined that these proposed supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor has determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have found that these proposed supplementary rules do not include policies that have tribal implications. The supplementary rules contain only rules of conduct for recreational use of certain public lands managed by BLM.

Paperwork Reduction Act

These proposed supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Under the authority of 43 CFR 8365.1-6, BLM proposes the following supplementary rules on

public lands of the Blackfoot River Corridor ¼ mile on either side of the Blackfoot River and/or McNamara Road.

Dated: May 7, 2003.

A. Jerry Meredith,

Acting State Director, Bureau of Land Management, Montana State Office.

Supplementary Rules for the Blackfoot River Corridor ¼ Mile on Either Side of the Blackfoot River or McNamara Road, or Both

Sec. 1 Prohibited Acts.

On public lands in secs. 18 and 19, T. 14 N., R. 15 W., secs. 4, 5, and 6, T. 13 N., R. 16 W., and secs. 13 and 14, 20 to 29, inclusive, 32 and 33, T. 14 N., R. 16 W., Principal Meridian, Montana, that are within ¼ mile on either side of the Blackfoot River or McNamara Road, or both, you must not:

- a. Camp outside of designated sites or areas.
- b. Light or maintain a fire except in designated areas or established by government fire rings.
- c. Operate a motor vehicle off a designated trail, road, or route.
- d. Collect firewood for other than on-site use. You may burn only dead and down wood.
- e. Discharge a firearm or projectile (except for legal game hunting purposes as established by the Montana Department of Fish, Wildlife and Parks), or engage in other recreational shooting including, but not limited to, plinking, target shooting, or shooting varmints, etc.
- f. Use a firework.
- g. Violate a posted regulation pertaining to the protection of natural resources or public safety.
- h. Occupy or camp at an area longer than 7 days during any 30-day period.

Sec. 2 Exemptions From the Supplementary Rules.

Persons who are exempt from these supplementary rules include any Federal, state, or local officer, and members of any organized search and rescue team or firefighting force in performance of an official duty, BLM employees on official administrative business, and any person authorized by the BLM.

Sec. 3 Penalties.

On public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and 43 CFR 8360.0-7, any person who violates any of these supplementary rules within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than

\$1000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

[FR Doc. 03-15055 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-130-03-1220-DU]

Notice of Intent To Amend the Grand Junction Resource Management Plan for the North Fruita Desert Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to amend the Grand Junction Resource Management Plan for the North Fruita Desert Area.

SUMMARY: Pursuant to section 102 of the National Environmental Policy Act of 1969 and section 202 of the Federal Land Policy and Management Act of 1976, the Bureau of Land Management, Grand Junction Field Office, is proposing to amend the Grand Junction Resource Management Plan (1987) to develop and design a travel system for the North Fruita Desert Area. The planning area includes 72,656 acres of public land located in Mesa County north of the town of Fruita, Colorado. The North Fruita Desert planning process was initiated in August 2000 and an *ad hoc* public committee was chartered under the Northwest Colorado Resource Advisory Committee to help provide feedback to BLM staff. It was originally thought that desired management actions identified in the planning process could be carried out on an activity-level plan within the existing guidance of the Grand Junction Resource Management Plan (RMP). However, it has since been determined that a plan amendment would be needed to consider the input of the *ad hoc* public committee and to alter RMP allocations.

DATES: This notice initiates the public scoping process. The public is invited to submit comments throughout the development of the Draft Amendment/EA. All future public meetings will be announced through the local news media, newsletters, and other media at least 15 days prior to the event. In addition to the ongoing public participation process, formal opportunities for public participation will be provided through comment upon the issuance of the BLM Draft Amendment/EA.

ADDRESSES: Written comments should be sent to Bureau of Land Management, Grand Junction Field Office, 2815 H Road, Grand Junction, CO, 81506. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Philip Gezon, Supervisory Outdoor Recreation Planner, Grand Junction Field Office, 2815 H Road, Grand Junction, CO 81506; (970) 244-3031; pgezon@blm.gov.

SUPPLEMENTARY INFORMATION: The Grand Junction Field Office has and will continue to consult, communicate and cooperate with local landowners, recreationists, the Northwest Colorado Resource Advisory Committee, the *ad hoc* committee, the city of Fruita, and other affected interest groups and individuals to develop and design a travel system for the North Fruita Desert Area. BLM will use an interdisciplinary approach to develop the plan amendment and environmental assessment in order to consider all identified resource issues and concerns. Disciplines involved in the planning process will include specialists with expertise in outdoor recreation, transportation planning, range conservation, wildlife, fisheries, law enforcement, oil and gas, geology, geology, soils and hazardous materials.

Dated: May 6, 2003.

Catherine Robertson,
Field Manager.

[FR Doc. 03-15051 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-JB-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Dam Adaptive Management Work Group (AMWG), Notice of Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Adaptive Management Program (AMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102-575) of 1992. The AMP provides an organization and process to ensure the use of scientific information in decision making concerning Glen Canyon Dam operations and protection of the affected resources consistent with the Grand Canyon Protection Act. The AMP has been organized and includes a federal advisory committee (AMWG), a technical work group (TWG), a monitoring and research center, and independent review panels. The TWG is a subcommittee of the AMWG and provides technical advice and information for the AMWG to act upon.

Date and Location: The TWG will conduct the following public meeting: Phoenix, Arizona—June 30 to July 1, 2003. The meeting will begin at 9:30 a.m. and conclude at 5 p.m. on the first day and will begin at 8 a.m. and conclude at noon on the second day. The meeting will be held at the Bureau of Indian Affairs—Western Regional Office, 2 Arizona Center, 400 N. 5th Street, Conference Rooms A and B (12th Floor), Phoenix, Arizona.

Agenda: The purpose of the meeting will be to address the FY 2003 and FY 2004 budgets and re-prioritize work as needed, discuss Ad Hoc Committee on What's In/Out of the AMP Report, and discuss Humpback Chub Ad Hoc Group ongoing work, Oracle database, basin hydrology, environmental compliance, and other administrative and resource issues pertaining to the AMP.

To allow full consideration of information by the AMWG or TWG members, written notice must be provided to Dennis Kubly, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah, 84138; telephone (801) 524-3715; faxogram (801) 524-3858; e-mail at dkubly@uc.usbr.gov (5) days prior to the meeting. Any written comments received will be provided to the AMWG and TWG members prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Dennis Kubly, telephone (801) 524-3758; faxogram (801) 524-3858; or via e-mail at dkubly@uc.usbr.gov.

Dated: June 9, 2003.

Dennis Kubly,
*Chief, Adaptive Management Group,
Environmental Resources Division, Upper
Colorado Regional Office.*

[FR Doc. 03-15091 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-MN-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection for 1029-0119

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request renewed approval for the collection of information for the Abandoned Mine Land Contractor Information form.

DATES: Comments on the proposed information collection must be received by August 15, 2003, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 210—SIB, Washington, DC 20240. Comments may also be submitted electronically to jtreleas@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact John A. Trelease, at (202) 208-2783 or at the e-mail address supplied above.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (*see* 5 CFR 1320.8(d)). This notice identifies information collections that OSM will be submitting to OMB for review and approval. This collection is found in the Applicant/Violator System (AVS) handbook and is approved by AML contractors to ensure compliance with 30 CFR 874.16.

OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection

of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: AML Contractor Information Form.

OMB Control Number: 1029-0119.

Summary: 30 CFR 874.16 requires that every successful bidder for an AML contract must be eligible under 30 CFR 773.15(b)(1) at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations. Further, the regulation requires the eligibility to be confirmed by OSM's automated AVS and the contractor must be eligible under the regulations implementing section 510(c) of the Surface Mining Act to receive permits to conduct mining operations. This form provides a tool for OSM and the States/Indian tribes to help them prevent persons with outstanding violations from conducting further mining or AML reclamation activities in the State.

Bureau Form Number: None.

Frequency of Collection: Once per contract.

Description of Respondents: AML contract applicants and State and tribal regulatory authorities.

Total Annual Responses: 360.

Total Annual Burden Hours: 456.

Dated: June 10, 2003.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 03-15072 Filed 6-13-03; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-421-3]

Certain Brake Drums and Rotors From China

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of an investigation under section 421(b) of the Trade Act of 1974 (19 U.S.C. 2451(b)) (the Act).

SUMMARY: Following receipt of a petition, as amended, on June 6, 2003, on behalf of the Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers, the Commission instituted investigation No. TA-421-3, *Certain Brake Drums and Rotors from China*, under section 421(b) of the Act to determine whether

certain brake drums and rotors¹ from China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 206, subparts A and E (19 CFR part 206).

EFFECTIVE DATE: June 6, 2003.

FOR FURTHER INFORMATION CONTACT:

Debra Baker (202-205-3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. 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) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

¹ Brake drums and rotors are defined as brake drums and rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake drums and rotors limit their use to the following types of motor vehicles: automobiles, all-terrain vehicles, vans and recreational vehicles under "one ton and a half."

Finished brake drums and rotors are those that are ready for sale and installation without any further operations. Semifinished drums are those on which the surface is not entirely smooth, and has undergone some drilling. Unfinished drums are those which have undergone some grinding or turning.

These brake drums and rotors are for motor vehicles, and do not contain in the casting a logo of an original equipment manufacturer (OEM) which produces vehicles sold in the United States (e.g., General Motors, Ford, DaimlerChrysler, Honda, Toyota, Volvo). Brake drums and rotors covered in this investigation are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake drums that are made of gray cast iron, which contain a steel plate, but otherwise meet the above criteria.

The imported products are provided for in subheading 8708.39.50 of the Harmonized Tariff Schedule of the United States (HTS). Although the HTS category is provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

Participation in the Investigation and Service List

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in §201.11 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Confidential Business Information (CBI) Under an Administrative Protective Order (APO) and CBI Service List

Pursuant to §206.47 of the Commission's rules, the Secretary will make CBI gathered in this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive CBI under the APO.

Hearing

The Commission has scheduled a hearing in connection with this investigation beginning at 9:30 a.m. on July 18, 2003, at the U.S. International Trade Commission Building. Subjects related to both market disruption or threat thereof and remedy may be addressed at the hearing. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 11, 2003. All persons desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on July 15, 2003, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the hearing are governed by §§ 201.6(b)(2) and 201.13(f) of the Commission's rules.

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is July 14, 2003. Parties may also file posthearing briefs. The deadline for filing posthearing briefs is July 22, 2003. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the consideration of market disruption or threat thereof and/or remedy on or

before July 22, 2003. Parties may submit final comments on market disruption on July 31, 2003 and on remedy on August 8, 2003. Final comments shall contain no more than ten (10) double spaced and single sided pages of textual material. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain CBI must also conform with the requirements of § 201.6 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by § 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with § 201.16(c) of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Remedy

Parties are reminded that no separate hearing on the issue of remedy will be held. Those parties wishing to present arguments on the issue of remedy may do so orally at the hearing or in their prehearing briefs, posthearing briefs, or final comments on remedy.

Authority: This investigation is being conducted under the authority of section 421 of the Trade Act of 1974; this notice is published pursuant to § 206.3 of the Commission's rules.

By order of the Commission.

Issued: June 11, 2003.

Marilyn R. Abbott,

Secretary.

[FR Doc. 03-15157 Filed 6-13-03; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-415]

U.S. Trade and Investment With Sub-Saharan Africa

AGENCY: International Trade Commission.

ACTION: Notice of preparation of fourth report and opportunity to submit information and comments.

EFFECTIVE DATE: June 10, 2003.

SUMMARY: Following receipt on March 12, 2000, of a letter from the United States Trade Representative (USTR), the Commission instituted investigation No. 332-415, U.S. Trade and Investment

with Sub-Saharan Africa, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of preparing a series of five annual reports. This is the fourth report in the series, and the Commission plans to transmit this fourth report to the USTR by December 10, 2003.

FOR FURTHER INFORMATION CONTACT:

Laurie-Ann Agama, Office of Economics (202-205-3220), or William Gearhart, Office of the General Counsel (202-205-3091) for information on legal aspects of the investigation. The media should contact Margaret O'Laughlin, Office of External Relations (202-1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary, 202-205-2000. General information about the Commission may 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) <http://edis.usitc.gov>.

Background

The USTR requested that the Commission prepare a series of annual reports for five years containing the following information:

1. For the last five years (and the latest quarter available), data on U.S. merchandise trade and services trade with sub-Saharan Africa (SSA), including statistics by country, by major sectors, and by the top 25 commodities.
2. A summary of U.S. and total foreign direct investment and portfolio investment in sub-Saharan Africa.
3. Statistical information on U.S. imports from sub-Saharan Africa under the AGOA and GSP programs by country and by major product categories/commodities; and information on AGOA-related investment.
4. Updates on regional integration in sub-Saharan Africa including statistics on U.S. trade with major regional groupings (ECOWAS, WAEMU, COMESA, SADC, SACU, EAC, IGAD, IOC and CEMAC) and, where applicable, information on each group's tariff structure.

5. A description of major U.S. trade capacity-building initiatives related to SSA, a summary of multilateral and U.S. bilateral assistance to the countries of sub-Saharan Africa, and a description of major non-U.S. trade preference programs for countries in SSA.

6. Sector profiles for sub-Saharan Africa, including information on trade, investment, industry and policy developments, by major sector. The six sector profiles in this investigation include: agricultural, fisheries and forest products; chemicals; petroleum and energy-related products; minerals and metals; textiles and apparel; and transportation equipment.

7. Country-by-country profiles on each of the 48 countries in sub-Saharan Africa, including information on major trading partners, by country. Summary of the trade, services, and investment climates in each of the countries of sub-Saharan Africa, including a description of the basic tariff structure (e.g., the average tariff rate and the average agricultural tariff rate), as well as significant impediments to trade, such as import bans.

The 48 countries of sub-Saharan Africa covered in this investigation include: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Côte d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, and Zimbabwe.

The USTR requested that the Commission provide its first report by December 10, 2000, and annually for a period of 4 years thereafter. The second report in the series was delivered to USTR on December 10, 2001 and the third report was delivered on December 10, 2002. The Commission expects to deliver the fourth report by December 10, 2003.

Written Submissions

The Commission does not plan to hold a public hearing in connection with this fourth report. However, interested persons are invited to submit written statements concerning matters to be addressed in the report. Commercial or financial information that a person desires the Commission to treat as confidential must be submitted in accordance with § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). The Commission may include such confidential business information in the report it sends to USTR. The Commission's rules do not authorize filing of submissions with the Secretary

by facsimile or electronic means, except to the extent permitted by § 201.8 of the Commission's rules, as amended, 67 FR 68036 (Nov. 8, 2002). All written submissions must conform with the provisions of § 201.8 of the Commission's rules of practice and procedure (19 CFR 201.8). All written statements, except for confidential business information will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration, written statements relating to the Commission's report should be submitted at the earliest possible date and should be received not later than July 28, 2003. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington DC 20436.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

Issued: June 11, 2003.

By order of the Commission.

Marilyn R. Abbott,
Secretary.

[FR Doc. 03-15158 Filed 6-13-03; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

Pursuant to the Government in the Sunshine Act (Public Law 94-409) [5 U.S.C. Section 552b]

AGENCY: Department of Justice, United States Parole Commission.

TIME AND DATE: 9:30 a.m., Wednesday, June 18, 2003.

PLACE: 5550 Friendship Blvd., Fourth Floor, Chevy Chase, MD 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of Minutes of Previous Commission Meeting.
2. Reports from the Chairman, Commissioners, Legal, Chief of Staff, Case Operations, and Administrative Sections.
3. Consideration of amended interim rules for District of Columbia offenders on Supervised Release.
4. Consideration of final rules regarding the elimination of certain voting and notice procedures for Federal

offenders, and the revision of a rule on determining the type of revocation hearing for a Federal parolee.

5. Discussion on proposal to amend 28 CFR 2.12(a) to permit earlier initial hearings in cases of parole ineligibility greater than 10 years.

FOR FURTHER INFORMATION CONTACT: Thomas W. Hutchison, Chief of Staff, United States Parole Commission, (301) 492-5990.

Dated: June 11, 2003.

Rockne Chickinell,

General Counsel, U.S. Parole Commission.

[FR Doc. 03-15213 Filed 6-12-03; 10:01 am]

BILLING CODE 4410-31-M

DEPARTMENT OF LABOR

[SGA 03-14]

Office of Disability Employment Policy; Center for Faith-Based and Community Initiatives; Intermediary Grants for Mentoring Youth With Disabilities

AGENCY: Office of Disability Employment Policy, Department of Labor.

ACTION: Notice of availability of funds; solicitation for grant applications (SGA).

This notice contains all of the necessary information and forms needed to apply for grant funding. (SGA 03-14).

SUMMARY: The U.S. Department of Labor (DOL), Office of Disability Employment Policy (ODEP), in collaboration with DOL's Center for Faith-Based and Community Initiatives (CFBCI or Center), announces the availability of approximately \$450,000 to award three competitive grants funded up to \$150,000 to eligible intermediary organizations that have demonstrated an ability to assist faith-based and community organizations, particularly smaller organizations, in promoting positive employment and transition outcomes for youth with disabilities through mentoring activities. The activities conducted must be consistent with effective practices and may include but are not limited to adult and peer mentoring, e-mentoring, tutoring, job-shadowing, service learning, leadership development, and youth development.

In achieving the grant purposes, the intermediary is expected to sub-award a substantial portion of its award to eligible local faith-based and community organizations. Grant funds may be used for activities that establish, implement, or support a mentoring program for youth with disabilities between the ages of 16 and 24, which may include:

1. Hiring of mentoring coordinators and support staff;
2. Recruitment, screening, and training of mentors;
3. Recruitment and assessment of mentees;
4. Reimbursement to schools, if appropriate, for the use of school materials or supplies to be used in carrying out the mentoring program;
5. Purchase of materials or supplies to be used in carrying out the mentoring program;
6. Dissemination of outreach materials; and
7. Evaluation of the mentoring program using scientifically-based methods.

These grants are for a one-year period at full funding and may be renewed for a period of up to four additional years depending upon the availability of funds and the efficacy of the project activities. *See also* Parts IV, IX.

The results of this initiative will support ODEP's strategic goals of: (1) Promoting policies to increase demand for employees with disabilities; and (2) promoting policies to increase the capabilities of the workforce development system to provide meaningful and effective services to youth with disabilities.

DATES: Applications will be accepted commencing on June 16, 2003. The closing date for receipt of applications under this announcement is July 28, 2003. Applications must be received by 4:45 p.m. (ET) at the address below. No exceptions to the mailing and hand-delivery conditions set forth in this notice will be granted. Applications that do not meet the conditions set forth in this notice will be considered non-responsive.

ADDRESSES: Applications shall be mailed to: U.S. Department of Labor, Procurement Services Center, Attention: Cassandra Willis, Reference SGA 03-14, Room N-5416, 200 Constitution Avenue, NW., Washington, DC 20210. Telefacsimile (FAX) applications will not be accepted. Applicants are advised that mail delivery in the Washington area may be delayed due to mail decontamination procedures.

FOR FURTHER INFORMATION CONTACT: Cassandra Willis, U.S. Department of Labor, Procurement Services Center, telephone (202) 693-4570 (this is not a toll-free number), prior to the closing deadline. Persons who are deaf or hard of hearing may contact DOL via the Federal Relay Service, (800) 877-8339. This announcement will also be published on the Internet on ODEP's online Home Page at: <http://www2.dol.gov/odep>. Award

notifications will also be published on the ODEP Homepage.

SUPPLEMENTARY INFORMATION:

Part I. Delivery of Applications

1. *Late Applications.* Any application received after the exact date and time specified for receipt at the office designated in this notice will be considered non-responsive, unless it is received before awards are made and it: (a) Is determined that its late receipt was caused by DOL error; (b) was sent by U.S. Postal Service registered or certified mail not later than the fifth calendar day before the date specified for receipt of applications (e.g., an application submitted in response to a solicitation requiring receipt of applications by the 20th of the month must have been post marked by the 15th of that month); or (c) was sent by the U.S. Postal Service Express Mail Next Day Service to addressee not later than 5 p.m. at the place of mailing two working days prior to the date specified for receipt of applications. The term "working days" excludes weekends and Federal holidays. "Post marked" means a printed, stamped or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable, without further action, as having been supplied or affixed on the date of mailing by an employee of the U.S. Postal Service.

2. *Withdrawal of Applications.* Applications may be withdrawn by written notice or telegram (including mail gram) received at any time before an award is made. Applications may be withdrawn in person by the applicant or by an authorized representative thereof, if the representative's identity is made known and the representative signs a receipt of the proposal.

3. *Hand-Delivered Proposals.* It is preferred that applications be mailed at least five days prior to the closing date. To be considered for funding, hand-delivered applications must be received by 4:45 p.m., ET, at the specified address. Failure to adhere to the above instructions will be basis for a determination of non-responsiveness. Overnight express mail from carriers other than the U.S. Postal Service will be considered hand-delivered applications and must be received by the above specified date and time.

Part II. Authority

Omnibus Appropriations Resolution, 2003, Pub. L. 1087; Consolidated Appropriations Act, 2001, Pub. L. 106-554, 29 U.S.C. 557b.

Part III. Background

ODEP's mission is to provide leadership to increase employment opportunities for adults and youth with disabilities through expanded access to training, education, employment supports, assistive technology, integrated employment, entrepreneurial development, and small business opportunities. Through partnerships with both public and private sector employers and with regional and local agencies, ODEP also fosters the creation of employment opportunities by increasing awareness of the benefits of employing people with disabilities and disseminating information on effective employment strategies.

The CFBCI seeks to create effective partnerships between faith-based and community-based organizations and DOL at the Federal, state, and local levels. The purpose of these partnerships is to bring faith-based and community organizations, which are often in closest touch with the people and problems that are the focus of Federal social policy efforts, into DOL's employment and training programs.

The CFBCI coordinates a comprehensive departmental effort to incorporate faith-based and other community-based organizations into DOL programs and initiatives. CFBCI supports the creation of initiatives and programs within DOL that utilize the strengths of faith-based and community organizations to better address the needs of underprivileged populations. The Center directs national outreach efforts to educate faith-based and other community organizations about the opportunities for partnership with local One-Stop Career Centers, State and Local Workforce Investment Boards, State Workforce Agencies, and the U.S. Department of Labor. CFBCI also works in conjunction with DOL agencies to remove barriers to the participation of faith-based and community organizations in Federal programs, including, but not limited to, the reform of regulations, procurement and other internal policies and practices, and outreach activities.

This SGA reflects a collaborative effort between ODEP and CFBCI born out of their commitment to promoting positive employment and transition outcomes for youth with disabilities through mentoring. There is solid evidence that effective mentoring programs can change the direction of the life of a youth with a disability, improve academic performance, and help the youth develop skills, knowledge, and motivation to successfully transition from high school

to adult life. (Moccia, Schumaker, Hazel, Vernon, & Deshler, 1989; Rhodes, Grossman, & Resch, 2000). Accordingly, this grant program supports the objectives of both President Bush's New Freedom Initiative and the Leave No Child Behind Act of 2001, Pub. L. 107-110.

Mentoring is defined generally as a sustained, close, developmental relationship between an older, more experienced individual and a younger person with the goal of building character and promoting positive, healthy youth development. In mentoring arrangements, adults or experienced peers serve as advisors and role models, working with youth one-on-one or in groups. Electronic mentoring, also called e-mentoring, uses a combination of e-mail and face-to-face meetings to facilitate mentoring relationships between young people and adults. Mentoring relationships provide valuable support to youth, not only in offering academic and career guidance, but also in building leadership and interpersonal skills and problem-solving skills. Mentoring can also connect youth with important employer contacts, thereby opening doors for networking and future employment.

The purpose of this grant program is to help build the capacity and knowledge of faith-based and community organizations to better meet the needs of young people with disabilities through mentoring. This will be accomplished through the funding of intermediary organizations that have demonstrated expertise in working with and providing technical assistance to local faith-based and community organizations in a variety of areas including, but not limited to: effectively operating and managing their programs; accessing governmental and private funding sources; developing and training staff; expanding the types and reach of services in their communities; and replicating promising and effective practices. The funded intermediary will also issue sub-awards to local faith-based and community organizations for start-up, operations, or expansion of mentoring programs for youth with disabilities as detailed previously in the Summary Section of this SGA.

This SGA is for the Intermediary Grants for Mentoring Youth with Disabilities Initiative. This grant program is consistent with the objectives of the President's New Freedom Initiative.

Part IV. Funding Availability and Period of Performance

ODEP anticipates awarding three competitive grants funded up to

\$150,000 each year to eligible intermediary organizations that have demonstrated an ability to assist faith-based and community organizations, particularly smaller organizations, in promoting positive employment and transition outcomes for youth with disabilities through mentoring activities. The period of performance will be one year from the date of execution of the grant documents by DOL. ODEP may elect to extend these grants on a yearly basis for up to four additional years based on the availability of government funds and acceptable performance.

Part V. Eligible Applicants and Required Partnerships

Eligible Applicants: Under this competition, eligible "intermediaries" are defined as non-profit, community, and/or faith-based organizations with existing connections within the community, and a demonstrated ability to connect smaller faith and community-based organizations and the people they serve to youth services funded under the Workforce Investment Act of 1998 (Public Law 105-220, 29 U.S.C. 2801 *et seq.*) (WIA) and to other youth services available in their local communities. These intermediary organizations must possess strong financial and grant management skills, and the ability to mentor smaller organizations to increase their capacity to fully participate in the youth service delivery provider network.

Partnerships: Applicants must establish strong linkages with the Local Workforce Investment Board (WIB) in the area to be served by the activities of the grant. The Local WIB can assist the intermediary in connecting to the One-Stop system and other community-based youth service providers receiving WIA funding. It is ODEP's belief that the intermediary and its sub-awardees can complement, augment, and supplement the services currently provided through WIA, and leverage WIA funded resources to assist them in carrying out some of their grant activities, *e.g.*, recruitment of youth with disabilities.

Grant recipients will broker partnerships with employers, the workforce development system, school systems, disability service providers, non-profit organizations, and other faith-based and community organizations to provide mentoring experiences for youth with disabilities. Among other partners, grantees will be required to collaborate with employer organizations such as the Chamber of Commerce and the state Business Leadership Network where one exists. In addition, grantees will be required to utilize broad strategies for recruiting

adult and peer mentors, including outreach to other faith-based and community organizations, employer organizations and employers, and organizations representing youth with disabilities such as centers for independent living, the state's Youth Leadership Forum, and state members of the National Youth Leadership Network. In addition, applicants are to work in partnership with other disability-related public and private organizations. Partners may include:

- State/local public agencies such as Special Education;
- Vocational Rehabilitation;
- State Councils for Independent Living;
- Local Centers for Independent Living (CILs);
- State mental health agencies, state mental retardation and Developmental Disability Councils;
- Temporary Assistance for Needy Families (TANF) agencies; and
- Private, non-profit organizations such as disability advocacy and provider organizations, as well as federally funded disability grant entities, including faith-based entities.

Eligible Sub-Awardees and Allowable Activities

For purposes of this announcement, the intermediary may issue sub-awards to community or faith-based organizations that:

1. Have social services as a major part of their mission;
2. Are headquartered in the local community to which they provide these services;
3. Have a total annual operating budget of \$300,000 or less, or
4. Have 6 or fewer full-time equivalent employees.

Except as specifically provided, DOL/ODEP's acceptance of a proposal and an award of Federal funds to sponsor any program(s) does not provide a waiver of any grant requirement and/or procedures. For example, the OMB circulars require that an entity's procurement procedures must require that all procurement transactions be conducted, as practical, to provide open and free competition. These circulars are applicable to awards made by the intermediary to sub-awardees under the terms of this grant solicitation. If a proposal identifies a specific entity to provide the services, the DOL/ODEP's award does not provide the justification or basis to sole-source the procurement, *i.e.*, avoid competition.

The "\$300,000 or less" budget includes only that portion of an organization's budget allocated to providing social services. It does not

include other portions of the budget such as salaries and expenses. For purposes of this announcement local affiliates of national social service organizations are not eligible for a sub-grant award.

Legal Rules That Apply to Faith-Based Organizations That Receive Government Funds

The government is prohibited from directly funding religious activity.¹ These grants may not be used for religious instruction, worship, prayer, proselytizing or other inherently religious practices. Neutral, secular criteria that neither favor nor disfavor religion must be employed in the selection of grant and sub-grant recipients.

Nonetheless, participation by faith-based organizations in this grant program is highly encouraged. Consistent with the Free Exercise Clause and the Free Speech Clause of the Constitution, faith-based organizations are eligible to compete for Federal financial assistance used to support social service programs and to participate fully in the social service programs supported with Federal financial assistance without impairing their independence, autonomy, expression, or religious character. See Equal Protection of the Laws for Faith-based and Community Organizations, Exec. Order No. 13279 (December 12, 2002).

Part VI. Format Requirements for Grant Application

General Requirements: Applicants must submit one (1) paper copy with an original signature and two (2) additional paper copies of the signed proposal. To aid with the review of applications, DOL also encourages Applicants to submit an electronic copy of their proposal on a disc or CD using Microsoft Word. Applicants who do not provide an electronic copy *will not* be penalized. The Application Narrative must be double-spaced with standard margins on 8½ x 11 papers, and be presented on single-sided, numbered pages with the exception of format requirements for the Executive

¹ The term "direct" funding is used to describe funds that are provided "directly" by a governmental entity or an intermediate organization with the same duties as a governmental entity, as opposed to funds that an organization receives as the result of the genuine and independent private choice of a beneficiary. In other contexts, the term "direct" funding may be used to refer to those funds that an organization receives directly from the Federal government (also known as "discretionary" funding), as opposed to funding that it receives from a State or local government (also known as "indirect" or "block grant" funding). In this SGA, the term "direct" has the former meaning.

Summary. The Executive Summary must be limited to no more than two single-spaced, single-sided pages on 8½ x 11 papers with standard margins throughout. A font size of at least twelve (12) pitch is required throughout. Applications that fail to meet these requirements will be considered non-responsive.

The three required sections of the application are:

Section I—Project Financial Plan

Section II—Executive Summary—

Project Synopsis

Section III—Project Narrative (including Attachments, not to exceed 15 pages)

Mandatory requirements for each section are provided below.

Applications that fail to meet the stated mandatory requirements of each section will be considered non-responsive.

Mandatory Application Requirements

- *Section I. Project Financial Plan (Budget)* (The Project Financial Plan will not count against the application page limits.) Section I of the application must include the following three required parts:

(1) Completed “SF 424—Application for Federal Assistance” (See Appendix A of this SGA for required form)

(2) Completed “SF-424A—Budget Information Form” by line item for all costs required to implement the project design effectively. (See Appendix B of this SGA for required forms.)

(3) Budget Narrative and Justification that provides sufficient information to support the reasonableness of the costs included in the budget in relation to the service strategy and planned outcomes.

The application must include one SF-424 with the original signatures of the legal entity applying for grant funding and 2 additional copies. Applicants shall indicate on the SF-424 the organization’s IRS Status, if applicable. Under the Lobbying Disclosure Act of 1995, Section 18 (29 U.S.C. 1611), an organization described in Section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities will not be eligible for the receipt of Federal funds constituting an award, grant, or loan. (See 2 U.S.C. 1611; 26 U.S.C. 501(c)(4).) For item 10 of the SF-424, the Catalog of Federal Domestic Assistance (CFDA) number for the program is 17.720.

The Budget Narrative and Justification must describe all costs associated with implementing the project that are to be covered with grant funds. Grantees must support the travel and associated costs with sending at least one representative to the annual ODEP Policy Conference for Grantees, to be held in Washington,

DC, at a time and place to be determined. Grantees must comply with the “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” (also known as the “Common Rule”) codified at 29 CFR part 97, and must comply with the applicable OMB cost principles circulars, as identified in 29 CFR 95.27 and 29 CFR 97.22(b).

In addition, the budget must include on a separate page a detailed cost analysis of each line item. Justification for administrative costs must be provided. Approval of a budget by DOL is not the same as the approval of actual costs. The individual signing the SF 424 on behalf of the applicant must represent and be able to legally bind the responsible financial and administrative entity for a grant should that application result in an award. The applicant must also include the Assurances and Certifications Signature Page (Appendix C).

- *Section II. Executive Summary—Project Synopsis* (The Executive Summary is limited to no more than two single-spaced, single-sided pages on 8½ x 11 papers with standard margins throughout). Each application shall include a project synopsis that identifies the following:

(1) The name of the applicant;

(2) The type of organization the applicant represents, the additional consortium partners and the type of organization they represent;

(3) The amount of funds requested;

(4) The planned period of performance;

(5) An overview of the applicant’s plan for building the capacity and knowledge of faith-based and community organizations to better meet the needs of young people with disabilities through mentoring; and

(6) An overview of the applicant’s plan for sustaining grant activities being conducted by sub-awardees once Federal funding ceases.

- *Section III. Project Narrative* (The Project Narrative plus attachments are limited to no more than fifteen (15) single-sided, numbered 8½ x 11 inch pages, double-spaced with standard one-inch margins (top, bottom, and sides)). All text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs must be double-spaced (no more than three lines per vertical inch); and, if using a proportional computer font, use no smaller than a 12-point font, and an average character density no greater than 18 characters per inch (if

using a non-proportional font or a typewriter, do not use more than 12 characters per inch). Applications that fail to meet these requirements will be considered non-responsive.

Note: The Financial Plan, the Executive Summary, and the Appendices are not included in the fifteen (15)-page limit]. The substantive requirements for the project narrative are described below under Part VII—Statement of Work.

Part VII. Government Requirements/Statement of Work (Project Narrative)

The Project Narrative, or Section III of the grant application represents the applicant’s plans to address the previously documented unmet need to provide mentoring services to young people with disabilities in the community. ODEP expects that the intermediary and its sub-awardees will complement, augment, supplement, and leverage services currently provided through the WIA-assisted youth service delivery system in carrying out grant activities.

The intermediary will assist the sub-awardees, as appropriate, in administrative tasks so that sub-awardees can focus primarily on providing mentoring services to their service population(s). ODEP expects that the intermediary’s staff will provide mentoring and technical assistance to build the smaller organizations’ capacity to be permanent contributors to the youth service provider network and to compete successfully for future Federal, state and local grants.

The Project Narrative/Statement of Work must include and will be weighed as follows:

1. The applicant’s Performance History with Grants Management and Service to People with Disabilities (20 points);

2. A description of the proposed plan and activities of the intermediary and its sub-awardees (45 points); and

3. An enumeration of evaluation criteria, measure(s), outcomes and reporting and tracking mechanisms for both intermediary and sub-awardees (35 points).

Letters of Commitment: Applicants can include letters of support if they provide specific commitments. Such letters can increase an applicant’s score under criterion 2 by showing that the commitments in the text of the proposal are serious. Form letters will not be considered.

1. Performance History With Grants Management and Service to People With Disabilities (20 points)

The applicant must provide a statement of its performance history (if

with the management of resources under governmental grants-in-aid programs. DOL will evaluate applications based on the scope, strength, and "record of achievement" which will be demonstrated by responses to the following requirements:

(1) Relevant history of the applicant in managing resources through grant awards from Federal Departments (particularly those from the Departments of Labor, Education, Housing and Urban Development, and Health and Human Services), state governments, or units of local governments;

(2) Recent involvement of the intermediary as a partner or provider in the One-Stop delivery system for employment and training services. Describe any current working relationship with the local Workforce Investment Board(s) or steps taken to develop this relationship for the current grant application

(3) Demonstrated history of networking with, educating, training, and mobilizing faith-based and community organizations and their members. (**Note:** Include past experience in developing other organizations' capacity for social service delivery, managing grants, conducting information campaigns, and providing technical assistance); and

(4) Demonstrated experience in networking with and providing services to people with disabilities.

In evaluating the quality of the applicant's performance history and management of resources, ODEP may consider the applicant's experience, knowledge and staff skills relevant to addressing the goals of this SGA in the context of ODEP's priorities.

2. Description of the Proposed Plan and Activities of the Intermediary and Its Sub-Awardees (45 points)

This section of the narrative should provide the applicant's detailed strategy for increasing the capacity and capability of faith-based and community organizations to provide effective mentoring services to young people with disabilities. The work plan must clearly illustrate how the project will be completed, and identify what services will be delivered. The narrative should explain the scope of the proposed project, and detail how the project will be carried out. The sections that should be included in the narrative for this section include:

- A Timeline
- A Description of the Mentoring Activities to be Conducted and the Respective Roles and Responsibilities of

Community and Faith-Based Organizations and the Grantee.

- A Description of the Approach That Will Be Used for Seeking Applications From and Making Sub-awards to Community and Faith-Based Organizations.

- A Strategy for Coordinating Grant Activities with WIA-Assisted Youth Activities, the One-Stop Center(s), and Other Federal Disability-Related Grant Activities.

- A Strategy for Conducting Outreach to Employers and to the Disability Community.

- A Strategy for Leveraging Available Funding Sources to Support Grant Activities and Plan for Ensuring Sustainability Once Federal Funding Ceases.

- A Plan for Working with Sub-awardees to Develop Outcome Measures and to Evaluate the Activities Supported by the Sub-awards Made with Federal Funds Under This Announcement.

The Timeline

The applicant must provide a timeline for all discrete projects and activities to be undertaken.

A Description of the Mentoring Activities To Be Conducted and the Respective Roles and Responsibilities of Community and Faith-Based Organizations and the Grantee

This section of the narrative should provide the following information:

(1) A description of how the applicant will work with community and faith-based partner organizations in carrying out grant-related mentoring activities, including those activities that will be solicited through sub-awards. The specific functions/roles and responsibilities of these partner organizations within the grant design should be included as well as an explanation of the types of administrative and management functions which will be performed by the grantee.

(2) The young people expected to be served by the mentoring program, how they will be recruited, and the benefits or results expected;

(3) The method that will be used to recruit, screen, and train prospective mentors and to match mentors with mentees;

(4) An explanation of how technology will be used in carrying out grant activities; and

(5) A listing of key positions required to carry out the project as proposed, the key individuals proposed to fill the positions, and a detailed description of the kind of work these individuals will perform within the project. The

application should provide evidence of the staffs' skill, knowledge, and experience in carrying out these types of activities, and describe their relevant training.

A Description of the Approach That Will Be Used for Seeking Applications From and Making Sub-Awards to Community and Faith-Based Organizations

In this section, the applicant should provide a description of the outreach activities it will engage in to identify potential faith and community-based organizations to act as partners in carrying out grant activities and the methodology that will be used for making sub-awards.

Strategy for Coordinating Grant Activities with WIA-Assisted Youth Activities, the One-Stop Center(s), and Other Federal Disability-Related Grant Activities

In this section, the applicant should explain how grant activities will be coordinated with the local One-Stop Center and other WIA-assisted youth activities in the target area(s) and with other disability related grant initiatives from DOL, the Department of Education (ED), the Department of Health & Human Services (HHS), the Social Security Administration (SSA), the Department of Housing & Urban Development (HUD), and other Federal partners.

Strategy for Conducting Outreach to Employers and to the Disability Community

In this section, the applicant should identify the strategy that will be used in developing relationships with and the support of area employers and the disability community, and explain how the views and perspectives of these partners were taken into account in developing this grant proposal.

Plan for Working With Sub-Awardees To Develop Outcome Measures and To Evaluate the Activities Supported by the Sub-Awards Made With Federal Funds Under This Announcement

In this section, the applicant should describe how it will work with sub-awardees to develop outcome measures and to evaluate grant-related activities conducted as a result of sub-awards.

Strategy for Leveraging Available Funding Sources To Support Grant Activities and Plan for Ensuring Sustainability Once Federal Funding Ceases

In this section of the narrative, the applicant should identify additional

Federal, state, and/or local funds and resources that will be used to support the overall objectives of the grant, and articulate a plan for ensuring the sustainability of grant activities being performed by sub-awardees once Federal funding ceases. ODEP will evaluate the proposed plan and activities against the following criteria:

(a) The extent to which the outreach and identification of organizations eligible for sub-grant awards appears appropriate, reasonable and achievable within the initial months of the grant period;

(b) The extent to which the application process that will be used in making sub-awards is straightforward, fiscally responsible, and not overly burdensome;

(c) The extent to which the proposed plan is likely to produce positive transition outcomes for young people with disabilities;

(d) The extent to which partnerships with outside entities and funding from additional Federal, state and/or local resources will be effectively leveraged and utilized in carrying out grant activities;

(e) The demonstrated capability of the applicant to effectively implement the proposed project;

(f) The quality of the plan for ensuring sustainability of grant activities being performed by sub-awardees once Federal funding ceases;

(g) The extent to which employers and the education, workforce, and disability communities have actively participated or will participate in the design and implementation of the proposed project;

(h) The qualifications, including relevant training and experiences of key project personnel;

(i) The quality of the plan to recruit mentors and mentees;

(j) The quality of the training that will be provided to mentors; and

(k) The quality of the mechanism that will be used to match youth with mentors.

3. Review Process and Evaluation Criteria, Measure(s), Outcomes and Reporting/Tracking Mechanisms for Both Intermediary and Sub-awardees (35 points)

This section of the narrative should summarize the intermediary's evaluation criteria to thoughtfully examine progress towards project goals and objectives.

Through this grant ODEP and CFBCI seek the following objectives:

- A positive measurable impact on transition outcomes of young people with disabilities in those target areas

who receive grant-related mentoring services.

- A significant increase in the number of faith-based and community organizations capable of providing quality mentoring services to young people with disabilities and capable of effectively sustaining mentoring programs for youth with disabilities through a variety of funding sources (e.g., Federal; state; local governments, private charitable organizations and foundations); and

The narrative should specifically and carefully define how the intermediary and its sub-awardees will determine success consistent with the above objectives for all the proposed activities. The narrative should identify an overall goal as to the number of mentees to be served under the grant, and should identify the positive transition outcomes expected. Positive transition outcomes may include placement and retention in employment, completion of educational certification, graduation, skills attainment, enrollment in post-secondary education, etc. In addition, the applicant should provide an explanation as to how the applicant will work with its sub-awardees to establish interim goals necessary to meet the aforementioned goal and objectives. This section of the narrative should also address the "methods of evaluation" that will be used by the intermediary to determine the success of the technical assistance efforts provided to the intermediary's sub-awardees (including program development) as well as the success of the mentoring efforts. In addition, this section of the narrative should outline the strategy for documenting and reporting the activities undertaken during the life of the grant for ODEP and CFBCI's future use in working with other intermediaries.

ODEP will evaluate the narrative against the following criteria to determine whether the goals and objectives, and the plans and procedures proposed for achieving them, are innovative, worthwhile, and realistic.

(a) Do the objectives reflect the measurable outcomes of the proposed work? (**Note:** The objectives must be tangible, specific, concrete, measurable, and achievable over the life of the grant.)

(b) Are the methods and activities to achieve the objectives adequately described? (**Note:** These should be consistent with the timeline required in criterion 2, and present the order and the date of completion (month or quarter) for the accomplishment of the intermediary and sub-awardees' tasks.)

(c) How will the planned work lead to the outcomes anticipated during the life of the grant? Are the tasks that will be accomplished with the available resources thoroughly and cogently outlined? (**Note:** Early in the planning process, applicants should list the tasks that will have to be completed to meet the goals of the project. They can then break these into smaller tasks and lay them out in a schedule over the grant time period. This will provide a chance to consider what personnel, materials, and other resources will be needed to carry out the tasks.)

(d) Is there evidence presented that the accomplishments and structures established during the period of grant performance can be sustained beyond the life of the grant?

Part VIII. Monitoring and Reporting

Monitoring: ODEP is responsible for ensuring the effective implementation of each competitive grant project in accordance with the provisions of this announcement and the terms of the grant award document. The Department staff, or their designees may conduct on-site project reviews periodically. Reviews will focus on timely project implementation, performance in meeting the grant's programmatic goals and objectives, expenditure of grant funds on allowable activities, integration and coordination with other resources and service providers in the local area, and project management and administration in achieving project objectives.

Reporting: Grantees will be required to submit quarterly financial and narrative progress reports as prescribed by OMB Circular A-102 and A-110, as codified by 29 CFR parts 97 and 95 respectively.

(1) A Quarterly Report will be required within thirty (30) days of the end of each quarter beginning ninety days from the award of the grant and is estimated to take five hours to prepare on average. The form for the Quarterly Report will be provided by ODEP. ODEP will work with the grantee to help refine the requirements of the report, which will, among other things, include measures of ongoing analysis for continuous improvement and customer satisfaction.

(2) Financial reporting will be required quarterly using the on-line electronic reporting system for the Standard Form 269—Financial Status Report (FSR).

(3) A Final Project Report, including an assessment of project performance and outcomes achieved will be required and is estimated to take twenty hours to complete. This report will be submitted

in hard copy and on electronic disk using a format and following instructions that will be provided by ODEP. A draft of the final report is due to the ODEP thirty (30) days before the termination of the grant. The final report is due to ODEP sixty (60) days following the termination of the grant.

ODEP may arrange for and conduct an independent evaluation of the outcomes, impacts, and accomplishments of each funded project. Grantees must agree to make available records on all parts of project activity, including participant post secondary and employment data, and to provide access to personnel, as specified by the evaluator(s), under the direction of ODEP. This independent evaluation is separate from the ongoing evaluation for continuous improvement required of the grantee for project implementation. Grantees must agree to collaborate with other research institutes, centers, studies, and evaluations that are supported by DOL and other relevant Federal agencies, as appropriate. Finally, Grantees must agree to actively utilize the programs sponsored by the ODEP, including the Job Accommodation Network, (<http://www.jan.wvu.edu>), and the Employer Assistance Referral Network (<http://www.earnworks.com>).

Part IX. Review Process and Evaluation Criteria

All applications will be reviewed for compliance with the requirements of this notice. ODEP, CFBCI and other Federal agency staff are expected to serve on the technical panel(s) that will review all applications against the criteria listed below. ODEP also may utilize representatives from faith-based and community organizations and others with policy expertise with faith-based and community initiatives that have no relation to grant applicants to broaden the perspective of review panels. The panel recommendations are advisory in nature and not binding on the Grant Officer. The grant officer will fully consider the panel recommendations, but take into account

other factors to ensure the most advantageous award of these funds to accomplish the system-building purposes outlined in the Summary and Statement of Work. The grant officer may consider any information that comes to his or her attention and may elect to award grants either with or without discussion with the applicant. In situations without discussions, an award will be based on the applicant's signature on the SF 424, which constitutes a binding offer. The Grant Officer will make final award decisions based on what is most advantageous to the Government, considering factors such as:

Panel findings;
Geographic distribution of the competitive applications; and
Availability of funds.

X. Administration Provisions

A. Administrative Standards and Provisions

Grantees are strongly encouraged to read these regulations before submitting a proposal. The grants awarded under this SGA shall be subject to the following as applicable:

- 29 CFR Part 95—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;
- 29 CFR Part 96—Audit Requirements for Grants, Contracts, and Other Agreements.
- 29 CFR Part 97—Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments.

B. Allowable Costs

Determinations of allowable costs shall be made in accordance with the following applicable Federal cost principles:

- State and Local Government—OMB Circular A-87
- Nonprofit Organizations—OMB Circular A-122

- Profit-Making Commercial Firms—48 CFR part 31

Profit will *not* be considered an allowable cost in any case.

C. Grant Assurances

As a condition of the award, the applicant must certify that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- 29 CFR Part 31—Nondiscrimination in Federally-assisted programs of the Department of Labor, effectuation of Title VI of the Civil Rights Act of 1964.
- 29 CFR Part 32—Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Assistance. (Implementing section 504 of the Rehabilitation Act, 29 U.S.C. 794)
- 29 CFR Part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. (Implementing title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et. seq.*)
- 29 CFR Part 37—Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 (WIA), (Implementing Section 188 of the Workforce Investment Act, 29 U.S.C. 2938).

The applicant must include assurances and certifications that it will comply with these laws in its grant application. The assurances and certifications are attached as Appendix C.

Signed at Washington, DC, this 10th day of June, 2003.

Lawrence J. Kuss,
Grant Officer.

Appendix A. Application for Federal Assistance, Form SF 424
Appendix B. Budget Information Sheet, Form SF 424A
Appendix C. Assurances and Certifications Signature Page
Appendix D. Survey on Ensuring Equal Opportunity

BILLING CODE 4910-13-M

**APPLICATION FOR
FEDERAL ASSISTANCE**

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
Address (give city, county, State, and zip code):		Name and telephone number of person to be contacted on matters involving this application (give area code)	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): [] [] - [] [] [] [] [] [] [] []		7. TYPE OF APPLICANT: (enter appropriate letter in box) A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) [] [] A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other(specify): _____		9. NAME OF FEDERAL AGENCY:	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: [] [] - [] [] [] [] TITLE: _____		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):			
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
b. Applicant	\$		
c. State	\$		
d. Local	\$		
e. Other	\$		
f. Program Income	\$		
g. TOTAL	\$	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Type Name of Authorized Representative		b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed	

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Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|---|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:

-- "New" means a new assistance award.

-- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.

-- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

SECTION C - NON-FEDERAL RESOURCES									
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS					
8.	\$	\$	\$			0.00			
9.						0.00			
10.						0.00			
11.						0.00			
12. TOTAL (sum of lines 8-11)	\$	0.00 \$	0.00 \$	0.00 \$	0.00 \$	0.00			
SECTION D - FORECASTED CASH NEEDS									
	Total for 1st Year	1st Quarter		2nd Quarter		3rd Quarter		4th Quarter	
	\$	0.00 \$	\$	\$	\$	\$	\$	\$	\$
13. Federal		0.00							
14. Non-Federal		0.00							
15. TOTAL (sum of lines 13 and 14)	\$	0.00 \$	0.00 \$	0.00 \$	0.00 \$	0.00 \$	0.00 \$	0.00 \$	0.00
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT									
(a) Grant Program	FUTURE FUNDING PERIODS (Years)								
	(b) First	(c) Second	(d) Third	(e) Fourth					
16.	\$	\$	\$	\$	\$	\$	\$	\$	\$
17.									
18.									
19.									
20. TOTAL (sum of lines 16-19)	\$	0.00 \$	0.00 \$	0.00 \$	0.00 \$	0.00 \$	0.00 \$	0.00 \$	0.00
SECTION F - OTHER BUDGET INFORMATION									
21. Direct Charges:		22. Indirect Charges:							
23. Remarks:									

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OMB Approval No. 0348-0044

BUDGET INFORMATION - Non-Construction Programs
SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		\$	\$	\$	\$	0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.00

SECTION B - BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	0.00
b. Fringe Benefits					0.00
c. Travel					0.00
d. Equipment					0.00
e. Supplies					0.00
f. Contractual					0.00
g. Construction					0.00
h. Other					0.00
i. Total Direct Charges (sum of 6a-6h)	0.00		0.00	0.00	0.00
j. Indirect Charges					0.00
k. TOTALS (sum of 6i and 6j)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.00

7. Program Income	\$	\$	\$	\$	0.00
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Standard Form 424A (Rev. 7-97)
 Prescribed by OMB Circular A-102

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INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in *Column* (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For *new* applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For *continuing* grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost.

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount, Show under the program

INSTRUCTIONS FOR THE SF-424A (continued)

narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11 Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED



Survey on Ensuring Equal

Opportunity

Federal Agency Use Only

OMB No. 1225-0083 Exp. 02/28/2006

NOTE: Please place survey form directly behind the Standard Application for Federal Assistance (SF 424) fact sheet.

Purpose: This form is for applicants that are private nonprofit organizations (not including private universities). Please complete it to assist the federal government in ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for federal funding. Information provided on this form will not be considered in any way in making funding decisions and will not be included in the federal grants database.

1. Does the applicant have 501(c)(3) status?
 - Yes No
2. How many full-time equivalent employees does the applicant have? (Check only one box.)
 - 3 or Fewer 15-50
 - 4-5 51-100
 - 6-14 over 100
3. What is the size of the applicant's annual budget? (Check only one box.)
 - Less Than \$150,000
 - \$150,000 - \$299,999
 - \$300,000 - \$499,999
 - \$500,000 - \$999,999
 - \$1,000,000 - \$4,999,999
 - \$5,000,000 or more
4. Is the applicant a faith-based/religious organization?
 - Yes No
5. Is the applicant a non-religious community-based organization?
 - Yes No
6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?
 - Yes No
7. Has the applicant ever received a government grant or contract (Federal, State, or local)?
 - Yes No
8. Is the applicant a local affiliate of a national organization?
 - Yes No

Survey Instructions on Ensuring Equal Opportunity for Applicants

1. 501(c) (3) statuses is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.
2. For example, two part-time employees who each work half time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.
3. Annual budget means the amount of money your organization spends each year on all of its activities.
4. Self-identify.
5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.
6. An "intermediary" is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.
7. Self-explanatory.
8. Self-explanatory

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1225-0083. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: Departmental Clearance Officer, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-1301, Washington, D.C. 20210. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Joyce I. Mays, Application Control Center, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

[FR Doc. 03-15114 Filed 6-13-03; 8:45 am]

BILLING CODE 4510-CX-C

DEPARTMENT OF LABOR

Office of Disability Employment Policy

[SGA 03-16]

Innovative State Alignment Grants for Improving Transition Outcomes for Youth With Disabilities Through the Use of Intermediaries

AGENCY: Office of Disability Employment Policy, U.S. Department of Labor.

ACTION: Notice of availability of funds; solicitation for grant applications (SGA).

This notice contains all of the necessary information and forms needed to apply for grant funding. (SGA 03-16).

SUMMARY: The U.S. Department of Labor (DOL), Office of Disability Employment Policy (ODEP) announces the availability of \$3 million to award up to 6 competitive grants in the amount of approximately \$500,000. Eligible applicants include State Workforce Investment Boards or the functional equivalent State entities. Indian and Native American tribal entities, or consortia of tribes, are also eligible to apply.

The purpose of this grant initiative is to:

1. Help States conduct resource mapping¹ to assess their youth service delivery infrastructure in light of evidence-based transition operating principles²;
2. Develop, implement, and evaluate a cross-agency multi-year State plan to improve transition outcomes for youth with disabilities through blending and/or braiding³ of Federal, State, and

¹ "Resource mapping" refers to a methodology that has been used by the Federal government, State agencies, local entities, and community-based organizations, among others, to link and align resource use with organizational goals, strategies, and expected outcomes. It is known by a multitude of names including asset mapping, asset analysis, and environment scans, and can involve a variety of different data collection strategies depending on what is being studied. For purposes of this SGA, the term "resource mapping" refers to the identification of available assets and resources within the States' youth service delivery infrastructure and an evaluation as to whether and/or to what extent that system is currently serving youth with disabilities consistent with the evidence-based operative principles discussed previously.

² "Evidence based transition operating principles" is a term defined, for purposes of this SGA, in part III.

³ For purposes of this SGA, the term "blended funding" is used to describe mechanisms that pool dollars from multiple sources and make them in some ways indistinguishable. "Braided funding" utilizes similar mechanisms, but the funding streams remain visible and are used in common to

community resources and the use of local intermediary organizations;

3. Conduct local pilot demonstrations to determine how, through community partnerships, intermediary organizations can best be used to ensure that youth with disabilities obtain transition services consistent with evidence-based transition operating principles, and the impact of such intermediaries on improving transition outcomes for youth with disabilities; and

4. Demonstrate, through leveraging Federal, State and local public sector resources, concrete evidence of the likelihood of sustainability of grant objectives within the State.

These grants are for a one-year period and may be renewed for a period of up to four additional years depending upon the availability of funds and the efficacy of the project activities. *See also* parts IV and IX.

In meeting grant objectives, it is expected that the grantee will sub-award a substantial portion of its award to intermediary organizations. For purposes of this SGA, an intermediary organization is defined as an agent that:

- Convenes local leadership and broker relationships with multiple partners across multiple funding streams;
- Brings together workforce development systems, vocational rehabilitation providers, businesses, labor unions, educational institutions, social service organizations, transportation entities, health providers, and other Federal, State, and community resources which youth with disabilities need to transition to employment successfully.

Possible intermediaries include, but are not limited to, community-based non-profit organizations, faith-based and community organizations, employer organizations, community colleges, community rehabilitation programs, etc.

By connecting schools and other youth-serving institutions with workplaces and other available Federal, State, and community resources, the intermediaries will create a forum for building a system that better meets the needs of all interested stakeholders. In addition, intermediary organizations can assist the state in assessing and evaluating the performance and impact of its efforts related to these grant activities, and in providing necessary information and training in areas such as benefits planning, universal access, reasonable accommodation, mental health, housing, transportation, health

produce greater strength, efficiency, and/or effectiveness.

maintenance (including Medicare and Medicaid), and other self-sufficiency issues.

DATES: Applications will be accepted commencing on June 16, 2003. The closing date for receipt of applications under this announcement is July 28, 2003. Applications must be received by 4:45 p.m. (e.t.) at the address below. No exceptions to the mailing and hand-delivery conditions set forth in this notice will be granted. Applications that do not meet the conditions set forth in this notice will be considered non-responsive.

ADDRESSES: Applications shall be mailed to: U.S. Department of Labor, Procurement Services Center, Attention: Cassandra Willis, Reference SGA 03-16, Room N-5416, 200 Constitution Avenue, NW., Washington, DC 20210. Telefacsimile (FAX) applications will not be accepted. Applicants are advised that mail delivery in the Washington area may be delayed due to mail decontamination procedures.

FOR FURTHER INFORMATION CONTACT: Cassandra Willis, U.S. Department of Labor, Procurement Services Center, telephone (202) 693-4570 (this is not a toll-free number), prior to the closing deadline. Persons who are deaf or hard of hearing may contact the Department via the Federal Relay Service, (800) 877-8339. This announcement will also be published on the Internet on ODEP's online home page at: <http://www2.dol.gov/odep>. Award notifications will also be published on the ODEP home page.

SUPPLEMENTARY INFORMATION:

Part I. Delivery of Applications

1. *Late Applications.* Any application received after the exact date and time specified for receipt at the office designated in this notice will be considered non-responsive, unless it is received before awards are made and it (a) is determined that its late receipt was caused by DOL error; (b) was sent by U.S. Postal Service registered or certified mail not later than the fifth calendar day before the date specified for receipt of applications (e.g., an application submitted in response to a solicitation requiring receipt of applications by the 20th of the month must have been post marked by the 15th of that month); or (c) was sent by the U.S. Postal Service Express Mail Next Day Service to addressee not later than 5 p.m. at the place of mailing two working days prior to the date specified for receipt of applications. The term "working days" excludes weekends and Federal holidays. "Post marked" means a printed, stamped or otherwise placed

impression (exclusive of a postage meter machine impression) that is readily identifiable, without further action, as having been supplied or affixed on the date of mailing by an employee of the U.S. Postal Service.

2. *Withdrawal of Applications.*

Applications may be withdrawn by written notice or telegram (including mail gram) received at any time before an award is made. Applications may be withdrawn in person by the applicant or by an authorized representative thereof, if the representative's identity is made known and the representative signs a receipt of the proposal.

3. *Hand-Delivered Proposals.* It is preferred that applications be mailed at least five days prior to the closing date. To be considered for funding, hand-delivered applications must be received by 4:45 p.m., e.t., at the specified address. Failure to adhere to the above instructions will be basis for a determination of non-responsiveness. Overnight express mail from carriers other than the U.S. Postal Service will be considered hand-delivered applications and must be received by the above specified date and time.

Part II. Authority

Omnibus Appropriations Resolution, 2003, Pub. L. 1087; Consolidated Appropriations Act, 2001, Pub. L. 106-554, 29 U.S.C. 557b.

Part III. Background

Young people with disabilities experience significant challenges in making a successful transition to adult life. According to the U.S. Department of Education, national high school graduation rates (e.g., diplomas, GED, alternative certificates) for students with disabilities lag considerably below that of youth without disabilities. Nearly nine-tenths or 88% of students without disabilities graduate as compared to only 62% of those with disabilities.⁴ Moreover, students with disabilities experience a school drop out rate that is three times greater than that for youth without disabilities—31% vs. 11%. Youth with emotional disabilities experience an even higher drop out rate of 54%.

It is estimated that only one-third of young people with disabilities who need job training receive it. Young

people with disabilities also have significantly lower rates of participation in post-secondary education. Finally, the Social Security Administration has found that many young people with disabilities entering the Supplementary Security Income (SSI)/Social Security Disability Insurance (SSDI) rolls are likely to remain on the program rolls for their entire lives.

As reflected in President George W. Bush's New Freedom Initiative, DOL's strategic goals and the Leave No Child Behind Act of 2001 (Pub. L. 107-110), young people with disabilities should have the opportunity to make a smooth transition from school to work and/or post-secondary education, to engage in meaningful employment, to live within their communities, and to contribute as productive citizens to society. Over the last 10 years, a number of Federal laws and policies have been implemented to facilitate access to transition planning activities, employment, and community living for youth with disabilities including the Individuals with Disabilities Education Act of 1975, as amended (IDEA); the Rehabilitation Act, as amended; the Carl D. Perkins Vocational and Applied Technology Education Act (Perkins Act) (Pub. L. 101-392); the School-to-Work Opportunities Act of 1994 (Pub. L. 103-329); the Workforce Investment Act of 1998 (WIA) (Pub. L. 105-220, 29 U.S.C. 2801 *et seq.*); and the Leave No Child Behind Act.

Among the most significant pieces of Federal legislation for youth with disabilities is IDEA, which focuses on supports and services for infants, preschoolers, school-aged children, and youth. Transition planning and services were included as new, but key, components in the 1990 reauthorization of IDEA. Under IDEA, "transition services" are defined in part as "a coordinated set of activities for a student with a disability that (A) is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation." 20 U.S.C. 1401(30). Under IDEA, as reauthorized in 1997, a statement of transition service needs must be included in the student's Individualized Education Plan (IEP) beginning at age 14.

By age 16, or younger if appropriate, the IEP must include a statement of needed transition services that describes related services and community

experiences necessary for the student to engage in meaningful employment and/or post-secondary education and successful community living. Transition services must be based upon the individual student's preferences, interests, and needs, and include:

- Instruction;
- Related services;
- Community experiences;
- Development of employment and other post-school adult living objectives, and
- Acquisition of daily living skills, including functional vocational evaluation when appropriate.

The school system is responsible for ensuring that each youth receives all needed transition services. As discussed below, however, multiple agencies such as vocational rehabilitation agencies need to be involved in transition to ensure success.

The *Rehabilitation Act, as amended in 1998*, also includes a number of provisions that impact the transition planning process. Because it uses the same definition of transition as IDEA, and requires that rehabilitation and education agencies undertake actions to facilitate transition, the Rehabilitation Act promotes coordination of transition and rehabilitation. Premised on consumer involvement, the Rehabilitation Act requires that an Individualized Plan for Employment (IPE), which identifies a vocational goal and all the services needed to achieve that goal, be developed in coordination with the IPE. After the student has been determined eligible, transition services may be provided based upon the individual student's needs including no-cost services such as career guidance and counseling and unpaid on the job training, as well as "purchased" services such as assistive technology assessment and devices and supported employment.

The *Perkins Act* also provides Federal assistance for vocational education programs in both secondary and post-secondary settings. The provisions of the Perkins Act state that schools will assist "special populations" (which includes students with disabilities) to enter vocational education programs and will assist students with disabilities in fulfilling the transitional services requirement of IDEA.

The *School-to-Work Opportunities Act of 1994*, which sunset in October of 2001, paved the way for a new approach to learning and employment in America. Jointly administered by the United States Departments of Education and Labor, School-to-Work brought together parents, teachers, and business leaders to create courses to prepare students

⁴ U.S. Department of Education, National Center on Education Statistics, *The Condition of Education 2000* in Brief, Jeanne H. Nathanson NCES 2001-045, Washington, DC; U.S. Government Printing Office, 2001 U.S. Department of Education, Office of Special Education and Rehabilitation Services, *Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Act*, Washington, DC, U.S. Government Printing Office, 2000.

both academically and practically for the world of work. The intent of the School-to-Work Opportunities Act of 1994 was to provide a national framework and venture capital to allow all states to create a universal statewide transition system that offered all young Americans access to performance-based training; this training aimed to enable them to earn portable credentials, prepare them for their first jobs in high-skill, high-wage careers, and increase their opportunities for further education.

Programs funded under the School-to-Work Opportunities Act were required to integrate work-based and school-based learning components as well as "connecting activities" to match students with work-based learning opportunities through partnerships with schools, employers and other community partners. The school-based learning component centered on the student's career major and his/her ability to meet "the same challenging academic standards established for all students in their state." Work-based learning, which included work experience, workplace mentoring, and instruction in "general workplace competencies" was intended to give practical meaning to academic concepts and to transform traditional instruction into learning experiences. Connecting activities were intended to connect the school- and work-based learning components and included such activities as matching students with work-based learning positions, providing technical assistance to employers in designing work-based learning, and linking school-to-work activities with employer and industry strategies for upgrading skills.

The WIA, which superceded the Job Training Partnership Act (Pub. L. 102-367), provides a variety of work preparation programs to assist youth with disabilities in achieving their career ambitions. One of the most significant reforms under WIA section 129(c) (29 U.S.C. 2854(c)), is the consolidation of the year-round youth program and the summer youth program into a single formula-based funding stream. Under WIA, each local workforce investment area must have a year-round youth services strategy that incorporates summer youth employment opportunities as one of ten required program elements (WIA section 129(c)(2), 20 CFR 664.410). The 10 program elements reflect successful youth development approaches and focus on the following four key themes:

1. Improving educational achievement (including such elements as tutoring, study skills training, instruction leading

to secondary school completion, dropout prevention strategies, and alternative secondary school offerings);

2. Preparing for and succeeding in employment (including summer employment opportunities, paid and unpaid work experience, and occupational skills training);

3. Supporting youth (including supportive services needs, providing adult mentoring, follow-up services, and comprehensive guidance and counseling); and

4. Offering services intended to develop the potential of young people as citizens and leaders (including leadership development opportunities).⁵

The *No Child Left Behind Act of 2001*, signed by President Bush on January 8, 2002, is a landmark in education reform designed to improve student achievement and change the culture of America's schools. The Act demands stronger accountability for results for all students, including those who are economically disadvantaged, from racial and ethnic minority groups, have disabilities, or have limited English proficiency. In addition, it provides for greater flexibility for states, school districts and schools in the use of Federal funds, more choices for parents of children from disadvantaged backgrounds, and an emphasis on teaching methods that have been demonstrated to work. The Act also places an increased emphasis on reading, especially for young children, enhancing the quality of our nation's teachers, and ensuring that all children in America's schools learn English.

Increasing the number of youth making a successful transition to work is integral to accomplishing the employment-related objectives of President Bush's New Freedom Initiative and is one of the U.S. Department of Labor's top priorities. A review of effective practices that span education, employment and training, youth development, and disability shows that in order to transition successfully *all* youth need the following evidence-based transition operating principles in place:

1. Access to high quality standards-based education regardless of the setting;
2. Information about career options;
3. Exposure to the world of work;
4. Opportunities to develop social, civic, and leadership skills;
5. Strong connections to caring adults;
6. Access to safe places to interact with their peers, and

⁵ It should be noted that the evidence-based operating principles central to this grant align closely with the four key themes for serving youth under WIA.

7. Support services to allow them to become independent adults.

With regard to these evidence-based transition operating principles, research specifically indicates that academic and career-technical education for youth should be based on state and/or industry standards, and that youth should have access to a varied and balanced set of learning strategies appropriate for the individual. Research further reflects that in order to help youth make informed choices, they should undergo a career assessment that includes, but is not limited to, interest inventories, and formal and informal vocational assessments. Moreover, they should be exposed to job skills training and career opportunities that provide a living wage, be provided with information about education, entry requirements and income potential, and be provided structured support to post-secondary education and other life-long learning opportunities. In addition, youth with disabilities must be provided with information needed to understand the relationships between appropriate benefits planning and career choices, to learn to identify and access disability-related support and accommodations needed for the workplace and community living, and how best to communicate their disability-related support and accommodation needs to prospective employers and service providers.

Research further reflects that to transition to adulthood successfully all youth should be exposed to a range of work-based exploration experiences such as site visits, community service, job shadowing, and paid and unpaid internships. In providing such experiences for youth with disabilities, mechanisms must be in place to ensure that they learn how to request, locate, and secure the supports and accommodations they need at the workplace.

To foster leadership development, youth should be provided with exposure to role models through a variety of means, including mentoring activities designed to establish strong relationships with adults through formal and informal settings, as well as peer-to-peer mentoring opportunities. In addition, all youth should be provided skills training in self-advocacy and conflict resolution, and be exposed to personal leadership and youth development opportunities including community service. In the case of youth with disabilities, they should be exposed to mentors and role models with and without disabilities, and receive training about disability culture.

Support services, which youth need to transition successfully, may include mental and physical health services, transportation, and tutoring, as well as post-program supports through structured arrangements with post-secondary institutions and adult-serving agencies. In the case of youth with disabilities there may be a need for additional support services including, but not limited to, access to and acquisition of assistive technology, benefits counseling, independent living centers and other consumer-driven community-based support service agencies, and personal assistance services, including readers, interpreters, and other personal assistance services.

Unfortunately, access to transition services consistent with these evidence-based transition operating principles is frequently hampered by the fact that the workforce development and education systems, and the linked income support, health, housing, assistive technology, social service, and transportation service systems, are driven by:

- Differing institutional missions, each with distinctive funding parameters and fiscal incentives;
- Multiple funding streams with substantial variations in expected outcomes;
- Traditions;
- Capacities of the institutions and staff, and
- Many other factors that separate rather than promote a transparent and internally/externally logical system that assists young people to become productive members of our society.

To address this situation, states need to help local communities and service providers find ways to more effectively organize, support, and work with—and through—a wide array of institutions, organizations and family support networks to better meet the transition-related needs of young people with disabilities. If the transition outcomes of youth with disabilities are to improve, businesses, labor unions, educational institutions, social service agencies, transportation providers, health service organizations, and other community providers must work together and Federal, state, and local community resources must be leveraged effectively.

To promote the integration of the aforementioned evidence-based transition operating principles into local transition service delivery, and in recognition that intermediary organizations can play a key, convening role in effectuating systems change, ODEP is funding these Innovative State Alignment Grants to address this need. This SGA is designed to help states to:

- Conduct resource-mapping to assess their youth service delivery infrastructure in light of the evidence-based transition operating principles discussed above;

- Develop, implement, and evaluate a cross-agency multi-year state plan to improve transition outcomes for youth with disabilities through blending and/or braiding of Federal, state, and community resources and the use of local intermediary organizations, and
- Conduct local pilot demonstrations to determine:

- How intermediary organizations can best be used to ensure that youth with disabilities obtain transition services consistent with the evidence-based transition operating principles, and
- The impact those intermediaries have on improving transition outcomes for youth with disabilities.

All grant-related activities are to be evaluated consistent with the framework set forth in Pro-Bank⁶ and specific outcomes are to be measured based on data already being collected from multiple service sectors (e.g., workforce development, education, etc).

In order to conduct the local pilot demonstrations required under the grant, the grantee is expected to sub-award a substantial portion of its award to fund local intermediary organizations that have demonstrated expertise and experience in enlisting the active support and participation of key stakeholders, including education entities, the workforce development system, businesses, organized labor, and local faith-based and community organizations. These activities include, but are not limited to, effectively operating and managing their programs, accessing governmental and private funding sources, developing and training staff, expanding the types and reach of services in their communities, and replicating promising and effective practices. Grant funds issued through these sub-awards may be used to support a wide range of local intermediary activities that help to

⁶ Utilizing the Congressionally recognized Malcolm Baldrige Quality Award criteria for continuous improvement, as well as research conducted by PEPNet, the Workforce Excellence Network (WEN), the National Center on Secondary Education and Transition (NCSET), and the Center for the Study and Advancement of Disability Policy (CSADP), the National Collaborative on Workforce and Disability for Youth (NCWD/Youth) developed the Pro-Bank framework. The framework consists of eight categories by which an organization can assess its operations; products and services in terms of the aforementioned evidence-based transition operating principles for providing effective transition services to youth with disabilities. Pro-Bank information may be found at: http://www.ncwd-youth.info/promising_Practices/index.html—using guide.

ensure positive transition outcomes for youth with disabilities between the ages of 14 and 24. Allowable activities include, but are not limited to:

- Convening key stakeholders to establish community-wide partnerships committed to preparing young people with disabilities for employment and/or further educational training and/or independent living;
- Supporting peer learning and leadership opportunities;
- Providing necessary information and training in areas such as benefits planning, universal access, reasonable accommodation, mental health, housing, transportation, health maintenance (including Medicare and Medicaid), and other self-sufficiency issues;
- Evaluating transition programs using evidence-based methods as set forth in Pro-Bank;
- Organizing and participating in strategic alliances with business groups and organizations;
- Integrating school and work-based learning, integrating academic and vocational education, and establishing linkages between secondary and post-secondary education;
- Systematically integrating existing local education and training programs and resources with related Federal, State, and local programs to address effectively the learning and employment needs of youth with disabilities;
- Providing staff development to teachers, employers, mentors, counselors, community rehabilitation agency personnel, One-Stop staff, and others critical to successful transition outcomes.

Through these grant activities and associated technical assistance provided by the National Collaborative on Workforce and Disability for Youth (NCWD/Youth) (*see www.ncwd-youth.info*), which ODEP funds, ODEP anticipates effectuating systemic change that will lead to improved transition results for youth with disabilities. Projects are required to collaborate with the NCWD/Youth as a condition of the grant to ensure that the strategies and techniques developed as a result of these grant activities can serve as models for other states' systems of youth service delivery.

Part IV. Funding Availability and Period of Performance

ODEP anticipates awarding up to 6 grants in the amount of \$500,000, totaling \$3 million. The grants will be for a one-year period of performance and may be renewed annually up to four additional option years for a total of five years at full funding depending upon

the availability of funds and the efficacy of the grant activities, established by independent reviews conducted by the Department of Labor or its designee.

Proposals must include budgetary information for a five-year period. It is anticipated that in the first three quarters of the first funding year, grantees will be conducting the youth service infrastructure assessment (resource mapping), developing the cross-agency state plan, designing local demonstrations, and making the sub-awards to intermediaries necessary to implement the plan. The demonstration-related activities will be carried out in subsequently funded years.

Part V. Eligible Applicants

Eligible applicants include State Workforce Investment Boards or the state's functionally equivalent entities. Indian and Native American tribal entities, or consortia of tribes, may apply for Innovative State Alignment Grants for Improving Transition Outcomes for Youth with Disabilities through the Use of Intermediaries. These grants would involve coordination of youth services and enhancements for people with disabilities in a specific Indian community or covering multiple tribal entities that may cut across multiple States and/or workforce investment areas. Grants to Indian and Native American tribal grantees are treated differently because of sovereignty and self-governance established under the Indian Self-Determination and Education Assistance Act allowing for the government-to-government relationship between the Federal and tribal governments.

Part VI. Format Requirements for Grant Application

General Requirements: Applicants must submit one (1) copy with an original signature and 2 additional copies of their proposal. To aid with the review of applications, DOL also encourages Applicants to submit an electronic copy of their proposal on a disc or CD using Microsoft Word. Applicants who do not provide an electronic copy *will not* be penalized. The Application Narrative must be double-spaced with standard margins on 8½ x 11 papers, and be presented on single-sided, numbered pages with the exception of format requirements for the Executive Summary. The Executive Summary must be limited to no more than two single-spaced, single-sided pages on 8½ x 11 papers with standard margins throughout. A font size of at least twelve (12) pitch is required throughout. Applications that fail to

meet these requirements will be considered non-responsive.

The three required sections of the application are:

Section I—Project Financial Plan;
Section II—Executive Summary—
Project Synopsis;
Section III—Project Narrative (including Attachments, not to exceed 40 pages).

Mandatory requirements for each section are provided as follows in this application package. Applications that fail to meet the stated mandatory requirements of each section will be considered non-responsive.

Mandatory Application Requirements

- *Section I. Project Financial Plan (Budget)* (The Project Financial Plan will not count against the application page limits.) Section I of the application must include the following three required parts:

(1) Completed "SF 424—Application for Federal Assistance" (See Appendix A of this SGA for required form).

(2) Completed "SF-424A—Budget Information Form" by line item for all costs required to implement the project design effectively. (See Appendix B of this SGA for required forms).

(3) Budget Narrative and Justification that provides sufficient information to support the reasonableness of the costs included in the budget in relation to the service strategy and planned outcomes.

The application must include one SF-424 with the original signatures of the legal entity applying for grant funding and 2 additional copies. Applicants shall indicate on the SF-424 the organization's IRS Status, if applicable. Under the Lobbying Disclosure Act of 1995, section 18 (29 U.S.C. 1611), an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities will not be eligible for the receipt of Federal funds constituting an award, grant, or loan. (See 2 U.S.C. 1611; 26 U.S.C. 501(c)(4).) For item 10 of the SF-424, the Catalog of Federal Domestic Assistance (CFDA) number for the program is 17.720.

The Budget Narrative and Justification must describe all costs associated with implementing the project that are to be covered with grant funds. Grantees must provide for the travel and associated costs of sending at least one representative to the annual ODEP Policy Conference for Grantees, to be held in Washington, DC at a time and place to be determined. Grantees must comply with the "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," (also known

as the "Common Rule") codified at 29 CFR part 97, and must comply with the applicable OMB cost principles circulars, as identified in 29 CFR 95.27 and 29 CFR 97.22(b).

In addition, the budget must include on a separate page a detailed cost analysis of each line item. Justification for administrative costs must be provided. Approval of a budget by DOL is not the same as the approval of actual costs. The individual signing the SF 424 on behalf of the applicant must represent and be able to legally bind the responsible financial and administrative entity for a grant should that application result in an award. The applicant must also include the Assurances and Certifications Signature Page (Appendix C).

- *Section II. Executive Summary—Project Synopsis* (The Executive Summary is limited to no more than three single-spaced, single-sided pages on 8½ x 11 papers with standard margins throughout.) Each application shall include a project synopsis that identifies the following:

(1) The name of the applicant;
(2) The planned period of performance;

(3) The actions already undertaken by the state to address transition outcomes for youth with disabilities;

(4) An overview of the applicant's plan for using resource mapping to assess the state's existing youth service infrastructure, including existing intermediary organizations, to determine whether and/or to what extent it is currently serving youth with disabilities consistent with the evidence-based operative principles discussed previously and the criteria established in Pro-Bank;

(5) A statement of the applicant's strategy for obtaining and sustaining collaboration and coordination among and between Federal, State, and local agencies needed to finance transition services for youth with disabilities through the blending and braiding of resources, and for developing initial common performance measures;

(6) An overview of how the applicant will develop and use local demonstration projects to address any gaps revealed in the statewide youth infrastructure assessment, and a general statement of how local model demonstrations will be conducted to determine how intermediaries can best be used to ensure that transition services consistent with the aforementioned operating principles are incorporated into the State and local systems of service delivery; and

(7) The ways in which the proposal is coordinated with other disability-related

grant initiatives from DOL, the Department of Education, the Department of Health and Human Services (HHS), the Social Security Administration (SSA), the Department of Housing and Urban Development (HUD) and other Federal partners.

- *Section III. Project Narrative* (The Project Narrative plus attachments are limited to no more than forty (40) 8½ x 11 pages, double-spaced with standard one-inch margins (top, bottom, and sides), and be presented on single-sided, numbered pages. **Note:** The Financial Plan, the Executive Summary, and the Appendices are not included in the forty (40)—page limit.) The substantive requirements for the project narrative are described below under part VII—Statement of Work.

All text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs must be double-spaced (no more than three lines per vertical inch); and, if using a proportional computer font, use no smaller than a 12-point font, and an average character density no greater than 18 characters per inch (if using a non-proportional font or a typewriter, do not use more than 12 characters per inch). Applications that fail to meet these requirements will be considered non-responsive.

Part VII. Government Requirements/ Statement of Work (Project Narrative)

The *Project Narrative*, or *Section III of the grant application*, should provide complete information on how the applicant will address the following Department of Labor strategic goal priorities to ensure a Prepared Workforce:

(1) Increasing the availability of skills training, employment opportunities, and career advancement for persons with disabilities.

(2) Increasing the number of youth making a successful transition to work or who enter further training or educational programs.

Proposals will be rated based upon the quality of the applicant's response in addressing the four criteria described below in terms of a comprehensive strategic approach that incorporates the Department's priorities noted above. The four criteria (Statement of Need, Comprehensive Service Strategy, Sustainability, and Management and Outcomes) must be addressed and the applicant's accomplishments or status with regard to each item provided.

The Department, however, does not expect the applicant to incorporate every item listed as part of their strategy and proposal design. The Department

recognizes that the needs and requirements of each state may be different, and therefore, some of the options identified may be more relevant than others in a particular state.

1. Statement of Need (10 points)

The purpose of the Statement of Need criteria is to establish the overall status of disability issues relating to youth in the applicant's state; to identify strengths and deficiencies to be addressed by the applicant's proposal; to identify the overall scope of proposal objectives and design; and to present the applicant's need for grant resources. These criteria will be rated based upon the applicant's identified needs and proposed approaches to addressing these needs in the context of the Department's priorities.

For proposals targeted to a specific Indian community or covering multiple tribal entities which may cut across multiple states and/or local areas, describe the overall approach of the project, and identify the inadequacies and deficiencies of the service delivery to the applicable community, and how the project expects to address these.

The narrative in this section should:

(1) Describe the potential contribution of the proposed project to increasing the quality and coordination of transition services available in the state;

(2) Describe the overall status and actions taken to date within the state related to addressing the transition needs of youth with disabilities;

(3) Describe how intermediary organizations are currently being used in the youth service delivery infrastructure and provide an overview of the youth service provider organizations operative within the state;

(4) Describe any significant deficiencies in the state or local workforce investment system, in the educational system, in the vocational rehabilitation system and in the provision of employment-related supports such as housing, health care, and transportation that present barriers to employment for young people with disabilities and explain what will be accomplished under this grant to address them;

(5) Identify the percentage of young people with disabilities in the state overall; the percentage receiving Social Security Disability Insurance (SSDI), Social Security Income (SSI), and Medicaid and Medicare benefits; and the percentage receiving special education, vocational rehabilitation, mental health, and WIA-funded services;

(6) Identify the most recent state graduation rates for young people with

disabilities in the state, as well as the overall graduation rate;

(7) Describe the number of young people with disabilities expected to be served within the state, and the importance or magnitude of the results that are likely to be attained by the proposed project; and

(8) Identify additional state and/or local funds and resources that will be used to support and sustain the overall objectives of the grant;

(9) Identify networks of faith-based and community organizations that will be utilized in the service delivery system.

In *evaluating* the quality of the proposal narrative, ODEP will consider the applicant's needs identified and proposed approaches to addressing the needs in the context of ODEP's priorities.

2. Comprehensive Service Strategy (35 points)

The purpose of the Comprehensive Service Strategy criterion is to identify the approach the applicant is proposing to:

- Conduct resource mapping to assess the state's current youth service infrastructure in light of the evidence-based transition operating principles and the categories outlined in the Pro-Bank framework;

- Develop, implement, and evaluate a cross-agency multi-year state plan to improve transition outcomes for youth with disabilities through blending and/or braiding of Federal, state, and community resources and the use of local intermediary organizations;

- Conduct pilot demonstrations to determine:

- How intermediary organizations can best be used to ensure, through cross-agency partnerships, that youth with disabilities obtain transition services consistent with the evidence-based operating principles, and
- The impact those intermediaries have on improving transition outcomes for youth with disabilities.

In general, this requires extensive linkages, knowledge and understanding of the Pro-Bank framework and resource mapping, as well as applicable resources that address multiple disability issues and barriers to education and employment that are commonly experienced by young persons with disabilities.

A. Staff Capacity—The applicant must identify how it will ensure that trained staff knowledgeable about the state's youth serving infrastructure and of the complexities of coordinating the services and supports needed for youth with disabilities to transition

successfully are available to conduct the activities required under this grant. Accordingly, the application should:

(1) List key positions required to carry out the project as proposed, the key individuals proposed to fill the positions, and a detailed description of the kind of work these individuals will perform within the project;

(2) Provide evidence of the staff's skill, knowledge and experience in carrying out these types of activities, and describe their relevant training (resumes must be included in the Appendices);

(3) Describe the specific experience the key personnel have in serving young people with disabilities, in addressing specific barriers to employment, and in implementing and administering project plans similar to that in the proposed grant project; and

(4) Describe how ongoing technical assistance and staff development will be provided.

B. Proposed Design—In addressing the proposed design element of the Statement of Work, the applicant should:

(1) Describe the project partnerships in detail, and the commitment (including resource commitment) of the partners to the proposed project.

(2) Discuss how the applicant will ensure the participation and cooperation of the following stakeholders in both designing and implementing of the improved state youth service infrastructure:

a. State departments of Labor, Education, and Vocational Rehabilitation, Governors' Committees on Employment of People with Disabilities, State Councils for Independent Living, Mental Health Agencies, Mental Retardation and Developmental Disability Councils, and Temporary Assistance for Needy Families (TANF) Agencies;

b. Local WIA youth services providers, Jobs Corps representatives, public housing and transportation authorities, local One Stop centers and other community partners (e.g., area disability organizations, Centers for Independent Living, faith-based and community organizations);

c. Employers and their professional networks such as Business Leadership Networks (BLNs) that have been established in approximately 30 states, Chambers of Commerce, and other employer trade associations; and

d. Youth with disabilities, their families, the state's Youth Leadership Forum (where one has been established), and state members of the National Youth Leadership Network.

(3) Discuss how the applicant will work with Federal agencies and programs as needed to blend the Federal services with the improved state youth service infrastructure. Federal agencies and programs may include the Department of Health and Human Services' Maternal and Child Health Bureau, Children with Special Health Care Needs Program, Center for Medicare & Medicaid Services, Substance Abuse and Mental Health Services Administration, and Administration on Developmental Disabilities; Social Security Administration; and the Department of Education's Office of Special Education and Rehabilitative Services;

(4) Describe how the statewide assessment of the existing youth service infrastructure using resource mapping will be conducted and how its results will be used to redirect services, and blend and braid resources across multiple funding streams that may have diverse performance measures and data collection systems;

(5) Describe the process that will be used in making sub-awards to intermediaries, and the types of functions intermediaries will play in grant-related activities;

(6) Explain how model demonstrations will be conducted, and how such demonstrations will be used in conjunction with the results of the statewide assessment to develop a replicable framework for using intermediaries to provide transition services that result in improved outcomes for youth with disabilities;

(7) Explain how the activities proposed will lead to better coordination of available resources, better service delivery, and ultimately more youth with disabilities obtaining jobs, job training, and post-secondary education;

(8) Identify and explain the benefits or results expected from the grant activities proposed; and

(9) Explain how technology will be used in carrying out grant activities (e.g., tracking outcomes, data collection, e-mentoring, web-based trainings, assistive technology, etc.)

In *evaluating* the quality of the proposed project design, ODEP will consider the following factors:

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

(b) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population and other identified needs and the quality of the applicant's plans regarding project

partnerships and intermediary organization utilization;

(c) The extent to which experienced and trained staff will direct the key activities of the grant;

(d) The extent to which the design of the proposed project provides procedures and approaches for collaboration and coordination with key agencies and organizations and identification of critical roles;

(e) The extent to which the design of the proposed project provides clear understanding and integration of the Pro-bank framework and resource mapping;

(f) The extent to which the proposed project will be coordinated, including demonstrated support and commitment from key organizations, employers, and agencies;

(g) The extent to which the applicant encourages involvement of people with disabilities and their families, experts and organizations, and other relevant stakeholders in project activities;

3. Sustainability (30 points)

The purpose of the Sustainability criterion is to identify strategies for ensuring that activities funded under the grant will continue once Federal funding ceases. Resources and partnerships are an integral element of the project, as they support and strengthen the quality of the technical skills training provided and contribute materially toward sustainability. Sustainability must be an objective built into the project design and ongoing operation of the project.

Projects funded under this SGA will be judged on their demonstrated ability to leverage a combination of Federal, State, and local public sector resources, as well as private and local non-profit sector resources for purposes of sustainability. Accordingly, in this section the applicant should enumerate these resources, describe any specific existing contractual commitments, and provide concrete evidence of the likelihood of continued support after the grant period.

Grantees are expected to use this grant as seed money to develop other public and private resources in order to ensure sustainability of grant activities following completion of the funding period. The Department considers detailed commitments for specific new activities as more important than promises of in-kind supports in showing sustained support for the project. Grants recently received from another agency can be discussed in the proposal, but the applicant should be precise about which activities precede this grant and which will occur because of this grant.

In *evaluating* the quality of the plan for sustainability, the Department considers the following factors to be of particular importance:

(a) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of this grant;

(b) The likelihood that use of the Pro-Bank framework will serve as a basis for continuous improvement of the state's youth service infrastructure;

(c) The likelihood of the applicant successfully securing state ownership and participation in these projects when these grant funds cease; and

(d) The extent to which partnerships with outside entities (including public and private disability and faith-based and community organizations) and funding from additional Federal, State, and/or local resources will be effectively leveraged and utilized in continuing activities after the expiration of the grant.

Letter from the Governor. A letter from the Governor or functionally equivalent entity reflecting support of the applicant's proposal will be viewed favorably. If a letter from the Governor is not feasible, the application may include a letter from the head of an appropriate State agency.

Other Letters of Commitment. Applicants may also include letters of support from other relevant State agencies if they provide specific commitments regarding the application to this solicitation. Such letters can increase an applicant's score by showing that the commitments in the text of the proposal are grounded with actual commitments. Form letters will be considered non-responsive.

4. Management and Outcomes (25 points)

The purpose of the Management and Outcomes criterion is to determine whether the applicant has developed an adequate management plan to effectively carry out the objectives and scope of the proposed project on time and within budget, to describe the predicted outcomes resulting from activities funded under this SGA, and to identify how the results of the evaluation(s) conducted using the Pro-Bank framework and data already being collected from multiple service sectors (e.g., workforce development, education, etc.) will be used to determine success.

Applicants should provide a detailed management plan that identifies the critical activities, time frames and responsibilities for effectively implementing the project, including the evaluation process for assuring

successful implementation of grant objectives. A description should be provided of the plan to use data already being collected across services sectors to identify the demographic characteristics of youth with disabilities served in the applicant's state as a result of grant activities, as well as to identify the types of activities being conducted, and to determine program outcomes (e.g., post-secondary education, employment, independent living, etc.). This data is then to be compared with comparable data on students with and without disabilities not participating in the grant project(s).

In addition, applicants should outline the strategy for documenting and reporting the activities undertaken during the life of the grant for ODEP's future use in working with other grantees and constituencies.

In *evaluating* the management and outcome criteria, the Department considers the following factors to be of particular importance:

(1) The extent to which the goals, objectives, and outcomes to be achieved are clearly specified and measurable;

(2) The extent to which the design of the proposed project features innovative methods for developing new sites and/or strengthening existing sites;

(3) The extent to which the proposal incorporates the cross-agency, multi-year state plan in part VII, Government Requirements/Statement of Work, section 2, Comprehensive Service Strategy;

(4) The extent to which the proposed budget and narrative justification are adequate to support the proposed project;

(5) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project;

(6) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, context, and outcomes of the proposed project;

(7) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies;

(8) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data;

(9) The extent to which the evaluation will provide information to other programs about effective strategies suitable for replication or testing in other settings;

(10) The extent to which the methods of evaluation measure, in both

quantitative and qualitative terms, program results and satisfaction of people with disabilities;

(11) The extent to which the management plan for project implementation is likely to achieve the objectives on time and within budget;

(12) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project; and

(13) The extent to which the time commitments of the state director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

Part VIII. Monitoring and Reporting

Monitoring: Department shall be responsible for ensuring the effective implementation of each competitive grant project in accordance with the provisions of this announcement and the terms of the grant award document.

Applicants should assume that Department staff, or their designees, will conduct on-site project reviews periodically. Reviews will focus on timely project implementation, performance in meeting the grant's programmatic goals and objectives, expenditure of grant funds on allowable activities, integration and coordination with other resources and service providers in the local area, and project management and administration in achieving project objectives. Innovative State Alignment Grants for Improving Transition Outcomes may be subject to other additional reviews at the discretion of the Department.

Reporting: Grantees will be required to submit quarterly financial and narrative performance reports under the Innovative State Alignment Grants for Improving Transition Outcomes program as prescribed by OMB Circular A-102 and A-110, as codified by 29 CFR parts 97.

(1) A Quarterly Report will be required within thirty (30) days of the end of each quarter beginning ninety days from the award of the grant and is estimated to take five hours to prepare on average. The form for the Quarterly Report will be provided by ODEP. ODEP will work with the grantee to help refine the requirements of the report, which will, among other things, include measures of ongoing analysis for continuous improvement and customer satisfaction.

(2) Financial reporting will be required quarterly using the on-line electronic reporting system for the Standard Form 269—Financial Status Report (FSR).

(3) A Final Project Report, including an assessment of project performance and outcomes achieved will be required

and is estimated to take twenty hours to complete. This report will be submitted in hard copy and on electronic disk using a format and following instructions that will be provided by ODEP. A draft of the final report is due to the ODEP thirty (30) days before the termination of the grant. The final report is due to ODEP sixty (60) days following the termination of the grant.

The Department has established priorities for FY 2003 as noted in the introduction of part VII—Government Requirements/Statement of Work. Innovative State Alignment Grants for Improving Transition Outcomes grantees will be expected to support these priorities.

ODEP may arrange for and conduct an independent evaluation of the outcomes, impacts, and accomplishments of each funded project. Grantees must agree to make available records on all parts of project activity, including participant post secondary and employment data, and to provide access to personnel, as specified by the evaluator(s), under the direction of ODEP. This independent evaluation is separate from the ongoing evaluation for continuous improvement required of the grantee for project implementation. Grantees must also agree to collaborate with other research institutes, centers, studies, and evaluations that are supported by DOL and other relevant Federal agencies, as appropriate. Finally, Grantees must agree to actively utilize the programs sponsored by the ODEP, including the Job Accommodation Network, (<http://www.jan.wvu.edu>), and the Employer Assistance Referral Network (<http://www.earnworks.com>).

Part IX. Review Process and Evaluation Criteria

All applications will be reviewed for compliance with the requirements of this notice. A careful evaluation of applications will be made by a technical review panel, which will evaluate the applications against the rating criteria

listed in this SGA. The panel results are advisory in nature and not binding on the Grant Officer. The Department may elect to award grants either with or without discussion with the applicant. In situations without discussions, an award will be based on the applicant's signature on the SF 424, which constitutes a binding offer. The Grant Officer may consider any information that is available and will make final award decisions based on what is most advantageous to the Government, considering factors such as:

Panel findings; Geographic distribution of the competitive applications and the currently existing Youth Innovative Grants (NAPA and San Diego, CA; Kapolei, HI; Chicago, IL; Greenfield, IN; Wheaton, MD; Detroit, MI; Bloomington, MN; Jackson, MS; New York, NY; Oklahoma City, OK; Portland, OR; Philadelphia, PA; Falls Church, VA; and Seattle, WA); and Availability of funds.

Part X. Administration Provisions

I. A. Administrative Standards and Provisions

Grantees are strongly encouraged to read these regulations before submitting a proposal. The grants awarded under this SGA shall be subject to the following as applicable:

- 29 CFR part 95—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.
- 29 CFR part 96—Audit Requirements for Grants, Contracts, and Other Agreements.
- 29 CFR part 97—Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments.

II. B. Allowable Costs

Determinations of allowable costs shall be made in accordance with the

following Federal cost principles as applicable:

- State and Local Government—OMB Circular A-87.
- Nonprofit Organizations—OMB Circular A-122.
- Profit-Making Commercial Firms—48 CFR part 31.

Profit will *not* be considered an allowable cost in any case.

III. C. Grant Assurances

As a condition of the award, the applicant must certify that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- 29 CFR part 31—Nondiscrimination in Federally-assisted programs of the Department of Labor, effectuation of title VI of the Civil Rights Act of 1964.
- 29 CFR part 32—Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Assistance. (Implementing section 504 of the Rehabilitation Act, 29 U.S.C. 794).
- 29 CFR part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. (Implementing title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*).

Signed in Washington, DC this 10th day of June, 2003.

Lawrence J. Kuss,

Grant Officer.

Appendix A. Application for Federal Assistance, Form SF 424

Appendix B. Budget Information Sheet, Form SF 424A

Appendix C. Assurances and Certifications Signature Page

Appendix D. Survey on Ensuring Equal Opportunity

BILLING CODE 4510-CX-P

**APPLICATION FOR
FEDERAL ASSISTANCE**

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED		Applicant Identifier	
Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE		State Application Identifier	
		4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier	
5. APPLICANT INFORMATION					
Legal Name:			Organizational Unit:		
Address (give city, county, State, and zip code):			Name and telephone number of person to be contacted on matters involving this application (give area code)		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): □□ - □□□□□□□□			7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/>		
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other(specify): _____			A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____		
			9. NAME OF FEDERAL AGENCY:		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: □□ - □□□□			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:		
TITLE: 12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):					
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:			
Start Date	Ending Date	a. Applicant		b. Project	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?			
a. Federal	\$	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____			
b. Applicant	\$	b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
c. State	\$	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?			
d. Local	\$	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No			
e. Other	\$				
f. Program Income	\$				
g. TOTAL	\$	0 ⁰⁰			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Type Name of Authorized Representative		b. Title		c. Telephone Number	
d. Signature of Authorized Representative				e. Date Signed	

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Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|---|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:

-- "New" means a new assistance award.

-- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.

-- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	\$	\$	\$	\$	0.00
9.					0.00
10.					0.00
11.					0.00
12. TOTAL (sum of lines 8-11)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.00
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 0.00	\$	\$	\$	\$
14. Non-Federal	0.00				
15. TOTAL (sum of lines 13 and 14)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTAL (sum of lines 16-19)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
SECTION F - OTHER BUDGET INFORMATION					
21. Direct Charges:	22. Indirect Charges:				
23. Remarks:					

OMB Approval No. 0348-0044

BUDGET INFORMATION - Non-Construction Programs
SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		\$	\$	\$	\$	0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.00

SECTION B - BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	0.00
b. Fringe Benefits					0.00
c. Travel					0.00
d. Equipment					0.00
e. Supplies					0.00
f. Contractual					0.00
g. Construction					0.00
h. Other					0.00
i. Total Direct Charges (sum of 6a-6h)	0.00	0.00	0.00	0.00	0.00
j. Indirect Charges					0.00
k. TOTALS (sum of 6i and 6j)	\$	\$ 0.00	\$ 0.00	\$ 0.00	0.00
7. Program Income	\$	\$	\$	\$	0.00

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Standard Form 424A (Rev. 7-97)
 Prescribed by OMB Circular A-102

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INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in *Column* (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For *new applications*, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For *continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost.

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program

INSTRUCTIONS FOR THE SF-424A (continued)

narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11 Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED



Survey on Ensuring Equal

Opportunity

Federal Agency Use Only

OMB No. 1225-0083 Exp. 02/28/2006

NOTE: Please place survey form directly behind the Standard Application for Federal Assistance (SF 424) fact sheet.

Purpose: This form is for applicants that are private nonprofit organizations (not including private universities). Please complete it to assist the federal government in ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for federal funding. Information provided on this form will not be considered in any way in making funding decisions and will not be included in the federal grants database.

1. Does the applicant have 501(c)(3) status?
 - Yes No
2. How many full-time equivalent employees does the applicant have? (Check only one box).
 - 3 or Fewer 15-50
 - 4-5 51-100
 - 6-14 over 100
3. What is the size of the applicant's annual budget? (Check only one box.)
 - Less Than \$150,000
 - \$150,000 - \$299,999
 - \$300,000 - \$499,999
 - \$500,000 - \$999,999
 - \$1,000,000 - \$4,999,999
 - \$5,000,000 or more
4. Is the applicant a faith-based/religious organization?
 - Yes No
5. Is the applicant a non-religious community-based organization?
 - Yes No
6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?
 - Yes No
7. Has the applicant ever received a government grant or contract (Federal, State, or local)?
 - Yes No
8. Is the applicant a local affiliate of a national organization?
 - Yes No

Survey Instructions on Ensuring Equal Opportunity for Applicants

1. 501(c) (3) statuses is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.
2. For example, two part-time employees who each work half time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.
3. Annual budget means the amount of money your organization spends each year on all of its activities.
4. Self-identify.
5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.
6. An "intermediary" is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.
7. Self-explanatory.
8. Self-explanatory

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1225-0083. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: Departmental Clearance Officer, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-1301, Washington, D.C. 20210. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Joyce I. Mays, Application Control Center, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

[FR Doc. 03-15115 Filed 6-13-03; 8:45 am]

BILLING CODE 4510-CX-C

DEPARTMENT OF LABOR**Occupational Safety and Health Administration**

[Docket No. ICR 1218-0209 2002]

Agency Information Collection Activities; Announcement of OMB Approval**AGENCY:** Occupational Safety and Health Administration.**ACTION:** Notice.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that a collection of information regarding occupational injuries and illnesses has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This document announces the OMB approval number and expiration date.

FOR FURTHER INFORMATION CONTACT:

Joseph J. DuBois, Directorate of Evaluation and Analysis, Office of Statistical Analysis, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3507, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-1875.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 27, 2002 (66 FR 55034-55035), the Agency announced its intent to request an extension of approval for the OSHA Data Collection System. This data collection will request occupational injury and illness data and employment and hours worked data from selected employers in the following Standard Industrial Classifications (SICs):

15-17 Construction
 20-39 Manufacturing
 0181 Ornamental Floriculture and Nursery Products
 0182 Food Crops Grown Under Cover
 0211 Beef Cattle Feedlots
 0212 Beef Cattle, Except Feedlots
 0213 Hogs
 0214 Sheep and Goats
 0219 General Livestock, Except Dairy and Poultry
 0241 Dairy Farms
 0251 Broiler, Fryer, and Roaster Chickens
 0252 Chicken Eggs
 0253 Turkey and Turkey Eggs
 0254 Poultry Hatcheries
 0259 Poultry and Eggs, NEC
 0291 General Farms, Primarily Livestock and Animal Specialties
 0782 Lawn and Garden Services (North Carolina only)

0783 Ornamental Shrub and Tree Services
 4212 Local Trucking Without Storage
 4213 Trucking, Except Local
 4214 Local Trucking With Storage
 4215 Courier Services, Except Air
 4221 Farm Product Warehousing and Storage
 4222 Refrigerated Warehousing and Storage
 4225 General Warehousing and Storage
 4226 Special Warehousing and Storage, NEC
 4231 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
 4311 United States Postal Service
 4491 Marine Cargo Handling
 4492 Towing and Tugboat Services
 4493 Marinas
 4499 Water Transportation Services, NEC
 4512 Air Transportation, Scheduled
 4513 Air Courier Services
 4581 Airports, Flying Fields, & Airport Terminal Services
 4783 Packing and Crating
 4952 Sewerage Systems (California only)
 4953 Refuse Systems
 4959 Sanitary Services, NEC (California only)
 5012 Automobiles and Other Motor Vehicles
 5013 Motor Vehicles Supplies and New Parts
 5014 Tires and Tubes
 5015 Motor Vehicle Parts, Used
 5031 Lumber, Plywood, Millwork, and Wood Panels
 5032 Brick, Stone, and Related Construction Materials
 5033 Roofing, Siding and Insulation Materials
 5039 Construction Materials, NEC
 5051 Metal Service Centers and Offices
 5052 Coal and Other Minerals and Ores
 5093 Scrap and Waste Materials
 5141 Groceries, General Line
 5142 Packaged Frozen Food Products
 5143 Dairy Products, Except Dried or Canned
 5144 Poultry and Poultry Products
 5145 Confectionery
 5146 Fish and Seafoods
 5147 Meats and Meat Products
 5148 Fresh Fruit and Vegetables
 5149 Groceries and Related Products, NEC
 5181 Beer and Ale
 5182 Wine and Distilled Alcoholic Beverages
 5211 Lumber and Other Building Materials Dealers
 5311 Department Stores (Pilot collection)

5411 Grocery Stores (Maryland only)
 8051 Skilled Nursing Care Facilities
 8052 Intermediate Care Facilities
 8059 Nursing and Personal Care Facilities, NEC
 8062 General Medical and Surgical Hospitals (Pilot collection)
 8063 Psychiatric Hospitals (Pilot collection)
 8069 Specialty Hospitals, Except Psychiatric (Pilot collection)

In addition, OSHA will collect data from establishments that were visited by OSHA after October 1, 1997 and are required to maintain the OSHA Log. Information will also be collected from Public Sector establishments in certain State Plan States.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), OMB has renewed its approval for the information collection and assigned OMB control number 1218-0209. The approval expires 04/30/2004. Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Dated: June 10, 2003.

John L. Henshaw,*Assistant Secretary of Labor.*

[FR Doc. 03-15116 Filed 6-13-03; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8027-MLA-6 and ASLBP No. 03-812-03-MLA]

Sequoyah Fuels Corporation; Designation of Presiding Officer

Pursuant to delegation by the Commission, *see* 37 FR 28710 (Dec. 29, 1972), and the Commission's regulations, *see* 10 CFR 2.1201, 2.1207, notice is hereby given that (1) a single member of the Atomic Safety and Licensing Board Panel is designated as Presiding Officer to rule on petitions for leave to intervene and/or requests for hearing; and (2) upon making the requisite findings in accordance with 10 CFR 2.1205(h), the Presiding Officer will conduct an adjudicatory hearing in the following proceeding: Sequoyah Fuels Corporation, Gore, Oklahoma, (Materials License Amendment).

The hearing will be conducted pursuant to 10 CFR part 2, subpart L, of the Commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." This proceeding concerns requests for hearing submitted (1) on May 14, 2002,

by the State of Oklahoma; and (2) on May 15, 2003, by the Cherokee Nation and Mr. Ed Henshaw. The requests were filed in response to an April 8, 2003, notice of receipt of an amendment request from Sequoyah Fuels Corporation to address clean up and reclamation at its Gore, Oklahoma facility site, and of opportunity for a hearing, which was published in the **Federal Register** on April 15, 2003 (68 FR 18268).

The Presiding Officer in this proceeding is Administrative Judge Alan S. Rosenthal. Pursuant to the provisions of 10 CFR 2.722, 2.1209, Administrative Judge Thomas D. Murphy has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents, and other materials shall be filed with Judges Rosenthal and Murphy in accordance with 10 CFR 2.1203. Their addresses are:

Alan S. Rosenthal, Administrative Judge, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.
Thomas D. Murphy, Administrative Judge, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Issued at Rockville, Maryland, this 9th day of June 2003.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 03-15124 Filed 6-13-03; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Potential Impact of Debris Blockage on Emergency Sump Recirculation at Pressurized-Water Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Bulletin (BL) 2003-01 to all holders of operating licenses for pressurized-water reactors (PWRs), except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel. The bulletin informs PWR licensees of the results of NRC-sponsored research which identified the potential susceptibility of recirculation sump screens to debris blockage in the

event of a high-energy line break requiring recirculation operation of the emergency core cooling system (ECCS) or containment spray system (CSS), and of the potential for debris blockage of flowpaths necessary for system recirculation operation and containment drainage. In light of these potentially adverse effects of debris blockage, the bulletin requests that licensees confirm their compliance with section 50.46(b)(5) of Title 10 of the Code of Federal Regulations (10 CFR 50.46(b)(5)) concerning long term ECCS performance, and other existing applicable regulatory requirements, or describe any compensatory measures implemented to reduce the potential risk due to post-accident debris blockage as evaluations to determine compliance proceed.

DATES: The bulletin was issued on June 9, 2003.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Ralph Architzel, at 301-415-2804, John Lehnig, at 301-415-3285, or John Lamb, at 301-415-1446.

SUPPLEMENTARY INFORMATION: Bulletin 2003-01 may be examined and/or copied for a fee at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and is accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession No. for the bulletin is ML031600259.

If you do not have access to ADAMS or if there are problems in accessing documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 301-415-4737 or 1-800-397-4209, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 10th day of June 2003.

For the Nuclear Regulatory Commission.

William D. Beckner,

Program Director, Operating Reactor Improvements Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 03-15121 Filed 6-13-03; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of June 16, 2003:

A closed meeting will be held on Tuesday, June 17, 2003 at 2 p.m.

Commissioner Goldschmid, as duty officer, determined that no earlier notice thereof was possible.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), (9)(B) and (10) and 17 CFR 200.402(a)(5), (7), (9)(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting scheduled for Tuesday, June 17, 2003 will be:

Institution and settlement of administrative proceedings of an enforcement nature; Institution and settlement of injunctive actions; and Formal orders of investigation.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: June 11, 2003.

Jonathan G. Katz,

Secretary.

[FR Doc. 03-15192 Filed 6-11-03; 4:47 pm]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48004; File No. SR-Amex-2003-28]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 by the American Stock Exchange LLC Relating to the Elimination of the 10-Second Interval at Which Persons May Enter Auto-Ex Eligible Orders for Exchange-Traded Funds

June 9, 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 April 16,

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

2003, the American Stock Exchange LLC (“Amex” 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 May 7, 2003, Amex submitted Amendment No. 1 to the proposed rule change.³ On June 3, 2003, Amex submitted Amendment No. 2 to the proposed rule change.⁴ 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

Amex seeks to eliminate the 10-second “speed bump” on the entry of Auto-Ex eligible orders for Exchange-Traded Funds (“ETFs”) and Trust-Issued Receipts (“TIRs”), while allowing it to be reinstated if conditions warrant its reintroduction. The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change, as amended, 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 19, 2001, the Commission approved the Exchange’s proposal to permit the automatic execution of orders for Exchange Traded Funds (“ETFs”) on a six-month pilot program basis.⁵ The Exchange most recently

extended the pilot for an additional six months on December 4, 2002.⁶ As part of the most recent extension of the Auto-Ex for ETFs pilot, the Exchange reduced from 30 to 10 seconds, the interval at which member firms could enter orders on the same side of the market for any account in which the same person is directly or indirectly interested. The Exchange now proposes to eliminate the 10-second “speed bump” for all ETFs. The Exchange also proposes to amend Amex Rule 128A to clarify that Auto-Ex for ETFs applies to both ETFs and TIRs.

The Exchange’s rules currently provide that Auto-Ex eligible orders on the same side of the market in an ETF for any account in which the same person is directly or indirectly interested may only be entered at intervals of 10 seconds or more. According to the Exchange, order flow providers have objected to this interval since it requires them to block their customers from entering any Auto-Ex eligible orders on the same side of the market in the Exchange’s order routing systems for the affected security within 10 seconds. The Exchange, accordingly, is proposing to eliminate the speed bump in ETFs and TIRs while allowing it to be reinstated on a temporary basis if conditions warrant its reintroduction.

The Exchange states that the Auto-Ex Enhancements Committee (“Committee”), upon the request of a specialist, would review a request to reinstate the 10-second speed bump. The Committee consists of the Exchange’s four Floor Governors and the Chairmen (or their designees) of the Specialists Association, Options Market Makers Association and the Floor Brokers Association. According to the Exchange, this Committee currently reviews requests to change various Auto-Ex parameters. (See Commentaries .02 and .04 to Amex Rule 128A.) The Exchange would give members and member organizations ten business days notice prior to reintroducing the 10-second speed bump to allow them to implement internal procedures to comply with this requirement. The Exchange would notify members and member organizations of the reintroduction of the 10-second speed bump through Amex Notices, which are distributed on the Exchange Floor and posted on the Exchange’s “Amex Trader” Web site.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act⁷ in general and furthers the objectives of Section 6(b)(5)⁸ in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to and facilitating transactions in securities, 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; and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers. The Exchange also believes that the proposed rule change will facilitate the use of Auto-Ex by order flow providers by eliminating a compliance burden on them. Finally, the Exchange asserts that the proposal also facilitates the comparison and settlement of trades since Auto-Ex transactions result in “locked-in” trades.

B. Self-Regulatory Organization’s Statement on Burden on Competition

Amex believes that the proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of 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 Amex consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

³ See letter from William Floyd-Jones, Associate General Counsel, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation (“Division”), Commission dated May 6, 2003 (“Amendment No. 1”).

⁴ See letter from William Floyd-Jones, Associate General Counsel, Amex, to Nancy Sanow, Assistant Director, Division, Commission dated June 2, 2003 (“Amendment No. 2”).

⁵ See Securities Exchange Act Release No. 44449 (June 19, 2001), 66 FR 33724 (June 25, 2001), (SR-Amex-2001-29).

⁶ See Securities Exchange Act Release No. 47105 (December 30, 2002), 68 FR 592 (January 6, 2003), (SR-Amex-2002-99).

⁷ 15 U.S.C. 78f.

⁸ 15 U.S.C. 78f(b)(5).

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 Amex. All submissions should refer to file number SR-Amex-2003-28 and should be submitted by July 7, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Margaret McFarland,

Deputy Secretary.

[FR Doc. 03-15111 Filed 6-13-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48005; File No. SR-DTC-2002-16]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Enhancements to the Elective Dividend Service

June 9, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on October 22, 2002, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by DTC. 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 proposed rule change enables foreign participants to receive dividend, interest, or principal payments in foreign currency directly from foreign issuers through DTC's Direct Payment Option ("DPO") of its Elective Dividend Service ("EDS") for DTC-eligible securities issued by foreign issuers that were not initially issued with the option of payment in either U.S. or foreign currency.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. DTC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.²

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Currently, DTC offers its participants the option of receiving a dividend, interest, or principal payment either in foreign currency (outside of DTC) or in U.S. dollars (within DTC) when the foreign currency option is included in the initial offering terms of the DTC-eligible issue.³ For DTC-eligible securities issued by foreign issuers that are not initially issued with the option of payment in either U.S. or foreign currency, the issuer must arrange for payment to DTC in U.S. dollars through a U.S. transfer or paying agent. In order for a non-U.S. DTC participant that is organized and resides in the same foreign jurisdiction as the issuer to receive payment in its home country and in its home currency, it must withdraw the securities from DTC and arrange for processing of the foreign currency payment directly with the paying agent. In order to once again achieve the benefits of immobilization of the security after the payment is made, the participant must then

² The Commission has modified the text of the summaries prepared by DTC.

³ This service was first introduced in 1991. Securities Exchange Act Release No. 29144 (Apr. 30, 1991), 56 FR 21182 (May 7, 1991).

redeposit the certificate after payment has been made.

DTC believes that the physical movement of certificates solely to achieve payment in the currency of the foreign jurisdiction where the issuer and payee both reside presents to DTC participants various inefficiencies, cost, and risk such as the inefficiencies of handling physical securities and the associated risk of loss and the risk of currency fluctuation.

Under DTC's new rule, in order for an issue to be eligible for the DPO option (1) the issuer and transfer agent must agree to the arrangement (since the option has not been established at initial issuance) and (2) the issuer must certify that the income generated by the security is not U.S.-source income, in order to assure U.S. withholding tax requirements do not apply. Once an issue is eligible for the DPO option, the participant must elect to receive foreign currency directly from the issuer via DTC's EDS system, as is the case with issues that are currently eligible for foreign currency options established at initial instances. Similarly, the election will include the payment instructions to the issuer and payment/transfer agent to enable them to make payment directly to the non-U.S. participant outside of DTC.

DTC believes that the proposed rule change is consistent with the requirements of section 17A of the Act⁴ and the rules and regulations thereunder because it promotes the prompt and accurate clearance and settlement of securities transactions by further immobilizing securities certificates and eliminating the need for customers to withdraw and redeposit physical securities in order to achieve payment outside of DTC.

B. Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments from DTC's participants or others have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)

⁴ 15 U.S.C. 78q-1.

⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

of the Act and Securities Exchange Act Rule 19b-4(f)(4) because the proposed rule change effects a change in an existing service that does not adversely affect the safeguarding of securities or funds in DTC's custody or control and does not significantly affect the respective rights or obligations of DTC or the persons using the service. At any time within sixty days of the filing of the 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 furtherance of the purposes of the Act.

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 5th Street NW., Washington, DC 20549-0069. Comments may also be submitted electronically at the following e-mail address: rule-comments@sec.gov. All comment letters should refer to File No. SR-DTC-2002-16. This file number should be included on the subject line if e-mail is used. To help us process and review comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the rule filing that are filed with the Commission, and all written communications relating to the rule filing between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, DC. Copies of such filing will also be available for inspection and copying at DTC's principal office. All submissions should refer to File No. SR-DTC-2002-16 and should be submitted within July 7, 2003.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁵

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03-15086 Filed 6-13-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48007; File No. SR-DTC-2003-07]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving Proposed Rule Change To Establish a Transaction Look-Ahead Process

June 10, 2003.

I. Introduction

On April 9, 2003, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR-DTC-2003-07 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").¹ Notice of the proposal was published in the **Federal Register** on April 28, 2003.² For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description

The purpose of the proposed rule change is to establish a transaction look-ahead process ("Look-Ahead") which will reduce transaction blockage by applying the net amount of offsetting receive and deliver transactions in the same security rather than the gross amount of the receive transaction to a participant's net debit cap.³

DTC's system controls prevent the processing of a transaction (*i.e.*, cause the transaction to recycle) when the deliverer has insufficient position or insufficient collateral, the receiver has insufficient collateral, or the processing of the transaction would cause the receiver's net debit cap to be breached. For purposes of these controls, each transaction is assessed individually without regard to offsetting transactions that might resolve any system control issue presented by the initial transaction itself.

In principle, a long series of back-to-back transactions could be blocked as a result of the first transaction failing. For example, if a transaction fails because of insufficient position, insufficient collateral, or breaching of the net debit cap, then a second transaction could fail because it is dependent on the first delivery to establish the necessary securities position, then a third could fail, and so on. This does in fact occur

¹ 15 U.S.C. 78s(b)(1).

² Securities Exchange Act Release No. 47709 (April 21, 2003), 68 FR 22432.

³ The net debit cap, based upon the activity of the participant, is the maximum amount a participant may owe for transactions. Currently, the maximum allowable net debit cap is \$1.8 billion per participant.

quite often in the money market instrument ("MMI") market because of the large values involved when issuing/paying agents sell new commercial paper to broker-dealers who then make deliveries to custodians, who in turn have maturities of commercial paper awaiting acceptance by the issuing/paying agents.

DTC plans to introduce Look-Ahead in June. Look-Ahead will reduce transaction blockage by applying the net amount of offsetting receive and deliver transactions in the same security rather than the gross amount of the receive transaction to a participant's net debit cap. Look-Ahead will identify receive transactions pending due to a net debit cap insufficiency and will link them to offsetting delivery transactions in the same security pending for a quantity deficiency. DTC will calculate the net effect of the offsetting transactions on the three participants involved, and if the net of the transactions results in positive risk management controls in all three accounts, the transactions will be completed. Initially, this capability will be available only for muni and corporate bonds, including MMIs where it is expected to have the widest application.

As a result of Look-Ahead, the number of recycling transactions should be reduced which could also reduce the need for intraday funding by participants. Participants will not be required to make systemic changes and can continue to process their deliveries as they do today.

III. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.⁴ The Commission finds that DTC's proposed rule change is consistent with this requirement because by applying the net amount of offsetting receive and deliver transactions in the same security rather than the gross amount of the receive transaction to a participant's net debit cap, the proposed rule change should reduce the number of blocked transactions at DTC which will promote the prompt and accurate clearance and settlement of securities transactions.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular section 17A of the Act and the rules and regulations thereunder.

⁴ 15 U.S.C. 78q-1(b)(3)(F).

⁵ 17 CFR 200.30-3(a)(12).

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-DTC-2003-07) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁵

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 03-15112 Filed 6-13-03; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48006; File No. SR-FICC-2003-04]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Fixed Income Clearing Corporation Relating to Intraday Clearing for the GCF Repo Service

June 10, 2003.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹, notice is hereby given that on March 31, 2003, the Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared primarily by FICC.² The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested parties and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would allow FICC to shift its GCF Repo service from an interbank service to an intraday one.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC 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. FICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.³

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Since its introduction in 1998, the GCF Repo service of the Government Securities Division of FICC has grown in participation, volume, and importance to become a significant financing vehicle alternative to delivery-versus-payment and tri-party repos. However, attendant to its success have been certain payments system risk issues that arise from the interbank funds settlements related to the service.

In order to allow for sufficient time to identify, study, and implement satisfactory solutions to these issues, FICC is shifting the GCF Repo service from an interbank service to an intraday one. This means that only those GCF Repo participants that clear within the same clearing bank will be permitted to trade GCF Repos with one another. FICC intends to return the GCF Repo service to interbank status as soon as it is able to resolve the attendant payments system risk issues.⁴

Members of FICC's Government Securities Division have been notified of this change via Important Notice and have been given sufficient time to switch to intraday service.

The proposed rule change is consistent with the requirements of Section 17A of the Act⁵ and the rules and regulations thereunder because it because it will allow FICC time to identify and implement a solution to the payment system risk issues that arise from settling GCF Repo transactions in an interbank environment.

(B) Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. FICC will notify the Commission of any written comment received by FICC.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposal, which allows FICC to shift to intraday clearing for its GCF Repo service, is consistent with Section 17A(b)(3)(F) because it should help perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. Allowing FICC to move to intraday clearing for GCF Repo transactions will permit FICC to continue to offer the GCF Repo service to its participants so they will continue to have uninterrupted access to liquidity pools within their clearing banks while providing FICC time to devise a solution to reduce the risks arising from the interbank funds settlement aspect of the service when offered as an interbank service.

FICC has requested that its proposed rule change be approved prior to the thirtieth day of the date of publication of notice of the filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing because such approval will allow FICC to immediately stop the risk associated with interbank funds settlements while still offering the GCF Repo service to its members on an intraday basis.

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. Comments may also be submitted electronically at the following e-mail address: rule-comments@sec.gov. All comment letters should refer to File No. SR-FICC-2003-04. This file number should be included on the subject line if e-mail is used. To help us process and review comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. 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

⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² A copy of FICC's proposed rule change is available at the Commission's Public Reference Section or through FICC.

³ The Commission has modified the text of the summaries prepared by FICC.

⁴ FICC will file a proposed rule change to return to interbank clearing for its GCF.

⁵ 15 U.S.C. 78q-1.

provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of FICC. All submissions should refer to File No. SR-FICC-2003-04 and should be submitted by July 7, 2003.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁶ that the proposed rule change is hereby approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03-15085 Filed 6-13-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48003; File No. SR-Phlx-2003-32]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the Philadelphia Stock Exchange, Inc. Relating to Its Rule 452, Limitation on Members' Trading Because of Customers' Orders

June 9, 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 May 8, 2003, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to 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 May 29, 2003, the Phlx filed Amendment No. 1 to the proposal.³ The proposed rule change, as amended, has been filed by Phlx under Rule 19b-4(f)(6) under the Act.⁴ 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

The Phlx proposes to amend Phlx Rule 452, Limitations on Members' Trading Because of Customers' Orders, to permit members and member organizations to trade along with some of their customers in limited circumstances so long as the order is not for the account of an individual investor and the customer has given express permission for the transaction. The proposed rule change, as amended, also adds additional language regarding the applicability of Phlx Rule 452's limitation on trading, and adds a number of additional exceptions to that rule.

The text of the proposed rule change, as amended, is below. Proposed additions are in italics and proposed deletions are in [brackets].

* * * * *

Rule 452. Limitations on Members' Trading Because of Customers' Orders

(a) [No member shall (1) personally buy or initiate the purchase of any security on the Exchange for his own account or for any account in which he, or the firm of which he is a partner or any partner of such firm, is directly or indirectly interested, while such member personally holds or has knowledge that his firm or any partner thereof holds an unexecuted market order to buy such security in the unit of trading for a customer, or (2) personally sell or initiate the sale of any security on the Exchange for any such account, while he personally holds or has knowledge that his firm or any partner thereof holds an unexecuted market order to sell such security in the unit of trading for a customer.] *Except as provided in this Rule, no member or member organization shall cause the entry of an order to buy (sell) on the Exchange any security listed or traded on the Exchange for any account in which such member or member organization or any associated person thereof is directly or indirectly interested (a "proprietary order"), if the person responsible for the entry of such order has knowledge of any particular unexecuted customer order to buy (sell) such security which could be executed at the same price.*

summarily abrogate the proposed rule change under section 19(b)(3)(C) of the Act, the Commission considers that period to commence on May 29, 2003, the date Phlx filed Amendment No. 1. See 15 U.S.C. 78s(b)(3)(C).

(b) [No member shall (1) personally buy or initiate the purchase of any security on the Exchange for any such account, at or below the price at which he personally holds or has knowledge that his firm or any partner thereof holds an unexecuted limited price order to buy such security in the unit of trading for a customer, or (2) personally sell or initiate the sale of any security on the Exchange for any such account at or above the price at which he personally holds or has knowledge that his firm or any partner thereof holds an unexecuted limited price order to sell such security in the unit of trading for a customer.] *A member or member organization may enter a proprietary order while representing a customer order which could be executed at the same price, provided the customer's order is not for the account of an individual investor, and the customer has given express permission, including an understanding of the relative price and size of allocated execution reports, under the following conditions:*

(1) *the member or member organization is liquidating a position held in a proprietary facilitation account, and the customer order is for 10,000 shares or more;*

(2) *the member or member organization is creating a bona fide hedge ("hedge") and (i) the creation of the hedge, whether through one or more transactions, occurs so close in time to the completion of the transaction precipitating such hedge that the hedge is clearly related; (ii) the size of the hedge is commensurate with the risk it offsets; (iii) the risk to be offset is the result of a position acquired in the course of facilitating a customer order; and (iv) the customer order is for 10,000 shares or more;*

(3) *the member or member organization is modifying an existing hedge and (i) the size of the hedge, as modified, remains commensurate with the risk it offsets; (ii) the hedge was created to offset a position acquired in the course of facilitating a customer order; and (iii) the customer order is for 10,000 shares or more; or*

(4) *the member or member organization is engaging in bona fide arbitrage or risk arbitrage transaction, and recording such transactions in an account used solely to record arbitrage transactions (an "arbitrage account").*

[Exceptions]

(c) The provisions of this Rule 452 shall not apply to:

(1) [to] any purchase or sale of any security in an amount of less than the unit of trading made by an odd-lot

⁶ 15 U.S.C. 78s(b)(2).

⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See letter from Carla Behnfeldt, Director, Legal Department New Product Development Group, Phlx to Tim Fox, Attorney, Division of Market Regulation ("Division"), Commission, dated May 28, 2003 ("Amendment No. 1"). In Amendment No. 1, the Exchange submitted technical corrections to the rule text and clarified that the applicability of Phlx Rule 452(a)(1) is limited to orders on the Exchange for securities listed or traded on the Exchange.

⁴ 17 CFR 240.19b-4(f)(6). For purposes of determining the effective date and calculating the sixty-day period within which the Commission may

dealer to offset odd-lot orders for customers[, or];

(2) any purchase or sale of any security [, delivery of which is to be upon a day other than the day of delivery provided] upon terms for delivery other than those specified in such unexecuted market or limited price order;

(3) transactions by a member or member organization acting in the capacity of a specialist or market maker in a security listed or traded on the Exchange otherwise than on the Exchange; and

(4) transactions made to correct bona fide errors.

Supplementary Material:

.01 [A member who issues a commitment to trade from the Exchange through ITS or any other Application of the System shall, as a consequence thereof, be deemed to be initiating a purchase or a sale of a security on the Exchange as referred to in this Rule.] A member or member organization or employee thereof responsible for entering proprietary orders shall be presumed to have knowledge of a particular customer order unless the member organization has implemented a reasonable system of internal policies and procedures to prevent the misuse of information about customer orders by those responsible for entering such proprietary orders.

.02 This Rule 452 shall apply to any agency or proprietary transaction effected on the Exchange if such transaction ("Exchange transaction") is part of a group of related transactions that together have the effects prohibited by this Rule, regardless whether (i) one or more of the other related transactions were effected on other market centers; or (ii) the Exchange transaction by itself had such effects.

.03 This Rule 452 shall also apply to a member organization's member on the Floor, who may not execute a proprietary order at the same price, or at a better price, as an unexecuted customer order that he or she is representing, except to the extent the member organization itself could do so under this Rule.

.04 For purposes of paragraph (b) above, the term "account of an individual investor" shall mean an account covered by section 11(a)(1)(E) of the Securities Exchange Act of 1934. For purposes of paragraph (b)(1) above, the term "proprietary facilitation account" shall mean an account in which a member organization has a direct interest and which is used to record transactions whereby the member organization acquires positions in the

course of facilitating customer orders. Only those positions which are recorded in a proprietary facilitation account may be liquidated as provided in paragraph (b)(1). For purposes of paragraph (b)(2) and (b)(4) above, the terms "bona fide hedge", "bona fide arbitrage" and "risk arbitrage" shall have the meaning ascribed to such terms in Securities Exchange Act Release No. 15533, January 29, 1979. All transactions effected pursuant to paragraph (b)(4) above must be recorded in an arbitrage account.

.05 For purposes of paragraph (b)(2) above, a hedge will be deemed to be "clearly related" if either the first or last transaction comprising the hedge is executed on the same trade date as the transaction that precipitates such hedge. A member shall mark all memoranda of orders to identify each transaction creating or modifying a hedge as permitted under this Rule 452.

.06 A member who issues a commitment or obligation to trade from the Exchange through ITS or any other Application of the System shall, as a consequence thereof, be deemed to be initiating a purchase or sale of a security on the Exchange as referred to in this Rule 452.

* * * * *

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 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. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Phlx Rule 452, which provides limitations on members' trading because of customer orders. The proposed revision would bring the rule into conformity with New York Stock Exchange, Inc. ("NYSE") Rule 92, which was recently approved by the Commission.⁵ The proposed revision to Phlx Rule 452 would clarify the

⁵ See Securities Exchange Act Release No. 44139 (March 30, 2001), 66 FR 18339 (April 6, 2001) (SR-NYSE-94-34).

obligations of Exchange members regarding proprietary trading in instances where they or their member organization hold customer orders at the same or inferior prices.

In 1994, the NYSE proposed changes to NYSE Rule 92.⁶ According to the Phlx, these changes were meant to address various issues regarding an NYSE-member organization's trading when it was in possession of customer orders, including a member organization's regional specialist operations, block trading, arbitrage activity and hedge activity. The Commission approved the changes to NYSE Rule 92 in 2001.⁷ The revision would conform Phlx Rule 452 to NYSE Rule 92.⁸

Currently, sections (a) and (b) of Phlx Rule 452 contain the general prohibitions against trading ahead of customer market orders and customer limit orders, respectively. As revised, section (a) contains the general prohibitions against trading ahead of both customer market and limit orders.

The Exchange proposes to revise section (b) to create four exceptions to the general rule that may apply when the customer is not an individual investor and the customer knowingly consents: (1) Liquidation of a position held in a proprietary facilitation account so long as the customer's order is for 10,000 shares or more; (2) creation of a bona fide hedge under specified conditions; (3) modification of a bona fide hedge under certain conditions; and (4) engaging in bona fide arbitrage or risk arbitrage in an arbitrage account.

Section (c) currently contains two exceptions to the general rule; it does not apply: (i) To orders under 100 shares and (ii) when a customer order settles under different delivery terms than the proprietary order. As proposed, revised section (c) retains these two exceptions and adds the following two more: (1) It does not apply to transactions of a member organization's specialist unit on another exchange; and (2) it does not apply when transactions are made to correct bona fide errors.

Finally, the Supplementary Material currently contains a clarification that outbound Intermarket Trading System

⁶ See Securities Exchange Act Release No. 35139 (December 22, 1994), 60 FR 156 (January 3, 1995) (SR-NYSE-94-34).

⁷ See note 5 *supra*.

⁸ The Phlx had previously filed a proposed rule change, including several amendments, to conform Phlx Rule 452 to NYSE Rule 92, which was withdrawn in March, 2002. See Securities Exchange Act Release No. 37628 (September 3, 1996), 61 FR 47537 (September 9, 1996) (SR-Phlx-96-37).

("ITS")⁹ commitments are considered to be initiated from the Phlx floor. The Phlx retains the ITS clarification in Supplementary Material .06, and adds the following: (1) A Phlx member or member organization or employee thereof responsible for entering proprietary orders is presumed to have knowledge of any customer order held by the member organization unless the proper information barriers are in place; (2) this rule applies to series of transactions even if some of the transactions do not take place on the Phlx; (3) that a member on the Floor may only execute a proprietary order ahead in time of a customer order, to the extent that his member organization is permitted (*i.e.*, if the member organization is prohibited, then so is the member on the floor); (4) definitions of certain terms in the rule; and (5) procedures for utilizing the hedge exemption to the rule.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act¹⁰ in general, and furthers the objectives of section 6(b)(5) of the Act¹¹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and, in general, to protect investors and the public interest. The Phlx represents that the proposed rule change, as amended, balances fundamental investor protections with the requirements of evolving trading practices involving institutional investors and member firm proprietary trading operations. The limited types of transactions it would permit should promote just and equitable principles of trade. Many of these proprietary transactions should add liquidity to the market and help investors receive efficient execution of their orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will impose any inappropriate burden on competition.

⁹ See Phlx Rule 2001, Intermarket Trading System. The ITS Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 11Aa3-2 thereunder. See 15 U.S.C. 78k-1 and 17 CFR 240.11Aa3-2.

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change, as amended, has been filed by the Exchange pursuant to section 19(b)(3)(A) of the Act¹² and subparagraph (f)(6) of Rule 19b-4 thereunder.¹³ Consequently, because Phlx believes the foregoing rule change, as amended: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for thirty days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, and the Exchange has given the Commission written notice of its intention to file the proposed rule change at least five business days prior to the filing date, it has become effective pursuant to section 19(b)(3)(A) of the Act¹⁴ and Rule 19b-4 thereunder.¹⁵

At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change, as amended, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ 17 CFR 240.19b-4.

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-2003-32 and should be submitted by July 7, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁶

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03-15087 Filed 6-13-03; 8:45 am]

BILLING CODE 8010-01-P

SMALL BUSINESS ADMINISTRATION

RIN 3245-AE96

Small Business Technology Transfer Program Policy Directive

AGENCY: Small Business Administration.

ACTION: Notice of proposed policy directive.

SUMMARY: This document proposes revisions to the Small Business Technology Transfer (STTR) Program Policy Directive. The purpose of the Policy Directive is to provide guidance to participating Federal agencies for the general conduct of the STTR Program. This proposed Policy Directive reflects statutory amendments to the program. In addition, SBA proposes amendments to streamline and enhance the program.

DATES: Public comments on this proposed Policy Directive must be received on or before July 16, 2003.

ADDRESSES: Address all comments concerning this proposed Policy Directive to Maurice Swinton, Assistant Administrator for Technology, Office of Technology, Office of Government Contracting/Business Development, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416 or via email to technology@sba.gov.

FOR FURTHER INFORMATION CONTACT: Maurice Swinton, Assistant Administrator for the Office of Technology, at (202) 205-6450. You may also e-mail technology@sba.gov.

SUPPLEMENTARY INFORMATION: In 1992, Congress enacted the Small Business Technology Transfer Act of 1992 (STTR Act), Pub. L. 102-564 (codified at 15 U.S.C. 638). The STTR Act established the Small Business Technology Transfer Program (STTR Program) as a pilot

¹⁶ 17 CFR 200.30-3(a)(12).

program that requires Federal agencies with extramural budgets for research or research and development (R/R&D) in excess of \$1 billion per fiscal year to enter into funding agreements with small business concerns (SBCs) that engage in a collaborative relationship with a research institution. The purpose of the STTR Program is to stimulate a partnership of ideas and technologies between innovative SBCs and research institutions. The program assists the small business and research communities by developing commercially-viable technologies. The STTR Program is a phased process, uniform throughout the Federal government, of soliciting proposals and awarding funding agreements for R/R&D to meet stated agency needs or missions.

The STTR Act requires the U.S. Small Business Administration (SBA) to "issue a policy directive for the general conduct of the STTR Programs within the Federal government." 15 U.S.C. 638(p)(1). SBA published its first STTR Policy Directive in 1993 (58 FR 42607-42620, Aug. 10, 1993).

Congress has since amended the STTR Act, most recently with the enactment of the Small Business Technology Transfer Program Reauthorization Act of 2001 (Reauthorization Act), Pub. L. 107-50. The Reauthorization Act extends the STTR Program through September 30, 2009, and changes its status from a pilot program to a permanent one. In addition, the Reauthorization Act: clarifies STTR data rights pertaining to STTR Phase I, II, and III awards (*see* proposed Policy Directive, sections 4(c)(2), 8(b) and App. I, Instructions, section 5(d)(1)(iii)); requires the establishment of an STTR Program Government-accessible and a public-accessible database (*see* proposed Policy Directive, section 11(e)); requires participating agencies, beginning October 1, 2003, to increase the amount of their extramural budget to be reserved for the STTR Program from 0.15 percent to 0.3 percent (*see* proposed Policy Directive, section 2(d)); permits agencies, beginning October 1, 2003, to increase the dollar value of STTR Phase II awards from \$500,000 to \$750,000 (*see* proposed Policy Directive, section 7(i)(1)); and permits agencies to approve a shorter or longer duration of time for award performance, where appropriate for a particular project (*see* proposed Policy Directive, section 7(h)).

The Reauthorization Act also requires SBA to report to the Senate Committee on Small Business and Entrepreneurship and to the House Committees on Science and Small Business on the STTR Programs of the

Federal agencies and to specifically address the number of proposals received from, and the number and total amount of awards to, Historically Underutilized Business Zones (HUBZones) SBCs under the STTR Program. Further, the Reauthorization Act requires agencies to implement an outreach program to research institutions and SBCs for the purpose of enhancing its STTR Program, in conjunction with any such outreach done for purposes of the SBIR Program. The proposed Policy Directive addresses these requirements in sections 10(b)(5) and 9(a)(15), respectively.

In addition, the Reauthorization Act requires SBA to promulgate regulations establishing a single model agreement that allocates between SBCs and research institutions intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization. SBA notes that it plans to issue proposed regulations implementing a model agreement for the STTR Program in the near future. The Reauthorization Act requires agencies to adopt this model agreement. This requirement is noted in the proposed Policy Directive at section 9(a)(13).

Further, the Reauthorization Act amends the Federal and State Technology Partnership (FAST) Program to require the Administrator and the Small Business Innovation Research (SBIR) Program Managers to consider whether proposals submitted address the needs of SBCs owned and controlled by women, SBCs owned and controlled by minorities, and located in areas that have historically not participated in the SBIR and STTR Programs. SBA notes that section 12 of the SBIR Policy Directive (67 FR 60072, September 24, 2002) (also available at <http://www.sba.gov/sbir/indexsbir-sttr.html>) establishes guidance for the FAST Program as does the FAST Program Announcement, which can be found at <http://www.sba.gov/sbir/indexprograms.html>. Further, the Reauthorization Act requires SBA to promulgate regulations establishing standards for the consideration of proposals under FAST, including the standards previously listed. SBA is currently drafting these regulations. These regulations are being drafted and are not addressed in this proposed Policy Directive. However, it will be addressed in a separate rulemaking.

As previously discussed, SBA proposes amendments to the Policy Directive that address the Reauthorization Act's amendments. Further, SBA proposes several changes in this Policy Directive to simplify and

enhance the program. For example, SBA has organized the proposed Policy Directive into 11 self-explanatory sections: (1) Purpose; (2) Summary of Legislative Provisions; (3) Definitions; (4) Competitively Phased Structure of the Program; (5) Program Solicitation Process; (6) Eligibility and Application (Proposal) Requirements; (7) STTR Funding Process; (8) Terms of Agreement Under STTR Awards; (9) Responsibilities of STTR Participating Agencies and Departments; (10) Annual Report to SBA; and (11) Responsibilities of SBA. Two appendices are also included: (1) Instructions for STTR Program Solicitation Preparation; and (2) Tech-Net Data Fields for Public Database. In addition, SBA proposes the following substantive changes.

Section-by-Section Analysis

Section 1 of the Policy Directive sets forth the purpose of the program. SBA made only minor changes to this section.

Section 2 of the Policy Directive is a summary of legislative provisions. SBA proposes to set forth the Reauthorization Act's amendments, which are described in detail above. In addition, SBA proposes changes to address the use of the government-wide point of entry (GPE) for synopses of business opportunities. GPE has recently replaced the *Commerce Business Daily* as a means of synopses for business opportunities. The GPE, located at <http://www.fedbizopps.gov>, is the single point where government business opportunities greater than \$25,000, including synopses of proposed contract actions, solicitations, and associated information, can be accessed electronically by the public. In addition, no agency must issue its solicitation for at least 15 days from the date of the publication of the GPE. The agency may not establish a deadline for submission of proposals in response to a solicitation earlier than 30 days after the date on which the solicitation was issued.

Section 3 of the proposed Policy Directive sets forth definitions pertinent to the program. SBA proposes several new definitions.

SBA proposes to define the term "essentially equivalent work" to occur when substantially the same research is proposed for funding in more than one application or to more than one agency, or a research objective and design for accomplishing an objective are the same or closely related in two or more proposals. SBA understands that STTR Participants often submit duplicate proposals to more than one agency. However, the proposed Policy Directive precludes agencies from funding

essentially equivalent work in the STTR Program.

In addition, SBA proposes to define the term "feasibility" because it is used when discussing Phase I of the program. Specifically, the purpose of Phase I is to determine the scientific and technical merit and feasibility of a proposed effort and the quality of performance of the SBC with a relatively small agency investment before consideration of further Federal support in Phase II. SBA proposes to define "feasibility" to mean the practical extent to which a project can be performed successfully.

SBA also proposes a definition for the term "innovation" because the term is used throughout the Policy Directive. SBA proposes "innovation" to mean something new or improved, having marketable potential, including (1) development of new technologies, (2) refinement of existing technologies, or (3) development of new applications for existing technologies.

SBA proposes to define the term "intellectual property" to incorporate all of the separate and distinct types of intangible property, such as patents and trademarks. The proposed definition would also specifically include STTR technical data and all types of intangible assets either proposed or generated by an SBC as a result of its participation in the STTR Program. SBA proposes this definition because the term is used throughout the Policy Directive and is important to SBCs in terms of their rights in intellectual property developed pursuant to the STTR Program.

SBA proposes to define the term "joint venture" to mean an association of concerns with interests in any degree or proportion by way of contract, express or implied, consorting to engage in and carry out a single specific business venture for joint profit, for which purpose they combine their efforts, property, money, skill, or knowledge, but not on a continuing or permanent basis for conducting business generally. Further, for purposes of the STTR Program, a joint venture would be viewed as a business entity in determining power to control its management and would be eligible under the STTR Program provided that the entity created is small and each concern that is part of the joint venture qualifies as a SBC. SBA proposes this definition of joint venture because it is consistent with the definition of joint venture in the Federal Acquisition Regulations (FAR) and is appropriate for the program.

SBA proposes to define the terms "outcomes" and "outputs" because SBCs will report on such measures when describing their Phase II awards.

This information will be utilized in the government's Tech-Net database to help SBA and the Federal agencies assess the STTR Program. SBA proposes to define "outcomes" as the measures of long-term, eventual, program impact and the term "output" as the measures of near-term program impact.

SBA proposes to define the term "principal investigator/project manager" as the individual designated by the applicant to provide the scientific and technical direction to a project supported by the funding agreement. The principal investigator/project manager is a key person to the project and the Policy Directive sets forth several requirements for this person, *i.e.*, they must be identified in the proposal and may have employment with the SBC or collaborative research partner at the time of award and during the period of performance.

SBA proposes to define the term "prototype" to mean a model of something to be further developed, which includes designs, protocols, questionnaires, software, and devices. The term "prototype" is used in the definition of R/R&D, which provides that R/R&D includes a systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

SBA proposes revising the definition of "research institution." Currently, the definition provides that the institution must meet the requirements of a United States research organization. In the proposed definition, SBA further clarifies this requirement to mean that it must have a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor. SBA proposes this definition because SBCs have always been required to meet these requirements to receive the benefits of this program, and thus the same should apply to research institutions receiving STTR benefits.

SBA adds definitions for the terms "STTR Technical Data" and "STTR Technical Data Rights" and deletes the term "data rights." SBA proposes these definitions because the Reauthorization Act requires SBA to clarify data rights under the program. In addition, SBA has received many inquiries from SBCs concerning what data is actually protected under the STTR Program, and what rights business concerns have regarding their STTR developed

technologies. The proposed definition defines "STTR Technical Data" to include all data generated during the performance of an STTR award. The proposed definition defines "STTR Technical Data rights" as those rights obtained in data generated during the performance of any STTR Phase I, II, or III award that an awardee delivers to the Government during or upon completion of a Federally-funded project, and to which the Government receives a license.

Section 4 of the proposed Policy Directive sets forth information pertaining to Phases I, II and III of the STTR Program. SBA has amended the Policy Directive to state, at section 4(a)(2), that "proposals will be evaluated on a competitive basis and that agencies must give consideration to the scientific and technical merit and feasibility of the proposal along with its potential for commercialization. The Policy Directive also allows agencies to consider program balance or critical agency requirements.

In section 4(b), SBA proposes a provision relating to novation and successor-in-interests for Phase II. Specifically, the proposed provision would allow STTR awardees in Phase I, including those identified via a novated or successor in interest agreement, to participate in Phases II and III. SBA proposes this change because it understands that many agencies already allow this to occur and agrees with the concept. However, SBA is also proposing to permit agencies "to require the original awardee to relinquish its rights and interests in an STTR project in favor of another applicant as a condition for that applicant's eligibility to participate in the STTR Program for that project." In addition, all applicants and their proposed personnel and key supporting staff, must meet the eligibility and scientific and technical qualifications attendant to the STTR Program. Furthermore, SBA notes that it amends section 6(a)(4) to permit agencies to approve a change in principal investigator. Finally, although novated funding agreements are discussed in the proposed Policy Directive in the context of Phase II, the same applies to situations involving Phase I and III awards.

SBA proposes several amendments to the Policy Directive, set forth in section 4(c), which clarify the scope of Phase III. It is SBA's understanding that many agencies do not treat Phase III awards as STTR awards. Therefore, SBA proposes to further define a Phase III award as one that derives from, extends, or logically concludes efforts performed under prior STTR funding agreements,

but is funded by sources other than the STTR Program. In addition, SBA proposes to clarify that a Phase III award is by its nature an STTR award and therefore the awardee must be accorded STTR data rights. In addition, SBA proposes to clarify that even if a competition is held, if the awardee was a Phase II STTR awardee and the contract is for work that derives from, extends, or logically concludes that concern's work, the contract has STTR Phase III status and must provide for STTR data rights.

SBA proposes amending section 4(c)(1)(i) of the Policy Directive to clarify the issue of the practical impact a Phase III designation would have in cases where no Federal funding is expended. SBA has proposed a revision that would explain that the guidance in this Policy Directive regarding STTR Phase III pertains to non-STTR federally-funded work described and does not address the nature of private agreements the STTR firm may make in the commercialization of its technology.

SBA has proposed clarification in the Policy Directive (at section 4(c)(2)), which provides that an agency official may determine, using the criteria set forth in the Policy Directive as guidance, whether a contract or agreement is a Phase III award. SBA understands that it is currently not clear whether such officials have his authority.

In section 4(c)(3), SBA proposes clarification of whether and when a Justification and Approval (J&A) should be issued during Phase III. SBA believes that a procuring agency may restrict competition under the STTR Program to small businesses or a small business (if that is all that can perform the award) and is not required by statute to prepare a J&A. Consequently, SBA proposes that a J&A is not required to fund an STTR Phase III project, but if an agency wishes to prepare one, "it is sufficient to state for purposes of a Justification and Approval pursuant to FAR 6.302-5, that the project is a STTR Phase III award that is derived from, extends, or logically concludes efforts performed under prior STTR funding agreements and is authorized under 10 U.S.C. 2304(b)(2) or 41 U.S.C. 253(b)(2)."

Further, in section 4(c)(6), SBA proposes clarification that the small business size limits for Phase I and Phase II awards do not apply to Phase III awards. SBA believes that the intent of Congress and purpose of the program is that STTR firms should be encouraged, in Phase III, to develop and expand business applications of their STTR research with the desired outcome that new employment and

income are generated. The purpose of Phase III is to commercialize the innovation and help the SBC grow. Restricting Phase III to only SBCs might hinder the growth of STTR participants.

Section 5 of the proposed Policy Directive provides guidance on the program solicitation process and section 6 sets forth the eligibility and application requirements. SBA did not propose substantive changes to these sections.

Section 7 of the proposed Policy Directive outlines the SBIR funding process. The Reauthorization Act requires SBA to amend the Policy Directive and provide that beginning with Fiscal year 2004, agencies may approve a shorter or longer duration of time for award performance, where appropriate for a particular project. SBA's Policy Directive has always provided flexibility to the participating agencies and therefore the proposed Policy Directive still provides for this policy at section 7(h).

In section 7(i), SBA proposes a clarification to identify \$100,000 in Phase I and \$500,000 in Phase II as award amounts that generally may not be exceeded. SBA proposes that agencies may exceed these dollar levels where appropriate for a particular project, but must provide justification to SBA for doing so. SBA believes that this is consistent with the statute and legislative history and that flexibility is necessary to achieve success in projects that most likely would not be successful otherwise, such as drug discovery.

In that same section, SBA also proposes addressing a change made by the Reauthorization Act, which provides that beginning October 1, 2003, a Phase II award may not generally exceed \$750,000.

Section 8 of the proposed Policy Directive sets forth the terms of agreement under STTR awards. The Reauthorization Act specifically requires SBA to clarify the rights in data that apply in Phases I, II, and III. Thus, in section 8(b), SBA proposes clarification that agencies are required by statute to protect STTR data rights developed from Phases I, II, and III awards, including subcontracts to such awards, for a period of at least 4 years from the last deliverable under that award. In addition, SBA proposes a provision that agencies can not condition a Phase III award on a concern giving up its STTR data rights. Likewise, the proposed Policy Directive clarifies that STTR data rights can not be negotiated or diminished by the funding agency. Further, the proposed Policy Directive prohibits the negotiation for STTR data rights before

awarding an STTR funding agreement. SBA proposes that negotiations with the STTR awardee regarding intellectual property rights must be via a separate agreement, made without pressure or coercion by the agency or any other party.

SBA added clarifying sentences to section 8(b)(2) of the Policy Directive that state: "For example, if a Phase III award is issued within or after the Phase II data rights protection period and the Phase III award refers to and protects data developed and protected under the Phase II award, then that data must continue to be protected through the Phase III protection period. Agencies have discretion to adopt a protection period longer than 4 years. The government retains a royalty-free license for government use of any technical data delivered under an STTR award, whether patented or not. This section does not apply to program evaluation."

SBA also proposes clarifying that any data developed under a Phase III funding agreement must be protected by STTR data rights. Any data developed under Phase I, II, or III continues to be protected for a period of at least 4 years from delivery of the last deliverable under that award. The Policy Directive clarifies that although agencies are released from obligation to protect STTR data upon expiration of the protection period, any such data that is also protected and referenced under a subsequent STTR award agreement must remain protected through the protection period of that subsequent STTR award agreement. For example, if a Phase III award that is issued within the Phase II data rights protection period refers to and protects the data developed and protected under the Phase II award, then that data must continue to be protected through the Phase III protection period.

Section 9 of the proposed Policy Directive outlines the responsibilities of SBIR Participating Agencies and Departments. In section 9(a)(5), SBA proposes that agencies must collect and maintain information from awardees and provide it to SBA so that SBA may develop and maintain the Technology Resources Network (Tech-Net) Database, which is described in detail in section 11(e) of this proposed Policy Directive. The Tech-Net Database is a requirement of the Reauthorization Act.

In section 9(a)(11), SBA also proposes that agencies must report those instances where a follow-on award with non-STTR funds was issued to a concern other than the STTR awardee that developed the technology to be pursued under the follow-on award. The statute and legislative history evidence

that the intent of the program is to help small businesses grow through commercialization in Phase III. Therefore, when agencies make follow-on awards to a concern other than the one that received the Phase I and II award, this should be reported to Congress.

The Reauthorization Act amended the STTR Program to require that agencies adopt the model agreement developed by SBA for allocating intellectual property between STTR awardees and research institutions to carry out follow-on research, development or commercialization. SBA proposes this requirement in the Policy Directive at section 9(a)(13).

The Small Business Act requires that agencies develop, in consultation with the Office of Federal Procurement Policy and the Office of Government Ethics, procedures to ensure that Federally-funded research and development centers that participate in STTR agreements are free from organizational conflicts of interests relative to the STTR Program; do not use privileged information gained through work performed for an STTR agency or private access to STTR agency personnel in the development of an STTR proposal; and use outside peer review as appropriate. SBA proposes these requirements in the proposed Policy Directive at section 9(a)(14).

The Reauthorization Act amended the STTR Program to require agencies to implement an outreach program to research institutions and SBCs in conjunction with any such outreach done for purposes of the SBIR Program to increase participation in and enhance the STTR Program. SBA has set forth this requirement in the proposed Policy Directive at section 9(a)(15).

In section 9(c)(2), SBA proposes to preclude agencies from allowing the funding agreement to include a provision subcontracting any portion of the STTR award back to the issuing agency or to any other Federal governmental unit. This mirrors a similar provision for the SBIR program that has been in effect since 1997. SBA believes that this restriction is necessary to avoid real and apparent conflicts of interest in STTR proposal evaluation and selection. SBA notes that this proposal will not restrict the use of Federal laboratory facilities by STTR awardees for STTR project work. It may only prohibit the use of STTR award funds to pay for Federal laboratory resources. In addition, SBA proposes a case-by-case waiver to this provision.

Section 10 of the proposed Policy Directive addresses each participating agency's annual report to SBA. The

proposed Policy Directive outlines the substance of the report, and explains when it is due and to whom. The Reauthorization Act amended the STTR Program to require that agencies identify, for both Phase I and Phase II, the number of proposals received from, and the number and total amount of awards to, HUBZone SBCs. HUBZones are specifically defined as areas of high unemployment and low income. Therefore, these locations would benefit economically from technology growth in the community. In addition, Congress believes that tracking awards to these businesses will aid in evaluating the FAST Program. The proposed Policy Directive addresses this requirement at section 10(b)(5).

Section 11 of the proposed Policy Directive addresses SBA's responsibilities. Section 11(e) contains several proposals addressing the Reauthorization Act's Tech-Net Databases. The SBA's Office of Technology, as functional program manager for the STTR and the SBIR Programs, is required to collect and report to the Congress information regarding awards made to SBCs by each Federal agency participating in these programs. SBA will maintain two databases to meet this requirement.

SBA proposes a public Tech-Net Database that is a searchable, up-to-date, electronic database, which includes information on each SBC that has received an STTR or SBIR Phase I or Phase II award from a Federal agency. Specifically, it will include a description of the Phase I or II award; identification of any business concern or subsidiary established for the commercial application of a product or service for which an STTR award is made; and information regarding mentors and mentoring networks.

In addition, the Reauthorization Act specifically requires information pertaining to: whether the SBC or the research institution initiated their collaboration on the project; whether the SBC or the research institution originated any technology relating to the project; the length of time it took to negotiate any licensing agreement between the SBC and the research institution; and the percentage allocated between the SBC and the research institution of the proceeds from commercialization, marketing, or sale of technology resulting from the project. The collection of this information is set forth in section 11(e)(9)(v) of the proposed Policy Directive.

SBA also proposes a government Tech-Net Database that SBA, in consultation with the Federal agencies participating in the STTR and the SBIR

Programs, will develop and maintain. The purpose of the government Tech-Net Database is to maintain information useful for evaluating the program. SBA proposes that for each Phase II award, the database contains: information on revenue from the sale of new products or services resulting from the research conducted under each Phase II award; information on additional investment from any source, other than Phase I or Phase II STTR or SBIR awards, to further the research and development conducted under each Phase II award; and any other information received in connection with the award that the Administrator, in conjunction with the STTR Program Managers of the participating agencies, considers relevant and appropriate. Pursuant to an amendment made by the Reauthorization Act, SBA also proposes a paragraph stating that information provided to this government Tech-Net Database is privileged and confidential and not subject to disclosure pursuant to 5 U.S.C. 552 and shall not be considered to be publication for purposes of 35 U.S.C. 102 (a) or (b).

SBA proposes revisions to its "Instructions for STTR Program Solicitation Preparation," which are set forth in Appendix I. Currently, the Policy Directive requires that for both Phase I and Phase II, the R/R&D work must be performed in the United States. SBA proposes that based on a rare and unique circumstance, for example, a supply or material or other item or project requirement that is not available in the United States, agencies may allow that particular portion of the R/R&D work to be performed or obtained in a country outside of the United States. The proposal requires approval by the funding agreement officer for such specific conditions to be in writing.

Finally, SBA proposes to list the data fields for the public Tech-Net Database in Appendix II.

Paperwork Reduction Act

SBA has determined that this rule imposes additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., chapter 35. Specifically, the Reauthorization Act amended the Small Business Act to require the creation of a public and Government database on the SBIR and STTR Programs. According to the statute, the public database will include the name, size, location and an identifying number of each SBC that has received a Phase I or II STTR award from a Federal agency; a description of each Phase I or II award received by that SBC, including an abstract, the name of the Federal agency

making the award, and the date and amount of the award; the identification of any business concern or subsidiary established for the commercial application of a product or service for which an STTR award is made; and information regarding mentors and mentoring networks.

For purposes of the STTR Program, the public database will also include: Whether the SBC or research institution initiated the collaboration; whether the SBC or research institution originated any technology relating to the STTR project; the length of time it took to negotiate any licensing agreement between the SBC and research institution; and how the proceeds from commercialization, marketing, or sale of technology resulting from each STTR project were allocated between the SBC and research institution. In addition, the Small Business Act now requires the creation of a government database that will contain the following information for each Phase II award: Information on revenue from the sale of new products or services resulting from the research conducted under the award; information on additional investment from any source, other than Phase I or II STTR awards, to further the research and development conducted under the award; and any other information received in connection with the award that the Administrator and STTR Program managers consider relevant and appropriate. The government database will also include narrative information that a SBC receiving a Phase II award voluntarily submits to further describe the outputs and outcomes of its awards and for each applicant that does not receive a Phase II award, the name, size and location of the applicant, an abstract of the project and the Federal agency to which the application was made. Finally, the government database may also include any other data collected by or available to any Federal agency that such agency considers useful for SBIR program evaluation purposes.

In response to this statutory requirement, in section 9(a)(6), the Policy Directive proposes that Federal agencies to collect or maintain this information from awardees and provide it to SBA. In addition, as required by the statute, the Policy Directive proposes that a SBC receiving a Phase II award to update information in the database concerning that award. Further, as also required by statute, the SBC receiving a Phase II award shall be requested to voluntarily update such information annually for a period of five years.

Thus, the Policy Directive outlines the information SBA is required to collect

from the STTR agencies, who in turn collect some of this data from Phase I and II awardees (some of the data is already available to the agencies). Although the statute requires the collection of certain information from the agencies and STTR Phase I and II awardees, it also provides discretion to collect data SBA and the agencies deem relevant. SBA is currently in the process of developing the Tech-Net databases, which will house this information, and determining what information not prescribed specifically by statute may be relevant to the program.

SBA welcomes comments on this proposed Policy Directive and will revise the Policy Directive as necessary to improve the general conduct of the STTR Program based upon comments received. Specifically, we request comments on two sections of the proposed Policy Directive implementing the new statute: (1) The requirement in section 11(e)(9)(v) for certain additional data to the STTR public-accessible database regarding the SBC and its cooperative research institution, and (2) the requirement in section 11(e)(11)(iii) that information provided to the STTR government-accessible database is privileged, confidential, and not subject to the Freedom of Information Act.

Title: Technology Resources Network (Tech-Net) (No SBA Form Number).

Summary: The Tech-Net database is a searchable, up-to-date, electronic database that includes the name, size, location, funding agreement number and identification number assigned by the Administrator of each Small Business Concern (SBC) that has received an STTR Phase I or Phase II award from a Federal agency. A description of each STTR Phase I or Phase II award received by the SBC including an abstract of the project funded by the award, excluding any proprietary information so identified by the awardee, the Federal agency making the award and the date and amount of the award. An identification of any business concern or subsidiary established for the commercial application of a product or service for which an STTR award is made, and information regarding mentors and mentoring networks, as required in the Federal and State Technology (FAST) Partnership Program established under section 35(d) of the Act and described on the SBA's Internet site at <http://www.sba.gov/sbir/indexfast.html>. With respect to assistance under the STTR Program (as required under section 9(k)(1) of the Act) the database will also contain information on whether the SBC or the research institution initiated their collaboration on each assisted STTR

project; whether the SBC or the research institution originated any technology relating to the assisted STTR project; the length of time it took to negotiate any licensing agreement between the SBC and the research institution under each assisted STTR project, and the percentage allocated between the SBC and the research institution of the proceeds from commercialization, marketing, or sale of technology resulting from each assisted STTR project. Furthermore, the SBA, in consultation with the Federal agencies participating in the STTR Program, has developed and maintains a secure database that contains for each Phase II award, information on revenue from the sale of new products or services resulting from the research conducted under each Phase II award; information on additional investment from any source, other than Phase I or Phase II STTR or SBIR awards, to further the research and development conducted under each Phase II award; and any other information received in connection with the award that the Administrator, in conjunction with the STTR Program managers of the participating agencies, considers relevant and appropriate.

Need and Purpose: The database information will be used solely for program evaluation purposes by the Federal government or, in accordance with the Policy Directive issued by SBA, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal government covering the use of the database. This collection of information pertains to the creation of a public and a government database for the STTR Program, as required by Pub. L. 107-50. SBA has determined that this law imposes additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., chapter 35. The continued need to have current information on the STTR awards will have a tremendous impact on the periodic program evaluation. Therefore, voluntary update by the SBC on all completed STTR Phase II awards for a period of five years will assist the Federal government in maintaining current and accurate information on each award, as well as any other data collected by or available to any Federal agency that such agency considers useful for STTR Program evaluation purposes.

Description of Respondents: All SBCs receiving a STTR Phase I or II award as outlined in Pub. L. 107-50, which states that any small business receiving a STTR award from any of the participating STTR Federal agencies

must be included in the database data collection effort.

SBA estimates the burden of this collection of information as follows:

(i) Approximately 300 concerns receive STTR Phase I and II awards each year. Each concern will be asked to complete the survey and voluntarily update such information annually for a period of 5 years.

(ii) SBA estimates that each respondent will require approximately .5 hour to complete the survey, for a total annual hour burden of 150 (300 times .5 equals 150).

(iii) The estimated annualized cost to respondents for the hour burden for collection of information should not be large as the information requested is kept in the ordinary course of business. A financial officer of the small business concern will likely input this information. SBA has assumed that the officer's pay is equal to a GS-14, step 1 in the Washington, DC area, which makes \$37.50/hour. Assuming this survey takes .5 hours to complete, then the estimated annualized cost to respondents is \$18.75 (\$37.50 times .5 equals \$18.75).

(iv) The total annual estimated cost includes the data that will be collected for the Government database.

SBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of SBA's responsibilities and functions under the STTR Program, including whether the information will have a practical utility; (2) the accuracy of SBA's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Notice of Proposed Policy Directive; Small Business Technology Transfer Program

To: The Small Business Technology Transfer Program Directors.

Subject: Small Business Technology Transfer Program Reauthorization Act of 2001—Amendments to the Small Business Technology Transfer (STTR) Program.

1. *Purpose.* Section 9(p) of the Small Business Act (15 U.S.C. 638) (as amended by Public Law 107-50) requires the Administrator of the U.S. Small Business Administration (SBA) to modify its Small Business Technology

Transfer (STTR) Program Policy Directive, issued for the general conduct of the STTR Program.

2. *Authority.* This Policy Directive is issued pursuant to 15 U.S.C. 638(p).

3. *Procurement Regulations.* It is recognized that the Federal Acquisition Regulations may need to be modified to conform to the requirements of the Reauthorization Act and the final Policy Directive. SBA's Administrator or designee must review and concur with any regulatory provisions that pertain to areas of SBA responsibility. SBA's Office of Technology coordinates such regulatory actions.

4. *Personnel Concerned.* This Policy Directive serves as guidance for all Federal government personnel who are involved in the administration of the STTR Program, issuance and management of funding agreements or contracts pursuant to the STTR Program, and the establishment of goals for small business concerns in research or research and development acquisition or grants.

5. *Originator.* SBA's Office of Technology, Office of Government Contracting, Office of Government Contracting and Business Development.

6. *Date.* A final Policy Directive will be effective when published in the **Federal Register**.

Fred C. Armendariz,

Associate Deputy Administrator, Government Contracting/Business Development, Small Business Administration.

Hector V. Barreto,

Administrator, Small Business Administration.

Small Business Technology Transfer (STTR) Program; Draft Policy Directive

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1. Purpose

(a) Section 9(p) of the Small Business Act (Act) requires that the Small Business Administration (SBA) issue an

STTR Program Policy Directive for the general conduct of the STTR Program within the Federal government.

(b) This Policy Directive fulfills SBA's statutory obligation to provide guidance to the participating Federal agencies for the general operation of the STTR Program. Additional or modified instructions may be issued by the SBA as a result of public comment or experience.

(c) The purpose of the STTR Program is to stimulate a partnership of ideas and technologies between innovative small business concerns (SBCs) and research institutions through Federally-funded research or research and development (R/R&D). By providing awards to SBCs for cooperative R/R&D efforts with research institutions, the STTR Program assists the small business and research communities by commercializing innovative technologies.

(d) Federal agencies participating in the STTR Program (STTR agencies) are obligated to follow the guidance provided by this Policy Directive. Each agency is required to review its rules, policies, and guidance on the STTR Program to ensure consistency with this Policy Directive and to make any necessary changes in accordance with each agency's normal procedures. This is consistent with the statutory authority provided to the SBA concerning the STTR Program.

2. Summary of Legislative Provisions

(a) The Small Business Technology Transfer Program Reauthorization Act of 2001, Public Law 107-50, amended section 9 of the Act (15 U.S.C. 638).

(1) The amendments:

(i) Continue the STTR Program through September 30, 2009;

(ii) Clarify data rights pertaining to STTR Phase I, Phase II, and Federally-funded Phase III awards.

(iii) Establish databases—one for the public and one for government use—to collect and maintain in a common format information that is necessary to assist SBCs and assess the STTR Program.

(b) Each Federal agency with an extramural budget for R/R&D in excess of \$1,000,000,000 must participate in the STTR Program.

(c) The statutory requirements establish a uniform, simplified process for the operation of the STTR Program while allowing the STTR agencies flexibility in the operation of their individual STTR Program. This Policy Directive fulfills the Congressional intent to minimize regulatory burden in the conduct of this program.

(d) Each STTR agency must establish an STTR Program by reserving, through September 30, 2003, not less than 0.15 percent of its extramural budget, and beginning October 1, 2003, reserving not less than 0.3 percent of such budget, for awards to SBCs for cooperative R/R&D through the following uniform, three-phase process:

(1) Phases I and II: These phases help STTR agencies meet R/R&D and commercialization objectives through funding agreements.

(2) Phase III. This phase, where appropriate, helps Federal agencies participating in the STTR Program by:

(i) Providing Federal agencies the benefits of commercial applications derived from the cooperative conduct of Government-funded R/R&D which stimulates technological innovation and enhances the national return on investment from R/R&D,

(ii) Providing STTR awardees access to the Federal market through non-STTR funding agreements; and

(iii) Providing STTR awardees access to private sector markets to stimulate economic growth and create jobs.

(e) The Act directs each STTR agency to report annually to SBA. The Act also requires SBA to obtain annual reports and monitor each agency's STTR Program and to report these findings annually to the Senate Committee on Small Business and Entrepreneurship and to the House Committees on Science and Small Business.

(f) The competition requirements of the Armed Services Procurement Act of 1947 (10 U.S.C. 2302 *et seq.*) and the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 *et seq.*) must be read in conjunction with the procurement notice publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)). The following notice publication requirements of section 8(e) of the Small Business Act apply to STTR agencies using contracts as a STTR funding agreement:

(1) Any Federal executive agency intending to solicit a proposal to contract for property or services valued above \$25,000 must transmit a notice of the impending solicitation to the government-wide point of entry (GPE) for access by interested sources. See FAR 5.201. The GPE, located at <http://www.fedbizopps.gov>, is the single point where government business opportunities greater than \$25,000, including synopses of proposed contract actions, solicitations, and associated information, can be accessed electronically by the public. In addition, no agency must issue its solicitation for at least 15 days from the date of the

publication of the GPE. The agency may not establish a deadline for submission of proposals in response to a solicitation earlier than 30 days after the date on which the solicitation was issued.

(2) The contracting officer must generally make available through the GPE those solicitations synopsized through the GPE, including specifications and other pertinent information determined necessary by the contracting officer. See FAR 5.102.

(3) Any executive agency awarding a contract for property or services valued at more than \$25,000 must submit a synopsis of the award through the GPE if a subcontract is likely to result from such contract. See FAR 5.301.

(4) The following are exemptions from the notice publication requirements:

(i) In the case of agencies intending to solicit Phase I proposals for contracts in excess of \$25,000, the head of the agency may exempt a particular solicitation from the notice publication requirements if that official makes a written determination, after consulting with the Administrator of the Office of Federal Procurement Policy and the SBA Administrator, that it is inappropriate or unreasonable to publish a notice before issuing a solicitation.

(ii) The STTR Phase II award process is exempt.

(iii) The STTR Phase III award process is exempt.

3. Definitions

(a) *Act*. The Small Business Act (15 U.S.C. 631 *et seq.*), as amended.

(b) *Applicant*. The organizational entity that, at the time of award, will qualify as a SBC and that submits a contract proposal or a grant application for a funding agreement under the STTR Program.

(c) *Affiliate*. This term has the same meaning as set forth in 13 CFR part 121—Small Business Size Regulations, § 121.103, What is affiliation?

(d) *Awardee*. The organizational entity receiving an STTR Phase I, Phase II, or Phase III award.

(e) *Commercialization*. The process of developing marketable products or services and producing and delivering products or services for sale (whether by the originating party or by others) to government or commercial markets.

(f) *Cooperative Agreement*. A financial assistance mechanism used when substantial Federal programmatic involvement with the awardee during performance is anticipated by the issuing agency. The Cooperative Agreement contains the responsibilities and respective obligations of the parties.

(g) *Cooperative Research and Development*. R/R&D conducted jointly by a SBC and a research institution in which not less than 40 percent of the work is performed by the SBC, and not less than 30 percent of the work is performed by the single, partnering research institution.

(h) *Essentially Equivalent Work*. This occurs when (1) substantially the same research is proposed for funding in more than one contract proposal or grant application submitted to the same Federal agency; (2) substantially the same research is submitted to two or more different Federal agencies for review and funding consideration; or (3) a specific research objective and the research design for accomplishing an objective are the same or closely related in two or more proposals or awards, regardless of the funding source.

(i) *Extramural Budget*. The sum of the total obligations for R/R&D minus amounts obligated for R/R&D activities by employees of a Federal agency in or through government-owned, government-operated facilities. For the Agency for International Development, the "extramural budget" must not include amounts obligated solely for general institutional support of international research centers or for grants to foreign countries. For the Department of Energy, the "extramural budget" must not include amounts obligated for atomic energy defense programs solely for weapons activities or for naval reactor programs.

(j) *Feasibility*. The practical extent to which a project can be performed successfully.

(k) *Federal Agency*. An executive agency as defined in 5 U.S.C. 105, or a military department as defined in 5 U.S.C. 102, except that it does not include any agency within the Intelligence Community as defined in Executive Order 12333, Section 3.4(f), or its successor orders.

(l) *Funding Agreement*. Any contract, grant, or cooperative agreement entered into between any Federal agency and any SBC for the performance of experimental, developmental, or research work, including products or services, funded in whole or in part by the Federal government.

(m) *Funding Agreement Officer*. A contracting officer, a grants officer, or a cooperative agreement officer.

(n) *Grant*. A financial assistance mechanism providing money, property, or both to an eligible entity to carry out an approved project or activity. A grant is used whenever the Federal agency anticipates no substantial programmatic involvement with the awardee during performance.

(o) *Innovation*. Something new or improved, having marketable potential, including (1) development of new technologies, (2) refinement of existing technologies, or (3) development of new applications for existing technologies.

(p) *Intellectual Property*. The separate and distinct types of intangible property that are referred to collectively as "intellectual property," including but not limited to: patents, trademarks, copyrights, trade secrets, STTR technical data (as defined in this section), ideas, designs, know-how, business, technical and research methods, other types of intangible business assets, and all types of intangible assets either proposed or generated by an SBC as a result of its participation in the STTR Program.

(q) *Joint Venture*. An association of concerns with interests in any degree or proportion by way of contract, express or implied, consorting to engage in and carry out a single specific business venture for joint profit, for which purpose they combine their efforts, property, money, skill, or knowledge, but not on a continuing or permanent basis for conducting business generally. A joint venture is viewed as a business entity in determining power to control its management.

(r) *Outcomes*. The measures of long-term, eventual, program impact.

(s) *Outputs*. The measures of near-term program impact.

(t) *Principal Investigator/Project Manager*. The one individual designated by the applicant to provide the scientific and technical direction to a project supported by the funding agreement.

(u) *Program Solicitation*. A formal solicitation for proposals whereby a Federal agency notifies the small business community of its R/R&D needs and interests in broad and selected areas, as appropriate to the agency, and requests proposals from SBCs in response to these needs and interests. Announcements in the **Federal Register** or the GPE are not considered an STTR Program solicitation.

(v) *Prototype*. A model of something to be further developed, which includes designs, protocols, questionnaires, software, and devices.

(w) *Research or Research and Development (R/R&D)*. Any activity that is:

(1) A systematic, intensive study directed toward greater knowledge or understanding of the subject studied;

(2) A systematic study directed specifically toward applying new knowledge to meet a recognized need; or

(3) A systematic application of knowledge toward the production of

useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

(x) *Research Institution*. One that has a place of business located in the United States, which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor, and is:

(1) A non-profit institution as defined in section 4(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (that is, an organization that is owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual) and includes non-profit medical and surgical hospitals; or

(2) A Federally-funded R&D center as identified by the National Science Foundation in accordance with the government-wide Federal Acquisition Regulation issued in accordance with section 35(c)(1) of the Office of Federal Procurement Policy Act (or any successor regulation thereto).

(y) *Small Business Concern*. A concern that, on the date of award for both Phase I and Phase II funding agreements:

(1) Is organized for profit, with a place of business located in the United States, which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials or labor;

(2) Is in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture, there can be no more than 49 percent participation by foreign business entities in the joint venture;

(3) Is at least 51 percent owned and controlled by one or more individuals who are citizens of, or permanent resident aliens in, the United States, except in the case of a joint venture, where each entity to the venture must be 51 percent owned and controlled by one or more individuals who are citizens of, or permanent resident aliens in, the United States; and

(4) Has, including its affiliates, not more than 500 employees.

(z) *Socially and Economically Disadvantaged SBC*. See 13 CFR part 124—8(A) Business Development/Small Disadvantaged Business Status Determinations, §§ 124.103 (Who is

socially disadvantaged?) and 124.104 (Who is economically disadvantaged?).

(aa) *STTR Participants*. Business concerns that have received STTR awards or that have submitted STTR proposals/applications.

(bb) *STTR Technical Data*. All data generated during the performance of an STTR award.

(cc) *STTR Technical Data Rights*. The rights an SBC obtains in data generated during the performance of any STTR Phase I, Phase II, or Phase III award that an awardee delivers to the government during or upon completion of a Federally-funded project, and to which the government receives a license.

(dd) *Subcontract*. Any agreement, other than one involving an employer-employee relationship, entered into by an awardee of a funding agreement calling for supplies or services for the performance of the original funding agreement.

(ee) *United States*. The 50 states, the territories and possessions of the Federal government, the Commonwealth of Puerto Rico, the District of Columbia, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(ff) *Women-Owned SBC*. A SBC that is at least 51 percent owned by one or more women, or in the case of any publicly owned business, at least 51 percent of the stock is owned by women, and women control the management and daily business operations.

4. Competitively Phased Structure of the Program

The STTR Program is a phased process, uniform throughout the Federal government, of soliciting proposals and awarding funding agreements for R/R&D, production, services, or any combination, to meet stated agency needs or missions. In order to stimulate and foster scientific and technological innovation, including increasing commercialization of Federal R/R&D, the program must follow a uniform competitive process of the following three phases:

(a) *Phase I*. Phase I involves a solicitation of contract proposals or grant applications (hereinafter referred to as proposals) to conduct feasibility-related experimental or theoretical R/R&D related to described agency requirements. These requirements, as defined by agency topics contained in a solicitation, may be general or narrow in scope, depending on the needs of the agency. The object of this phase is to determine the scientific and technical merit and feasibility of the proposed effort and the quality of performance of

the SBC with a relatively small agency investment before consideration of further Federal support in Phase II.

(1) Several different proposed solutions to a given problem may be funded.

(2) Proposals will be evaluated on a competitive basis. Agency criteria used to evaluate STTR proposals must give consideration to the scientific and technical merit and feasibility of the proposal along with its potential for commercialization. Considerations may also include program balance or critical agency requirements.

(3) Agencies may require the submission of a Phase II proposal as a deliverable item under Phase I.

(b) *Phase II.* The object of Phase II is to continue the R/R&D effort from the completed Phase I. Only STTR awardees in Phase I are eligible to participate in Phases II and III. This includes those awardees identified via a "novated" or "successor in interest" or similarly-revised funding agreement, or those that have reorganized with the same key staff, regardless of whether they have been assigned a different tax identification number. Agencies may require the original awardee to relinquish its rights and interests in an STTR project in favor of another applicant as a condition for that applicant's eligibility to participate in the STTR Program for that project.

(1) Funding shall be based upon the results of Phase I and the scientific and technical merit and commercial potential of the Phase II proposal. Phase II awards may not necessarily complete the total research and development that may be required to satisfy commercial or Federal needs beyond the STTR Program. The Phase II funding agreement with the awardee may, at the discretion of the awarding agency, establish the procedures applicable to Phase III agreements. The government is not obligated to fund any specific Phase II proposal.

(2) The STTR Phase II award decision process requires, among other things, consideration of a proposal's commercial potential. Commercial potential includes the potential to transition the technology to private sector applications, government applications, or government contractor applications. Commercial potential in a Phase II proposal may be evidenced by:

(i) The SBC's record of successfully commercializing STTR or other research;

(ii) The existence of Phase II funding commitments from private sector or other non-STTR funding sources;

(iii) The existence of Phase III, follow-on commitments for the subject of the research; and

(iv) Other indicators of commercial potential of the idea.

(c) *Phase III.* STTR Phase III refers to work that derives from, extends, or logically concludes effort(s) performed under prior STTR funding agreements, but is funded by sources other than the STTR Program. Phase III work is typically oriented towards commercialization of STTR research or technology.

(1) Each of the following types of activity constitutes STTR Phase III work:

(i) Commercial application of STTR-funded R/R&D financed by non-Federal sources of capital (**Note:** The guidance in this Policy Directive regarding STTR Phase III pertains to the non-STTR federally-funded work described in (ii) and (iii) below. It does not address the nature of private agreements the STTR firm may make in the commercialization of its technology.);

(ii) STTR-derived products or services intended for use by the Federal government, funded by non-STTR sources of Federal funding;

(iii) Continuation of R/R&D that has been competitively selected using peer review or scientific review criteria, funded by non-STTR Federal funding sources.

(2) A Phase III award is, by its nature, an STTR award, has STTR status, and must be accorded STTR data rights. (See section 8(b)(2) regarding the protection period for data rights.) If an STTR awardee wins a competition for work that derives from, extends, or logically concludes that firm's work under a prior STTR funding agreement, then the funding agreement for the new, competed, work must have all STTR Phase III status and data rights. A Federal agency may enter into a Phase III STTR agreement at any time with a Phase II awardee. Similarly, a Federal agency may enter into a Phase III STTR agreement at any time with a Phase I awardee. An agency official may determine, using the criteria set forth in the Directive as guidance, whether a contract or agreement is a Phase III award.

(3) The competition for STTR Phase I and Phase II awards satisfies any competition requirement of the Armed Services Procurement Act, the Federal Property and Administrative Services Act, and the Competition in Contracting Act. Therefore, an agency that wishes to fund an STTR Phase III project is not required to conduct another competition in order to satisfy those statutory provisions. As a result, in conducting

actions relative to a Phase III STTR award, it is sufficient to state for purposes of a Justification and Approval pursuant to FAR 6.302-5, that the project is a STTR Phase III award that is derived from, extends, or logically concludes efforts performed under prior STTR funding agreements and is authorized under 10 U.S.C. 2304(b)(2) or 41 U.S.C. 253(b)(2).

(4) The Phase III work may be for products, production, services, R/R&D, or any combination thereof.

(5) There is no limit on the number, duration, type, or dollar value of Phase III awards made to a business concern. There is no limit on the time that may elapse between a Phase I or Phase II award and Phase III award, or between a Phase III award and any subsequent Phase III award.

(6) The small business size limits for Phase I and Phase II awards do not apply to Phase III awards.

(7) For Phase III, Congress intends that agencies or their government-owned, contractor-operated facilities, Federally-funded research and development centers, or government prime contractors that pursue R/R&D or production developed under the STTR Program, give preference, including sole source awards, to the awardee that developed the technology. In fact, the Act requires reporting to SBA of all instances in which the agency pursues research, development, or production of a technology developed by an STTR awardee, with a concern other than the one that developed the STTR technology. (See section 4(c)(8) immediately below for agency notification to SBA prior to award of such a funding agreement and section 9(a)(11) regarding agency reporting of the issuance of such award.) SBA will report such instances, including those discovered independently by SBA, to Congress.

(8) For Phase III, agencies, their government-owned, contractor-operated facilities, or Federally-funded research and development centers, that intend to pursue R/R&D, production, services or any combination thereof of a technology developed by an STTR awardee of that agency, with an entity other than that STTR awardee, must notify SBA in writing prior to such an award. This notice requirement also applies to technologies of STTR awardees with STTR funding from two or more agencies where one of the agencies determines to pursue the technology with an entity other than that awardee. This notification must include, at a minimum: (a) The reasons why the follow-on award with the STTR awardee is not practicable; (b) the identity of the

entity with which the agency intends to make an award to perform research, development, or production; and (c) a description of the type of funding award under which the research, development, or production will be obtained. SBA may appeal the decision to the head of the contracting activity. If SBA decides to appeal the decision, it must file a notice of intent to appeal with the contracting officer no later than 5 business days after receiving the agency's notice of intent to make award. Upon receipt of SBA's notice of intent to appeal, the contracting officer must suspend further action on the acquisition until the head of the contracting activity issues a written decision on the appeal. The contracting officer may proceed with award if he or she determines in writing that the award must be made to protect the public interest. The contracting officer must include a statement of the facts justifying that determination and provide a copy of its determination to SBA. Within 30 days of receiving SBA's appeal, the head of the contracting activity must render a written decision setting forth the basis of his or her determination.

5. Program Solicitation Process

(a) At least annually, each agency must issue a program solicitation that sets forth a substantial number of R/R&D topics and subtopic areas consistent with stated agency needs or missions. Both the list of topics and the description of the topics and subtopics must be sufficiently comprehensive to provide a wide range of opportunities for SBCs to participate in the agency R/R&D programs. Topics and subtopics must emphasize the need for proposals with advanced concepts to meet specific agency R/R&D needs. Each topic and subtopic must describe the needs in sufficient detail to assist in providing on-target responses, but cannot involve detailed specifications to prescribed solutions of the problems.

(b) The Act requires issuance of STTR (Phase I) Program solicitations in accordance with a Master Schedule coordinated between SBA and the STTR agency. The SBA office responsible for coordination is: Office of Technology, Office of Government Contracting, Office of Government Contracting and Business Development, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416. Phone: (202) 205-6450. Fax: (202) 205-7754. Email: technology@sba.gov. Internet site: <http://www.sba.gov/sbir>.

(c) For maximum participation by interested SBCs, it is important that the planning, scheduling and coordination

of agency program solicitation release dates be completed as early as practicable to coincide with the commencement of the fiscal year on October 1. Bunching of agency program solicitation release and closing dates may prohibit SBCs from preparation and timely submission of proposals for more than one STTR project. SBA's coordination of agency schedules minimizes the bunching of proposed release and closing dates. Participating agencies may elect to publish multiple program solicitations within a given fiscal year to facilitate in-house agency proposal review and evaluation scheduling.

(d) *Master Schedule*. SBA posts an electronic Master Schedule of release dates of program solicitations with links to Internet Web sites of agency solicitations. Agencies must post on their Internet Web sites the following information regarding each program solicitation:

(1) The list of topics upon which R/R&D proposals will be sought.

(2) Agency address, phone number, or email address from which STTR Program solicitations can be requested or obtained, especially through electronic means.

(3) Names, addresses, and phone numbers of agency contact points where STTR-related inquiries may be directed.

(4) Release date(s) of program solicitation(s).

(5) Closing date(s) for receipt of proposals.

(6) Estimated number and average dollar amounts of Phase I awards to be made under the solicitation.

(e) On or before August 1, each agency representative must notify SBA in writing or by e-mail of its proposed program solicitation release and proposal due dates for the next fiscal year. SBA and the agency representatives will coordinate the resolution of any conflicting agency solicitation dates by the second week of August. In all cases, SBA will make final decisions.

(f) For those agencies that use both general topic and more specific subtopic designations in their STTR solicitations, the topic data should accurately describe the research solicited. For example, rather than just announcing topic information characterized as "Chemistry" or "Aerodynamics," the STTR agency should summarize the subtopic statements and, where appropriate, utilize National Critical Technologies.

(g) *Simplified, Standardized, and Timely STTR Program Solicitations*.

(1) The Act requires " * * * simplified, standardized and timely

STTR solicitations" and for STTR agencies to use a "uniform process" minimizing the regulatory burden for SBCs. Therefore, the instructions in Appendix I to this Policy Directive purposely depart from normal government solicitation format and requirements. STTR Program solicitations must be prepared according to Appendix I.

(2) Agencies must provide SBA's Office of Technology with two hard copies or an e-mail version of each solicitation and any modifications no later than the date of release of the solicitation or modification to the public. Agencies that issue program solicitations in electronic format only must provide the Internet site at which the program solicitation may be accessed no later than the date of posting at that site of the program solicitation.

(3) SBA does not intend that the STTR Program solicitation replace or be used as a substitute for unsolicited proposals for R/R&D awards to SBCs. In addition, the STTR Program solicitation procedures do not prohibit other agency R/R&D actions with SBCs that are carried on in accordance with applicable statutory or regulatory authorizations.

6. Eligibility and Application (Proposal) Requirements

(a) *Eligibility Requirements*:

(1) To receive STTR funds, each awardee of a STTR Phase I or Phase II award must qualify as an SBC.

(2) For both Phase I and Phase II, not less than 40 percent of the R/R&D work must be performed by the SBC, and not less than 30 percent of the R/R&D work must be performed by the single, partnering research institution.

(3) For both Phase I and Phase II, the R/R&D work must be performed in the United States. However, based on a rare and unique circumstance, agencies may approve a particular portion of the R/R&D work to be performed or obtained in a country outside of the United States, for example, if a supply or material or other item or project requirement is not available in the United States. The funding agreement officer must approve each such specific condition in writing.

(4) For both Phase I and Phase II, the principal investigator can be with the SBC or the collaborative partner at the time of award and during the conduct of the proposed project. An SBC may replace the principal investigator on an STTR Phase I or Phase II award, subject to approval in writing by the funding agreement officer. For purposes of the STTR Program, personnel obtained

through a Professional Employer Organization or other similar personnel leasing company may be considered employees of the awardee. This is consistent with SBA's size regulations, 13 CFR 121.106—Small Business Size Regulations.

(b) *Proposal Requirements:*

(1) *Commercialization Plan.* A succinct commercialization plan must be included with each proposal for an STTR Phase II award moving toward commercialization. Elements of a commercialization plan may include the following:

(i) *Company information:* Focused objectives/core competencies; size; specialization area(s); products with significant sales; and history of previous Federal and non-Federal funding, regulatory experience, and subsequent commercialization.

(ii) *Customer and Competition:* Clear description of key technology objectives, current competition, and advantages compared to competing products or services; description of hurdles to acceptance of the innovation.

(iii) *Market:* Milestones, target dates, analyses of market size, and estimated market share after first year sales and after 5 years; explanation of plan to obtain market share.

(iv) *Intellectual Property:* Patent status, technology lead, trade secrets or other demonstration of a plan to achieve sufficient protection to realize the commercialization stage and attain at least a temporal competitive advantage.

(v) *Financing:* Plans for securing necessary funding in Phase III.

(vi) *Assistance and mentoring:* Plans for securing needed technical or business assistance through mentoring, partnering, or through arrangements with state assistance programs, SBDCs, Federally-funded research Laboratories, Manufacturing Extension Partnership Centers, or other assistance providers.

(2) *Data Collection:* Each Phase II applicant will be required to provide information to the Tech-Net Database System (<http://technet.sba.gov>). See Appendix I, section 3(c), "Data Collection Requirement," for additional information.

7. STTR Funding Process

Because the Act requires a "simplified, standardized funding process," specific attention must be given to the following areas of STTR Program administration:

(a) *Timely Receipt and Review of Proposals.*

(1) Participating agencies must establish appropriate dates and formats for review of proposals.

(i) All activities related to Phase I proposal reviews must normally be completed and awards made within 6 months from the closing date of the program solicitation. However, agencies may extend that period up to 12 months based on agency needs.

(ii) Program solicitations must establish proposal submission dates for Phase I and may establish proposal submission dates for Phase II. However, agencies may also negotiate mutually acceptable Phase II proposal submission dates with individual Phase I awardees, accomplish proposal reviews expeditiously, and proceed with Phase II awards. While recognizing that Phase II arrangements between the agency and applicant may require more detailed negotiation to establish terms acceptable to both parties, agencies must not sacrifice the R/R&D momentum created under Phase I by engaging in unnecessarily protracted Phase II proceedings.

(iii) STTR participants often submit duplicate or similar proposals to more than one soliciting agency when the work projects appear to involve similar topics or requirements, which are within the expertise and capability levels of the applicant. To the extent feasible, more than one agency should not fund "essentially equivalent work" under the STTR or other Federal programs. For this purpose, the standardized program solicitation requires applicants to indicate the name and address of the agencies to which essentially equivalent work proposals were made, or anticipated to be made, and to identify by subject the projects for which the proposal was submitted and the dates submitted. The same information will be required for any previous Federal government awards. To assist in avoiding duplicate funding, each agency must provide to SBA and to each STTR agency a listing of Phase I and Phase II awardees, their complete address, and the title of each STTR project. This information should be distributed no later than release of the funding agreement award information to the public.

(b) *Review of STTR Proposals.* SBA encourages STTR agencies to use their routine review processes for STTR proposals whether internal or external evaluation is used. A more limited review process may be used for Phase I due to the larger number of proposals anticipated. Where appropriate, "peer" reviews external to the agency are authorized by the Act. SBA cautions STTR agencies that all review procedures must be designed to minimize any possible conflict of interest as it pertains to applicant

proprietary data. The standardized STTR solicitation advises potential applicants that proposals may be subject to an established external review process and that the applicant may include company designated proprietary information in its proposal.

(c) *Selection of Awardees.* Normally, STTR agencies must establish a proposal review cycle wherein successful and unsuccessful applicants will be notified of final award decisions within 6 months of the agency's Phase I proposal closing date. However, agencies may extend that period up to 12 months based on agency needs.

(1) The standardized STTR Program solicitation must:

(i) Advise Phase I applicants that additional information may be requested by the awarding agency to evidence awardee responsibility for project completion.

(ii) Advise applicants of the proposal evaluation criteria for Phase I and Phase II.

(2) The STTR agency and each Phase I awardee considered for a Phase II award must arrange to manage Phase II proposal submissions, reviews, and selections.

(d) *Management of the STTR Project.* The SBC, and not the single, partnering research institution, is to provide satisfactory evidence that it will exercise management direction and control of the performance of the STTR funding agreement. Regardless of the proportion of the work or funding allocated to each of the performers under the funding agreement, the SBC is to be the primary party with overall responsibility for performance of the project. All agreements between the SBC and the research institution cooperating in the STTR funding agreement, or any business plans reflecting agreements and responsibilities between the parties during performance of STTR Phase I or Phase II funding agreement, or for the commercialization of the resulting technology, should reflect the controlling position of the SBC.

(e) *Cost Sharing.* Cost sharing can serve the mutual interests of the STTR agencies and certain STTR awardees by assuring the efficient use of available resources. However, cost sharing on STTR projects is not required, although it may be encouraged. Therefore, cost sharing cannot be an evaluation factor in the review of proposals. The standardized STTR Program solicitation (Appendix I) will provide information to prospective STTR applicants concerning cost sharing.

(f) *Payment Schedules and Cost Principles.*

(1) STTR awardees may be paid under an applicable, authorized progress payment procedure or in accordance with a negotiated/definitized price and payment schedule. Advance payments are optional and may be made under appropriate law. In all cases, agencies must make payment to recipients under STTR funding agreements in full, subject to audit, on or before the last day of the 12-month period beginning on the date of completion of the funding agreement requirements.

(2) All STTR funding agreements must use, as appropriate, current cost principles and procedures authorized for use by the STTR agencies. At the time of award, agencies shall inform each STTR awardee, to the extent possible, of the applicable Federal regulations and procedures that refer to the costs that, generally, are allowable under funding agreements.

(g) *Funding Agreement Types and Fee or Profit.* Statutory requirements for uniformity and standardization require consistency in application of STTR Program provisions among STTR agencies. However, consistency must allow for flexibility by the various agencies in missions and needs as well as the wide variance in funds required to be devoted to STTR Programs in the agencies. The following instructions meet all of these requirements:

(1) *Funding Agreement.* The type of funding agreement (contract, grant, or cooperative agreement) is determined by the awarding agency, but must be consistent with 31 U.S.C. 6301–6308.

(2) *Fee or Profit.* Except as expressly excluded or limited by statute, awarding agencies must provide for a reasonable fee or profit on STTR funding agreements, consistent with normal profit margins provided to profit-making firms for R/R&D work.

(h) *Periods of Performance and Extensions.*

(1) In keeping with the legislative intent to make the largest possible number of STTR awards, modification of funding agreements to extend periods of performance, to increase the scope of work, or to increase the dollar amount should be kept to a minimum, except for options in original Phase I or II awards.

(2) *Phase I.* Period of performance normally should not exceed 1 year. However, agencies may provide a longer performance period where appropriate for a particular project. Beginning with FY 2004, agencies may approve a shorter or longer period of time, when appropriate for a particular project.

(3) *Phase II.* Period of performance under Phase II is a subject of negotiation between the awardee and the issuing agency. The duration of Phase II

normally should not exceed 2 years. However, agencies may provide a longer performance period where appropriate for a particular project. Beginning with FY 2004, agencies may approve a shorter or longer period of time, when appropriate for a particular project.

(i) *Dollar Value of Awards.*

(1) Generally, a Phase I award may not exceed \$100,000 and a Phase II award may not exceed \$500,000. Beginning October 1, 2003, a Phase II award may not generally exceed \$750,000. SBA may adjust these amounts once every 5 years to reflect economic adjustments and programmatic considerations. There is no dollar level associated with Phase III STTR awards.

(2) An awarding agency may exceed those award values where appropriate for a particular project. After award of any funding agreement exceeding \$100,000 for Phase I or \$500,000 for Phase II (\$750,000 beginning October 1, 2003), the agency's STTR representative must provide SBA with written justification of such action. This justification must be submitted with the agency's Annual Report data. Similar justification is required for any modification of a funding agreement that would bring the cumulative dollar amount to a total in excess of the amounts set forth above.

8. Terms of Agreement Under STTR Awards

(a) *Proprietary Information Contained in Proposals.* The standardized STTR Program solicitation will include provisions requiring the confidential treatment of any proprietary information to the extent permitted by law. Agencies will discourage SBCs from submitting information considered proprietary unless the information is deemed essential for proper evaluation of the proposal. The solicitation will require that all proprietary information be identified clearly and marked with a prescribed legend. Agencies may elect to require SBCs to limit proprietary information to that essential to the proposal and to have such information submitted on a separate page or pages keyed to the text. The government, except for proposal review purposes, protects all proprietary information, regardless of type, submitted in a contract proposal or grant application for a funding agreement under the STTR Program, from disclosure.

(b) *Rights in Data Developed Under STTR Funding Agreement.* The Act provides for "retention by an SBC of the rights to data generated by the concern in the performance of an STTR award."

(1) Each agency must refrain from disclosing STTR technical data to

outside the government (except reviewers) and especially to competitors of the SBC, or from using the information to produce future technical procurement specifications that could harm the SBC that discovered and developed the innovation.

(2) STTR agencies must protect from disclosure and non-governmental use all STTR technical data developed from work performed under an STTR funding agreement for a period of not less than 4 years from delivery of the last deliverable under that agreement (either Phase I, Phase II, or Federally-funded STTR Phase III) unless, subject to (b)(3) of this section, the agency obtains permission to disclose such STTR technical data from the awardee or STTR applicant. Agencies are released from obligation to protect STTR data upon expiration of the protection period except that any such data that is also protected and referenced under a subsequent STTR award must remain protected through the protection period of that subsequent STTR award. For example, if a Phase III award is issued within or after the Phase II data rights protection period and the Phase III award refers to and protects data developed and protected under the Phase II award, then that data must continue to be protected through the Phase III protection period. Agencies have discretion to adopt a protection period longer than four years. The government retains a royalty-free license for government use of any technical data delivered under an STTR award, whether patented or not. This section does not apply to program evaluation.

(3) STTR technical data rights apply to all STTR awards, including subcontracts to such awards, that fall within the statutory definition of Phase I, II, or III of the STTR Program, as described in Section 4 of this Policy Directive. The scope and extent of the STTR technical data rights applicable to Federally-funded Phase III awards is identical to the STTR data rights applicable to Phases I and II STTR awards. The data rights protection period lapses only: (i) upon expiration of the protection period applicable to the STTR award, or (ii) by agreement between the awardee and the agency.

(4) Agencies must insert the provisions of (b)(1), (2), and (3) immediately above as STTR data rights clauses into all STTR Phase I, Phase II, and Phase III awards. These data rights clauses are non-negotiable and must not be the subject of negotiations pertaining to an STTR Phase III award, or diminished or removed during award administration. An agency must not, in any way, make issuance of an STTR

Phase III award conditional on data rights. If the STTR awardee wishes to transfer its STTR data rights to the awarding agency or to a third party, it must do so in writing under a separate agreement. A decision by the awardee to relinquish, transfer, or modify in any way its STTR data rights must be made without pressure or coercion by the agency or any other party. Following issuance of an STTR Phase III award, the awardee may enter into an agreement with the awarding agency to transfer or modify the data rights contained in that STTR Phase III award. Such a bilateral data rights agreement must be entered into only after the STTR Phase III award, which includes the appropriate STTR data rights clause, has been signed. SBA must immediately report to the Congress any attempt or action by an agency to condition an STTR award on data rights, to exclude the appropriate data rights clause from the award, or to diminish such rights.

(c) *Allocation of Rights.*

(1) An SBC, before receiving an STTR award, must negotiate a written agreement between the SBC and the single, partnering research institution, allocating intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization. The SBC must submit this agreement to the awarding agency upon request—either with the proposal or any time thereafter. The SBC must certify in all proposals that the agreement is satisfactory to the SBC.

(2) The awarding agency may accept an existing agreement between the two parties if the SBC certifies its satisfaction with the agreement, and such agreement does not conflict with the interests of the Government. Each agency participating in the STTR Program shall provide a model agreement to be used as guidance by the SBC in the development of an agreement with the research institution. The model agreement should direct the parties to, at a minimum:

(i) State specifically the degree of responsibility, and ownership of any product, process, or other invention or innovation resulting from the cooperative research. The degree of responsibility shall include responsibility for expenses and liability, and the degree of ownership shall also include the specific rights to revenues and profits.

(ii) State which party may obtain United States or foreign patents or otherwise protect any inventions resulting from the cooperative research.

(iii) State which party has the right to any continuation of research, including non-STTR follow-on awards.

The Government will not normally be a party to any agreement between the SBC and the research institution. Nothing in the agreement is to conflict with any provisions setting forth the respective rights of the United States and the SBC with respect to intellectual property rights and with respect to any right to carry out follow-on research.

(3) Pursuant to the Act, SBA will establish a single model agreement for use in the STTR Program that allocates between SBCs and research institutions intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization. Written comments from affected Federal agencies, SBCs, research institutions, and other interested parties will be solicited in the development of the model agreement. Each agency participating in the STTR Program will adopt the agreement developed by SBA as the agency's model agreement.

(d) *Title Transfer of Agency Provided Property.* Under the Act, the Government may transfer title to equipment provided by the STTR agency to the awardee where such transfer would be more cost effective than recovery of the property.

(e) *Continued Use of Government Equipment.* The Act directs that an agency allow an STTR awardee participating in the third phase of the STTR Program continued use, as a directed bailment, of any property transferred by the agency to the Phase II awardee. The Phase II awardee may use the property for a period of not less than 2 years, beginning on the initial date of the concern's participation in the third phase of the STTR Program.

(f) *Grant Authority.* The Act does not, in and of itself, convey grant authority. Each agency must secure grant authority in accordance with its normal procedures.

(g) *Conflicts of Interest.* SBA cautions STTR agencies that awards made to SBCs owned by or employing current or previous Federal government employees may create conflicts of interest in violation of FAR part 3 and the Ethics in Government Act of 1978, as amended. Each STTR agency should refer to the standards of conduct review procedures currently in effect for its agency to ensure that such conflicts of interest do not arise.

(h) *American-made Equipment and Products.* Congress intends that the awardee of a funding agreement under the STTR Program should, when purchasing any equipment or a product with funds provided through the funding agreement, purchase only American-made equipment and products, to the extent possible, in

keeping with the overall purposes of this program. Each STTR agency must provide to each awardee a notice of this requirement.

9. Responsibilities of STTR Participating Agencies and Departments

(a) The Act requires each agency participating in the STTR Program to:

(1) Unilaterally determine the categories of projects to be included in its STTR Program, giving special consideration to broad research topics and to topics that further one or more critical technologies, as identified by:

(i) The National Critical Technologies panel (or its successor) in reports required under 42 U.S.C. 6683, or

(ii) The Secretary of Defense in accordance with 10 U.S.C. 2522.

(2) Release STTR solicitations in accordance with the SBA master schedule.

(3) Unilaterally receive and evaluate proposals resulting from program solicitations, select awardees, issue funding agreements, and inform each awardee under such agreement, to the extent possible, of the expenses of the awardee that will be allowable under the funding agreement.

(4) Require a succinct commercialization plan with each proposal submitted for a Phase II award.

(5) Collect and maintain information from awardees and provide it to SBA to develop and maintain the Tech-Net Database, as identified in section 11(e) of this Policy Directive.

(6) Administer its own STTR funding agreements or delegate such administration to another agency.

(7) Include provisions in each STTR funding agreement setting forth the respective rights of the United States and the awardee with respect to intellectual property rights and with respect to any right to carry out follow-on research.

(8) Ensure that the rights in data developed under each Federally-funded STTR Phase I, Phase II, and Phase III award are protected properly.

(9) Make payments to awardees of STTR funding agreements on the basis of progress toward or completion of the funding agreement requirements and in all cases make payment to awardees under such agreements in full, subject to audit, on or before the last day of the 12-month period beginning on the date of completion of such requirements.

(10) Provide an annual report on the STTR Program to SBA. See section 10 of this Policy Directive.

(11) Report at least annually to SBA's Office of Technology all instances in which an agency pursued research,

development, production, or any such combination of a technology developed by an SBC using an award made under the STTR Program of that agency, where the agency determined that it was not practicable to enter into a follow-on non-STTR Program funding agreement with that concern. The report shall include, at a minimum:

(i) The reasons why the follow-on funding agreement with the concern was not practicable;

(ii) The identity of the entity with which the agency contracted to perform the research, development, or production; and

(iii) A description of the type of funding agreement under which the research, development, or production was obtained.

(12) Include in its annual performance plan required by 31 U.S.C. 1115(a) and (b) a section on its STTR Program, and submit such section to the Senate Committee on Small Business and Entrepreneurship and to the House Committees on Science and Small Business.

(13) Adopt the model agreement to be developed by SBA for use in the STTR Program that allocates between SBCs and research institutions intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization.

(14) Develop, in consultation with the Office of Federal Procurement Policy and the Office of Government Ethics, procedures to ensure that Federally-funded research and development centers that participate in STTR agreements:

(i) Are free from organizational conflicts of interests relative to the STTR Program;

(ii) Do not use privileged information gained through work performed for an STTR agency or private access to STTR agency personnel in the development of an STTR proposal; and

(iii) Use outside peer review as appropriate.

(15) Implement an outreach program to research institutions and SBCs for the purpose of enhancing its STTR Program, in conjunction with any such outreach done for purposes of the Small Business Innovation Research (SBIR) Program.

(b) Interagency actions.

(1) *Joint funding.* An STTR project may be financed by more than one Federal agency. Joint funding is not required but can be an effective arrangement for some projects.

(2) *Phase II awards.* An STTR Phase II award may be issued by a Federal agency other than the one that made the Phase I award. The Phase I and Phase II agencies should document their files

appropriately, providing clear rationale for the transfer of the Phase II proposal to, and award by, the funding Federal agency.

(3) *Timely notification of awards.* In order to avoid duplicate funding of an STTR project, agencies shall promptly search the Tech-Net Database System for awards for essentially equivalent work. Discussion among agencies receiving similar proposals is strongly encouraged before an STTR award is made.

(4) *Participation by women-owned SBCs and socially and economically disadvantaged SBCs in the STTR Program.* In order to meet statutory requirements for greater inclusion, SBA and the Federal participating agencies must conduct outreach efforts to find and place innovative women-owned SBCs and socially and economically disadvantaged SBCs in the STTR Program information system. These SBCs will be required to compete for STTR awards on the same basis as all other SBCs. However, participating agencies are encouraged to work independently and cooperatively with SBA to develop methods to encourage qualified women-owned SBCs and socially and economically disadvantaged SBCs to participate in the STTR Program.

(c) *Limitation of participation and use of funds.*

(1) An agency must not use any of its STTR budget for the purpose of funding administrative costs of the program, including costs associated with program operations, employee salaries, and other associated expenses, or, in the case of a SBC or a research institution, costs associated with employee salaries and other associated expenses, including administrative overhead (other than those direct or indirect costs allowable under guidelines of the Office of Management and Budget and the Federal Acquisition Regulation).

(2) A Federal agency must not issue an STTR funding agreement that includes a provision for subcontracting any portion of that agreement back to the issuing agency, to any other Federal government agency, or to other units of the Federal government. SBA may issue a case-by-case waiver to this provision after review of an agency's written justification that includes the following information:

(i) An explanation of why the STTR research project requires the use of the Federal facility or personnel, including data that verifies the absence of non-Federal facilities or personnel capable of supporting the research effort.

(ii) Why the Agency will not and can not fund the use of the Federal facility

or personnel for the STTR project with non-STTR money.

(iii) The concurrence of the SBC's chief business official to use the Federal facility or personnel.

(3) No agency, at its own discretion, may unilaterally cease participation in the STTR Program. R/R&D agency budgets may cause fluctuations and trends that must be reviewed in light of STTR Program purposes. An agency may be considered by SBA for a phased withdrawal from participation in the STTR Program over a period of time sufficient in duration to minimize any adverse impact on SBCs. However, the SBA decision concerning such a withdrawal will be made on a case-by-case basis and will depend on significant changes to extramural R/R&D 3-year forecasts as found in the annual *Budget of the United States Government* and National Science Foundation breakdowns of total R/R&D obligations as published in the *Federal Funds for Research and Development*. Any withdrawal of an STTR Federal participating agency from the STTR Program will be accomplished in a standardized and orderly manner in compliance with these statutorily mandated procedures.

(4) Federal agencies not otherwise qualified for the STTR Program may participate on a voluntary basis. Federal agencies seeking to participate in the STTR Program must first submit their written requests to SBA. Voluntary participation requires the written approval of SBA.

(5) Agencies may not make available, for the purpose of meeting the required percentage of expenditure on SBCs for the STTR Program (see section 2(d) of this Policy Directive) an amount of its extramural budget for basic research that exceeds those percentages.

(6) Funding agreements with SBCs for R/R&D that result from competitive or single source selections other than an STTR Program shall not be considered to meet any portion of the percentage requirements of section 2(d) set forth in this Policy Directive.

10. Annual Report to the Small Business Administration

The Act requires a "simplified, standardized and timely annual report" from the STTR agencies. The following paragraphs explain more about this requirement, including the due date, the kinds of information to be included, and the number of copies to be submitted to SBA.

(a) *Annual Report Due Date and Number of Copies.* Reporting must be on an annual basis and will be for the period ending September 30 of each

fiscal year. A single, hard copy report is due to SBA by March 15 of each year. For example, the report for FY 2002 (October 1, 2001–September 30, 2002) must be submitted to SBA by March 15, 2003. SBA encourages agencies to submit their annual report before the March 15 due date. The report should be sent to the address noted in section 5(b). However, if agencies choose to send an electronic version, it should be sent to *technology@sba.gov*.

(b) *Annual Report Content.*

(1) Agency total fiscal year, extramural R/R&D total obligations as reported to the National Science Foundation pursuant to the annual *Budget of the United States Government*.

(2) STTR Program total fiscal year dollars derived by applying the statutory percentum to the agency's extramural R/R&D total obligations.

(3) STTR Program fiscal year dollars obligated through STTR Program funding agreements for Phase I and Phase II.

(4) Number of topics and subtopics contained in each program solicitation.

(5) Number of proposals received by the agency for each topic and subtopic in each program solicitation. Identify the number of proposals received from, and the number and total amount of awards to HUBZone SBCs.

(6) For both Phase I and Phase II, the awardee's name and address, solicitation topic and subtopic, solicitation number, project title, and total dollar amount of funding agreement. Identify women-owned SBCs, economically and socially disadvantaged SBCs, HUBZone SBCs, and Phase II awardees with follow-on funding commitments.

(7) Justification for the award of any funding agreement exceeding \$100,000 for Phase I or \$500,000 for Phase II (\$750,000 beginning October 1, 2003).

(8) The number of awardees for whom the Phase I process exceeded 6 months starting from the closing date of the STTR solicitation to award of the funding agreement.

(9) For an agency Phase III award using non-STTR Federal funds to continue a Phase II project, the agency must provide the name, address, project title, and dollar amount obligated.

(10) Justification for awards made under a topic or subtopic where the agency received only one proposal. Agencies must also provide the awardee's name and address, the topic or subtopic, and dollar amount of award. Information must be collected quarterly but updated in the agency's annual report.

(11) If applicable, report the number of National Critical Technology topic or subtopic funding agreements issued, including an identification of the specific critical technology topics, and the percentage by number and dollar amount of the agency's total STTR awards to such National Critical Technologies topics.

(12) Report all instances in which an agency pursued R/R&D, services, production, or any such combination of a technology developed by an STTR awardee and determined that it was not practicable to enter into a follow-on funding agreement with non-STTR funds with that concern. See section 9(a)(11) for minimum reporting requirements.

11. Responsibilities of SBA

(a) SBA's Office of Technology will annually obtain available information on the current critical technologies from the National Critical Technologies panel (or its successor) and the Secretary of Defense and provide such information to the STTR agencies.

(b) SBA will request this information in June of each year. The data received will be submitted to each of the participating Federal agencies and will also be published in the September issue of the STTR Pre-Solicitation Announcement.

(c) Examples of STTR Areas to be Monitored by SBA.

(1) *STTR Funding Allocations.* The magnitude and source of each STTR agency's annual allocation reserved for STTR awards are critical to the success of the STTR Program. The Act defines the STTR effort (R/R&D), the source of the funds for financing the STTR Program (extramural budget), and the percentage of such funds to be reserved for the STTR Program (0.15 percent through 2003, 0.3 percent thereafter). The Act requires that SBA monitor these annual allocations.

(2) *STTR Program Solicitation and Award Status.* The accomplishment of scheduled STTR events, such as STTR Program solicitation release and the issuance of funding agreements is critical to meeting statutory mandates and to operating an effective, useful program. SBA monitors these and other operational features of the STTR Program. SBA does not plan to monitor administration of the awards except in instances where SBA assistance is requested and is related to a specific STTR project or funding agreement.

(3) *Follow-on Funding Commitments.* SBA will monitor whether follow-on non-Federal funding commitments obtained by Phase II awardees for Phase III were considered in the evaluation of

Phase II proposals as required by the Act.

(4) *Agency Rules and Regulations.* It is essential that no policy, rule, regulation, or interpretation be promulgated by the STTR agencies that are inconsistent with the Act or this Policy Directive. SBA's monitoring activity will include review of policies, rules, regulations, interpretations, and procedures generated to facilitate intra- or interagency STTR Program implementation.

(d) SBA develops, participates in, and, when appropriate and feasible, sponsors seminars for innovative women-owned SBCs and socially and economically disadvantaged SBCs to inform them of the STTR Program and Federal and commercial assistance and services available for STTR Program participants.

(e) Standardized Collection of Data—“Technology Resources Access Network” (Tech-Net) Database System Overview.

(1) SBA's Office of Technology, as functional program manager for the STTR and the SBIR Programs, is required to collect and report to the Congress, information regarding awards made to SBCs by each Federal agency participating in these programs.

(2) The Office of Technology maintains an internal database of awards and uses the system to report on technology and demographical statistics regarding the STTR and the SBIR Programs. The system also stores the 200-word technical abstract for each STTR and SBIR award that is prepared by the awardee summarizing the research effort that has been supported by the Federal Government. The system also provides the Office of Technology with the ability to perform keyword searches in many areas, including any part of the name, address, and technical abstract of the awardee. The system produces many reports that are used in the conduct of audits performed by the General Accounting Office (GAO) and to expose potential duplication of research and development efforts funded by the STTR agencies.

(3) The Office of Technology, in a joint effort with SBA's Office of the Chief Information Officer, has redesigned the Office of Technology's internal awards database system to operate on the Internet. The Internet system is titled the “Technology Resources Access Network,” or Tech-Net.

(4) Tech-Net offers a vast array of user-friendly capabilities, and is accessible by the public at no charge. Tech-Net allows for the online submission of STTR/SBIR awards data

from all STTR agencies. Tech-Net also allows any end-user to perform keyword searches and create formatted reports of STTR/SBIR awards information. Tech-Net will allow for potential research partners to view research and development efforts that are ongoing in the STTR and the SBIR Programs, increasing the investment opportunities of the STTR/SBIR SBCs in the high tech arena. Tech-Net serves as an excellent marketing tool for the small, high tech business community, allowing investors to view first-hand the technical capabilities of STTR/SBIR awardees. This will ultimately produce investments, partnerships, and strategic alliances resulting in commercialization of STTR/SBIR research.

(5) Tech-Net also houses legislatively mandated information on all STTR and SBIR awards, as well as confidential outcome and output information that will be relevant to measuring the effectiveness and success of the programs.

(6) Awardees can update their information and add project commercialization and sales data with user names and passwords. Username and passwords will be assigned only to awardees to provide access to their respective awards information maintained in the Tech-Net system. Award and commercialization data maintained in the Tech-Net database can be changed only by the awardee, SBA, or the awarding STTR /SBIR Federal agency.

(7) Project commercialization and sales data can only be viewed by Congress, the General Accounting Office (GAO), agencies participating in the STTR and the SBIR Programs, Office of Management and Budget (OMB), Office of Science and Technology Policy (OSTP), Office of Federal Procurement Policy (OFPP), and other authorized persons (for example, authorized contractors) who are subject to a use and nondisclosure agreement with the Federal government covering the use of the database.

(8) To use the Tech-Net database system, visit the Web site <http://tech-net.sba.gov>. Online help is available.

(9) *Public Tech-Net Database (See Appendix II for Data Fields)*. The public Tech-Net database is a searchable, up-to-date, electronic database that includes:

(i) The name, size, location, funding agreement number, and identification number assigned by the Administrator of each SBC that has received an STTR or SBIR Phase I or Phase II award from a Federal agency;

(ii) A description of each STTR or SBIR Phase I or Phase II award received by the SBC including:

(A) An abstract of the project funded by the award, excluding any proprietary information so identified by the awardee;

(B) The Federal agency making the award; and

(C) The date and amount of the award.

(iii) An identification of any business concern or subsidiary established for the commercial application of a product or service for which an STTR or SBIR award is made; and

(iv) Information regarding mentors and Mentoring networks, as required in the Federal and State Technology (FAST) Partnership Program established under section 35(d) of the Act and described on the SBA's Internet site at <http://www.sba.gov/sbir/indexfast.html>.

(v) With respect to assistance under the STTR Program (as required under section 9(k)(1) of the Act):

(A) Whether the SBC or the research institution initiated their collaboration on each assisted STTR project;

(B) Whether the SBC or the research institution originated any technology relating to the assisted STTR project;

(C) The length of time it took to negotiate any licensing agreement between the SBC and the research institution under each assisted STTR project; and

(D) The percentage allocated between the SBC and the research institution of the proceeds from commercialization, marketing, or sale of technology resulting from each assisted STTR project.

(10) *Government Tech-Net Database*. SBA, in consultation with the Federal agencies participating in the STTR and the SBIR Programs, develops and maintains a secure database that:

(i) Contains, for each Phase II award:

(A) Information on revenue from the sale of new products or services resulting from the research conducted under each Phase II award;

(B) Information on additional investment from any source, other than Phase I or Phase II STTR or SBIR awards, to further the research and development conducted under each Phase II award; and

(C) Any other information received in connection with the award that the Administrator, in conjunction with the STTR Program managers of the participating agencies, considers relevant and appropriate;

(ii) Includes any narrative information that a Phase II awardee voluntarily submits to further describe the outputs and outcomes of its awards;

(iii) Includes for each applicant that does not receive a Phase I or Phase II

award: (A) The name, size, location, and identifying number assigned by SBA, and identification number assigned by SBA; (B) an abstract of the project; and (C) the Federal agency to which the application was made;

(iv) Includes any other data collected by or available to any Federal agency that such agency considers to be useful for STTR Program evaluation; and

(v) Is available for use solely for program evaluation purposes by the Federal government or, in accordance with Policy Directives issued by SBA, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal government covering the use of the database.

(11) *Data Collection for Government Tech-Net Database*.

(i) Each SBC applying for a Phase II award is required to update the appropriate information in the Tech-Net database for any of its prior Phase II awards. In meeting this requirement, the SBC may apportion sales or additional investment information relating to more than one Phase II award among those awards, if it notes the apportionment for each award.

(ii) Each Phase II awardee is required to update the appropriate information in the Tech-Net database on that award upon completion of the last deliverable under the funding agreement. In addition, the awardee is requested to voluntarily update the appropriate information on that award in the Tech-Net database annually thereafter for a minimum period of 5 years.

(iii) Pursuant to 15 U.S.C. 638(k)(4), information provided to the government Tech-Net Database is privileged and confidential and not subject to disclosure pursuant to 5 U.S.C. 552 (Government Organization and Employees); nor must it be considered to be publication for purposes of 35 U.S.C. 102 (a) or (b).

(iv) SBA will minimize the data reporting requirements of SBCs, make updating available electronically, and provide standardized procedures.

Appendix I: Instructions for STTR Program Solicitation Preparation

1. General

Section 9(p) of the Small Business Act (15 U.S.C. 638(p)) requires “* * * simplified, standardized and timely STTR solicitations” and for STTR agencies to utilize a “uniform process” minimizing the regulatory burden of participation. Therefore, the following instructions purposely depart from normal government solicitation formats and requirements. STTR solicitations must be prepared and issued as program solicitations in accordance with the following instructions.

2. Limitation in Size of Solicitation

In the interest of meeting the requirement for simplified and standardized solicitations, while also recognizing that the Internet has become the main vehicle for distribution, each agency should structure its entire STTR solicitation to produce the least number of pages (electronic and printed), consistent with the procurement/assistance standard operating procedures and statutory requirements of the participating Federal agencies.

3. Format

STTR Program solicitations must be prepared in a simple, standardized, easy-to-read, and easy-to-understand format. It must include a cover sheet, a table of contents, and the following sections in the order listed:

1. Program Description;
2. Definitions;
3. Proposal Preparation Instructions and Requirements;
4. Method of Selection and Evaluation Criteria;
5. Considerations;
6. Submission of Proposals;
7. Scientific and Technical Information Sources;
8. Submission Forms and Certifications;
9. Research Topics.

4. Cover Sheet

The cover sheet of an STTR Program solicitation must clearly identify the solicitation as a STTR solicitation, identify the agency releasing the solicitation, specify date(s) on which contract proposals or grant applications (proposals) are due under the solicitation, and state the solicitation number or year.

Instructions for Preparation of STTR Program Solicitation; Sections 1 through 9

1. Program Description

(a) Summarize in narrative form the invitation to submit proposals and the objectives of the STTR Program.

(b) Describe in narrative form the agency's STTR Program, including a description of the three phases. Note in your description that the solicitation is for Phase I proposals only.

(c) Describe program eligibility, as follows:
Eligibility. Each concern submitting a proposal must qualify as a SBC for R/R&D purposes at the time of award. The SBC will submit a proposal for "cooperative research and development" with a non-profit "research institution" (terms as defined in this Policy Directive). Also, for both Phase I and Phase II, the R/R&D work must be performed in the United States. However, based on a rare and unique circumstance, for example, a supply or material or other item or project requirement that is not available in the United States, agencies may allow that particular portion of the research or R&D work to be performed or obtained in a country outside of the United States. Approval by the funding agreement officer for each such specific condition must be in writing. Phase II proposals may be submitted only by Phase I awardees.

(d) List the name, address and telephone number of agency contacts for general

information on the STTR Program solicitation.

2. Definitions

Whenever terms are used that are unique to the STTR Program, a specific STTR solicitation or a portion of a solicitation, they will be defined in a separate section entitled "Definitions." At a minimum, the definitions of "R/R&D," "cooperative research and development," "funding agreement," "research institution," "SBC," "STTR technical data," "STTR technical data rights," "subcontract," and "women-owned SBC," as stated in this Policy Directive, must be included.

3. Proposal Preparation Instructions and Requirements

The purpose of this section is to inform the applicant on what to include in the proposal and to set forth limits on what may be included. It should also provide guidance to assist applicants, particularly to firms that may not have previous Government experience, in improving the quality and acceptance of proposals.

(a) *Limitations on Length of Proposal.* Include at least the following information:

(1) STTR Phase I proposals must not exceed a total of 25 pages, including cover page, budget, and all enclosures or attachments, unless stated otherwise in the agency solicitation. Pages should be of standard size (8½" × 11"; 21.6 cm × 27.9 cm) and should conform to the standard formatting instructions. Margins should be 2.5 cm and the type at least 10 point font.

An SBC, before receiving an STTR award, must negotiate a written agreement between the SBC and the single, partnering research institution, as discussed in section 8(c) of this Policy Directive. While an agency may require this agreement to be submitted at the time of the proposal (or at a later date), it is not considered to be part of the proposal and is not subject to the page limitation.

(2) A notice that no additional attachments, appendices, or references beyond the 25-page limitation shall be considered in proposal evaluation (unless specifically solicited by an agency) and that proposals in excess of the page limitation shall not be considered for review or award.

(b) *Proposal Cover Sheet.* Every applicant is required to include at least the following information on the first page of proposals. Items 8 and 9 are for statistical purposes only.

- (1) Agency and Solicitation Number or Year.
- (2) Topic Number or Letter.
- (3) Subtopic Number or Letter.
- (4) Topic Area.
- (5) Project Title.
- (6) Name and Complete Address of Firm.
- (7) Small Business Certifications (by statement or checkbox) as follows:

(a) "The above concern certifies that it is an SBC and meets the definition as stated in this solicitation or that it will meet that definition at time of award."

(b) "The above concern certifies that at least 40 percent of the work under this project will be performed by the SBC and at least 30 percent of the work under this

project will be performed by the research institution."

(8) Socially and Economically Disadvantaged SBC Certification (by statement or checkbox) as follows:

"The above concern certifies that it _____ does _____ does not qualify as a socially and economically disadvantaged SBC as defined in this solicitation."

(9) Women-owned SBC Certification (by statement or checkbox) as follows:

"The above concern certifies that it _____ does _____ does not qualify as a women-owned SBC as defined in this solicitation."

(10) An information statement regarding duplicate research as follows:

"The applicant and/or Principal Investigator _____ has _____ has not submitted proposals for essentially equivalent work under other Federal program solicitations or _____ has _____ has not received other Federal awards for essentially equivalent work." (Identify proposals/awards in Section 3(e)10, "Similar Proposals and Awards.")

(11) Disclosure permission (by statement or checkbox), such as follows, may be included at the discretion of the funding

"Will you permit the Government to disclose the title and technical abstract page of your proposed project, plus the name, address, and telephone number of the corporate official of your concern, if your proposal does not result in an award, to concerns that may be interested in contacting you for further information? Yes _____ No _____"

(12) Signature of a company official of the proposing SBC and that individual's typed name, title, address, telephone number, and date of signature.

(13) Signature of Principal Investigator or Project Manager and that individual's typed name, title, address, telephone number, and date of signature.

(14) Legend for proprietary information as described in the "Considerations" section of this program solicitation if appropriate. May also be noted by asterisks in the margins on proposal pages.

(c) *Data Collection Requirement.* (1) Each Phase II applicant is required to provide information for the Tech-Net Database System (<http://technet.sba.gov>). The following are examples of the data to be entered by applicants into Tech-Net:

(i) Any business concern or subsidiary established for the commercial application of a product or service for which an STTR award is made.

(ii) Revenue from the sale of new products or services resulting from the research conducted under each Phase II award;

(iii) Additional investment from any source, other than Phase I or Phase II awards, to further the research and development conducted under each Phase II award.

(iv) Update the information in the Tech-Net database for any prior Phase II award received by the SBC. The SBC may apportion sales or additional investment information relating to more than one Phase II award among those awards, if it notes the apportionment for each award.

(2) Each Phase II awardee is required to update the appropriate information on the award in the Tech-Net database upon completion of the last deliverable under the

funding agreement and is requested to voluntarily update the information in the Tech-Net database annually thereafter for a minimum period of 5 years.

(d) *Abstract or Summary.* Applicants will be required to include a one-page project summary of the proposed R/R&D including at least the following:

- (1) Name and address of SBC.
- (2) Name and title of principal investigator or project manager.
- (3) Agency name, solicitation number, solicitation topic, and subtopic.
- (4) Title of project.
- (5) Technical abstract limited to two hundred words.
- (6) Summary of the anticipated results and implications of the approach (both Phases I and II) and the potential commercial applications of the research.

(e) *Technical Content.* STTR Program solicitations must require as a minimum the following to be included in proposals submitted thereunder:

(1) *Identification and Significance of the Problem or Opportunity.* A clear statement of the specific technical problem or opportunity addressed.

(2) *Phase I Technical Objectives.* State the specific objectives of the Phase I research and development effort, including the technical questions it will try to answer to determine the feasibility of the proposed approach.

(3) *Phase I Work Plan.* Include a detailed description of the Phase I R/R&D plan. The plan should indicate what will be done, where it will be done, and how the R/R&D will be carried out. Phase I R/R&D should address the objectives and the questions cited in (e)(2) immediately above. The methods planned to achieve each objective or task should be discussed in detail.

(4) *Related R/R&D.* Describe significant R/R&D that is directly related to the proposal including any conducted by the project manager/principal investigator or by the proposing SBC. Describe how it relates to the proposed effort, and any planned coordination with outside sources. The applicant must persuade reviewers of his or her awareness of key, recent R/R&D conducted by others in the specific topic area.

(5) *Key Personnel and Bibliography of Directly Related Work.* Identify key personnel involved in Phase I including their directly related education, experience, and bibliographic information. Where vitae are extensive, summaries that focus on the most relevant experience or publications are desired and may be necessary to meet proposal size limitation.

(6) *Relationship with Future R/R&D.*

(i) State the anticipated results of the proposed approach if the project is successful (Phase I and II).

(ii) Discuss the significance of the Phase I effort in providing a foundation for the Phase II R/R&D effort.

(7) *Facilities.* A detailed description, availability and location of instrumentation and physical facilities proposed for Phase I should be provided.

(8) *Consultants.* Involvement of consultants in the planning and research stages of the project is permitted. If such

involvement is intended, it should be described in detail.

(9) *Potential Post Applications.* Briefly describe:

(i) Whether and by what means the proposed project appears to have potential commercial application.

(ii) Whether and by what means the proposed project appears to have potential use by the Federal government.

(10) *Similar Proposals or Awards.* Warning—While it is permissible with proposal notification to submit identical proposals or proposals containing a significant amount of essentially equivalent work for consideration under numerous Federal program solicitations, it is unlawful to enter into funding agreements requiring essentially equivalent work. If there is any question concerning this, it must be disclosed to the soliciting agency or agencies before award. If an applicant elects to submit identical proposals or proposals containing a significant amount of essentially equivalent work under other Federal program solicitations, a statement must be included in each such proposal indicating:

(i) The name and address of the agencies to which proposals were submitted or from which awards were received.

(ii) Date of proposal submission or date of award.

(iii) Title, number, and date of solicitations under which proposals were submitted or awards received.

(iv) The specific applicable research topics for each proposal submitted or award received.

(v) Titles of research projects.

(vi) Name and title of principal investigator or project manager for each proposal submitted or award received.

(f) *Cost Breakdown/Proposed Budget.* The solicitation will require the submission of simplified cost or budget data.

4. Method of Selection and Evaluation Criteria

(a) *Standard Statement.* Essentially the following statement must be included in all STTR Program solicitations:

“All Phase I and II proposals will be evaluated and judged on a competitive basis. Proposals will be initially screened to determine responsiveness. Proposals passing this initial screening will be technically evaluated by engineers or scientists to determine the most promising technical and scientific approaches. Each proposal will be judged on its own merit. The Agency is under no obligation to fund any proposal or any specific number of proposals in a given topic. It also may elect to fund several or none of the proposed approaches to the same topic or subtopic.”

(b) *Evaluation Criteria.*

(1) The STTR agency must develop a standardized method in its evaluation process that will consider, at a minimum, the following factors:

(i) The technical approach and the anticipated agency and commercial benefits that may be derived from the research.

(ii) The adequacy of the proposed effort and its relationship to the fulfillment of requirements of the research topic or subtopics.

(iii) The soundness and technical merit of the proposed approach and its incremental progress toward topic or subtopic solution.

(iv) Qualifications of the proposed principal/key investigators, supporting staff, and consultants.

(v) Evaluations of proposals require, among other things, consideration of a proposal's commercial potential as evidenced by:

(A) The SBC's record of commercializing STTR or other research,

(B) The existence of second phase funding commitments from private sector or non-STTR funding sources,

(C) The existence of third phase follow-on commitments for the subject of the research, and,

(D) The presence of other indicators of the commercial potential of the idea.

(2) The factors in (b)(1) above and other appropriate evaluation criteria, if any, must be specified in the “Method of Selection” section of STTR Program solicitations.

(c) *Peer Review.* The program solicitation must indicate if the STTR agency contemplates that as a part of the STTR proposal evaluation, it will use external peer review.

(d) *Release of Proposal Review Information.* After final award decisions have been announced, the technical evaluations of the applicant's proposal may be provided to the applicant. The identity of the reviewer must not be disclosed.

5. Considerations

This section must include, as a minimum, the following information:

(a) *Awards.* Indicate the estimated number and type of awards anticipated under the particular STTR Program solicitation in question, including:

(i) Approximate number of Phase I awards expected to be made.

(ii) Type of funding agreement, that is, contract, grant or cooperative agreement.

(iii) Whether fee or profit will be allowed.

(iv) Cost basis of funding agreement, for example, firm-fixed-price, cost reimbursement, or cost-plus-fixed fee.

(v) Information on the approximate average dollar value of awards for Phase I and Phase II.

(b) *Reports.* Describe the frequency and nature of reports that will be required under Phase I funding agreements. Interim reports should be brief letter reports.

(c) *Payment Schedule.* Specify the method and frequency of progress and final payment under Phase I and II agreements.

(d) *Innovations, Inventions and Patents.*

(1) *Limited Rights Information and Data.*

(i) *Proprietary Information.* Essentially the following statement must be included in all STTR solicitations:

“Information contained in unsuccessful proposals will remain the property of the applicant. The government may, however, retain copies of all proposals. Public release of information in any proposal submitted will be subject to existing statutory and regulatory requirements. If proprietary information is provided by an applicant in a proposal, which constitutes a trade secret, proprietary commercial or financial information, confidential personal

information or data affecting the national security, it will be treated in confidence, to the extent permitted by law. This information must be clearly marked by the applicant with the term "confidential proprietary information" and the following legend must appear on the title page of the proposal:

"These data shall not be disclosed outside the government and shall not be duplicated, used, or disclosed in whole or in part for any purpose other than evaluation of this proposal. If a funding agreement is awarded to this applicant as a result of or in connection with the submission of these data, the government shall have the right to duplicate, use, or disclose the data to the extent provided in the funding agreement and pursuant to applicable law. This restriction does not limit the government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction are contained on pages ___ of this proposal." Any other legend may be unacceptable to the government and may constitute grounds for removing the proposal from further consideration, without assuming any liability for inadvertent disclosure. The government will limit dissemination of such information to within official channels."

(ii) *Alternative To Minimize Proprietary Information.*

Agencies may elect to instruct applicants to:

(A) Limit proprietary information to only that absolutely essential to their proposal.

(B) Provide proprietary information on a separate page with a numbering system to key it to the appropriate place in the proposal.

(iii) *Rights in Data Developed Under STTR Funding Agreements.* Agencies should insert essentially the following statement in their STTR Program solicitations to notify SBCs of the necessity to mark STTR technical data before delivering it to the Agency:

"To preserve the STTR data rights of the awardee, the legend (or statements) used in the STTR Data Rights clause included in the STTR award must be affixed to any submissions of technical data developed under that STTR award. If no Data Rights clause is included in the STTR award, the following legend, at a minimum, should be affixed to any data submissions under that award.

These STTR data are furnished with STTR rights under Funding Agreement No. ___ (and subcontract No. ___ if appropriate), Awardee Name ____, Address, Expiration Period of STTR Data Rights ____. The government may not use, modify, reproduce, release, perform, display, or disclose technical data or computer software marked with this legend for (choose four (4) or five (5) years). After expiration of the (4-or 5-year period), the government has a royalty-free license to use, and to authorize others to use on its behalf, these data for government purposes, and is relieved of all disclosure prohibitions and assumes no liability for unauthorized use of these data by third parties, except that any such data that is also protected and referenced under a subsequent STTR award shall remain protected through the protection period of that subsequent STTR award.

Reproductions of these data or software must include this legend."

(iv) *Copyrights.* Include an appropriate statement concerning copyrights and publications; for example:

"With prior written permission of the funding agreement officer, the awardee normally may copyright and publish (consistent with appropriate national security considerations, if any) material developed with (agency name) support. (Agency name) receives a royalty-free license for the Federal government and requires that each publication contain an appropriate acknowledgement and disclaimer statement."

(v) *Patents.* Include an appropriate statement concerning patents. For example:

"Small business concerns normally may retain the principal worldwide patent rights to any invention developed with government support. The government receives a royalty-free license for Federal government use, reserves the right to require the patent holder to license others in certain circumstances, and requires that anyone exclusively licensed to sell the invention in the United States must normally manufacture it domestically. To the extent authorized by 35 U.S.C. 205, the government will not make public any information disclosing a government-supported invention for a minimum 4-year period (that may be extended by subsequent STTR funding agreements) to allow the awardee a reasonable time to pursue a patent."

(vi) *Invention Reporting.* Include requirements for reporting inventions. Include appropriate information concerning the reporting of inventions, for example:

"STTR awardees must report inventions to the awarding agency within 2 months of the inventor's report to the awardee. The reporting of inventions may be accomplished by submitting paper documentation, including fax."

Note: Some agencies provide electronic reporting of inventions through the NIH Edison Invention Reporting System (Edison System). Use of the Edison System satisfies all invention reporting requirements mandated by 37 CFR part 401, with particular emphasis on the Standard Patent Rights Clauses, 37 CFR 401.14. Access to the system is through a secure interactive Internet site, <http://www.iedison.gov>, to ensure that all information submitted is protected. All agencies are encouraged to use the Edison System. In addition to fulfilling reporting requirements, the Edison System notifies the user of future time sensitive deadlines with enough lead-time to avoid the possibility of loss of patent rights due to administrative oversight.

(e) *Cost-Sharing.* Include a statement essentially as follows:

"Cost-sharing is permitted for proposals under this program solicitation; however, cost-sharing is not required. Cost-sharing will not be an evaluation factor in consideration of your Phase I proposal."

(f) *Profit or Fee.* Include a statement on the payment of profit or fee on awards made under the STTR Program solicitation.

(g) *Joint Ventures or Limited Partnerships.* Include essentially the following language:

"Joint ventures and limited partnerships are eligible provided the entity created

qualifies as a small business concern as defined in this program solicitation."

(h) *Research and Analytical Work.* Include essentially the following statement:

(1) "For both Phase I and Phase II, not less than 40 percent of the R/R&D work must be performed by the SBC, and not less than 30 percent of the R/R&D work must be performed by the single, partnering research institution, as defined in this solicitation."

(i) *Awardee Commitments.* To meet the legislative requirement that STTR solicitations be simplified, standardized and uniform, clauses expected to be in or required to be included in STTR funding agreements must not be included in full or by reference in STTR Program solicitations. Rather, applicants must be advised that they will be required to make certain legal commitments at the time of execution of funding agreements resulting from STTR Program solicitations. Essentially, the following statement must be included in the "Considerations" section of STTR Program solicitations:

"Upon award of a funding agreement, the awardee will be required to make certain legal commitments through acceptance of numerous clauses in Phase I funding agreements. The outline that follows is illustrative of the types of clauses to which the contractor would be committed. This list is not a complete list of clauses to be included in Phase I funding agreements, and is not the specific wording of such clauses. Copies of complete terms and conditions are available upon request."

(j) *Summary Statements.* The following are illustrative of the type of summary statements to be included immediately following the statement in subparagraph (i). These statements are examples only and may vary depending upon the type of funding agreement used.

(1) *Standards of Work.* Work performed under the funding agreement must conform to high professional standards.

(2) *Inspection.* Work performed under the funding agreement is subject to government inspection and evaluation at all times.

(3) *Examination of Records.* The Comptroller General (or a duly authorized representative) must have the right to examine any pertinent records of the awardee involving transactions related to this funding agreement.

(4) *Default.* The government may terminate the funding agreement if the contractor fails to perform the work contracted.

(5) *Termination for Convenience.* The funding agreement may be terminated at any time by the government if it deems termination to be in its best interest, in which case the awardee will be compensated for work performed and for reasonable termination costs.

(6) *Disputes.* Any dispute concerning the funding agreement that cannot be resolved by agreement must be decided by the contracting officer with right of appeal.

(7) *Contract Work Hours.* The awardee may not require an employee to work more than 8 hours a day or 40 hours a week unless the employee is compensated accordingly (for example, overtime pay).

(8) *Equal Opportunity.* The awardee will not discriminate against any employee or

applicant for employment because of race, color, religion, sex, or national origin.

(9) *Affirmative Action for Veterans.* The awardee will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era.

(10) *Affirmative Action for Handicapped.* The awardee will not discriminate against any employee or applicant for employment because he or she is physically or mentally handicapped.

(11) *Officials Not To Benefit.* No government official must benefit personally from the STTR funding agreement.

(12) *Covenant Against Contingent Fees.* No person or agency has been employed to solicit or secure the funding agreement upon an understanding for compensation except bonafide employees or commercial agencies maintained by the awardee for the purpose of securing business.

(13) *Gratuities.* The funding agreement may be terminated by the government if any gratuities have been offered to any representative of the government to secure the award.

(14) *Patent Infringement.* The awardee shall report each notice or claim of patent infringement based on the performance of the funding agreement.

(15) *American Made Equipment and Products.* When purchasing equipment or a product under the STTR funding agreement, purchase only American-made items whenever possible.

(k) *Additional Information.* Information pertinent to an understanding of the administration requirements of STTR proposals and funding agreements not included elsewhere must be included in this section. As a minimum, statements essentially as follows must be included under "Additional Information" in STTR Program solicitations:

(1) This program solicitation is intended for informational purposes and reflects current planning. If there is any

inconsistency between the information contained herein and the terms of any resulting STTR funding agreement, the terms of the funding agreement are controlling.

(2) Before award of an STTR funding agreement, the government may request the applicant to submit certain organizational, management, personnel, and financial information to assure responsibility of the applicant.

(3) The government is not responsible for any monies expended by the applicant before award of any funding agreement.

(4) This program solicitation is not an offer by the government and does not obligate the government to make any specific number of awards. Also, awards under the STTR Program are contingent upon the availability of funds.

(5) The STTR Program is not a substitute for existing unsolicited proposal mechanisms. Unsolicited proposals must not be accepted under the STTR Program in either Phase I or Phase II.

(6) If an award is made pursuant to a proposal submitted under this STTR Program solicitation, a representative of the contractor or grantee or party to a cooperative agreement will be required to certify that the concern has not previously been, nor is currently being, paid for essentially equivalent work by any Federal agency.

6. *Submission of Proposals*

(a) This section must clearly specify the closing date on which all proposals are due to be received.

(b) This section must specify the number of copies of the proposal that are to be submitted.

(c) This section must clearly set forth the complete mailing and/or delivery address(es) where proposals are to be submitted.

(d) This section may include other instructions such as the following:

(1) *Bindings.* Please do not use special bindings or covers. Staple the pages in the upper left corner of the cover sheet of each proposal.

(2) *Packaging.* All copies of a proposal should be sent in the same package.

7. *Scientific and Technical Information Sources*

Wherever descriptions of research topics or subtopics include reference to publications, information on where such publications will normally be available shall be included in a separate section of the solicitation entitled "Scientific and Technical Information Sources."

8. *Research Topics*

Describe sufficiently the R/R&D topics and subtopics for which proposals are being solicited to inform the applicant of technical details of what is desired. Allow flexibility in order to obtain the greatest degree of creativity and innovation consistent with the overall objectives of the STTR Program.

9. *Submission Forms and Certifications*

Multiple copies of proposal preparation forms necessary to the contracting and granting process may be required. This section may include Proposal Summary, Proposal Cover, Budget, Checklist, and other forms the sole purpose of which is to meet the mandate of law or regulation and simplify the submission of proposals.

This section may also include certifying forms required by legislation, regulation or standard operating procedures, to be submitted by the applicant to the contracting or granting agency. This would include certifying forms such as those for the protection of human and animal subjects.

Appendix II: Tech-Net Data Fields for Public Database

The following are the data fields for the Public Tech-Net Database described in section 11(e)(9) of this Policy Directive.

(a) For All Agency STTR/SBIR Annual Data Submissions to the SBA.

Field name	Type	Width	Description
Program Identification	Numeric	1	STTR/SBIR Award Program Identifier* (see below).
Company	Char	80	Company Name*.
Street1	Char	80	Street Address 1*.
Street2	Char	80	Street Address 2.
City	Char	40	City*.
State	Char	2	State*.
Zip	Numeric	5	Zip*.
Zip4	Numeric	4	Zip + 4.
Minority Code	Numeric	1	Minority code indicator 0=yes 1=no*.
Women	Numeric	1	Women-owned company indicator 0=yes 1=no*.
Contact First	Char	40	Company Official contact first name.
Contact Last	Char	40	Contact last name.
Contact Middle Init	Char	1	Contact middle initial.
Contact Title	Char	40	Contact Official title.
Contact Phone	Char	10	Contact Official phone.
Contact Email Address	Char	50	Contact email address.
Employees	Numeric	5	Number of employees.
Agency Code	Numeric	2	Awarding agency name (ex. DOD)* (see below).
Branch	Number	1	Awarding DOD branch name (ex. Navy) (see below).
Phase	Numeric	1	Phase number 1 or 2*.
Award Year	Numeric	4	Phase award year*.

Field name	Type	Width	Description
Award Amount	Numeric	10	Phase award amount*.
PI First	Char	40	Principal Investigator First Name*.
PI Last	Char	40	Principal Investigator Last Name*.
PI Middle Init	Char	1	Principal Investigator middle initial.
PI Title	Char	40	Principal Investigator Title.
PI Phone	Char	10	Principal Investigator phone.
PI Email Address	Char	50	Principal Investigator email address.
Topic Code	Char	15	Agency Solicitation Topic Number*.
RI TYPE	Numeric	1	Type of research institution (see below).
RI Name	Char	80	Research institution.
RI Street 1	Char	80	Research institution address.
RI Street 2	Char	80	Research institution address.
RI City	Char	40	Research institution city.
RI State	Char	2	Research institution State.
RI Zip	Numeric	5	Research institution Zip.
RI Zip4	Numeric	4	Research institution Zip + 4.
RI Official First	Char	40	Research institution Official First Name.
RI Official Last	Char	40	Research institution Official Last Name.
RI Official Initial	Char	1	Research institution Official Middle Initial.
RI Official Phone	Char	10	
Tracking Number	Char	20	Agency key identifier (Internal number scheme)*.
TIN/EIN	Char	10	Taxpayer/Employer Identification number*. Prefix with 1 for EIN 2 for Social Security Number.
Contract/Grant Number	Char	20	Agency award contract/grant number.
Solicitation Number	Char	20	Solicitation Number.
Solicitation Year	Numeric	4	Year of the Solicitation.
Project Initiator	Char	1	Initiator of STTR collaborative effort.
Technology Used (Y/N)	Char	1	SBC or RI originate any technology used in the STTR project.
Time to establish license agreement (months).	Numeric	2	Time duration to establish any STTR license agreement.
STTR Proceeds Distribution to SBC (%)	Numeric	3	Allocation of proceeds from sale of STTR technology.
STTR Proceeds Distribution to RI (%)	Numeric	3	Allocation of proceeds from sale of STTR technology.

From this point each data element should be sent as a separate file

TITLE	Char	800	Title of research project*.
Tracking Number	Char	20	Agency key identifier (Internal number scheme)*.
Abstract	Char	1500	Technical abstract (500 words).
Tracking Number	Char	20	Agency key identifier (Internal number scheme)*.
Abstract SeqNmb	Numeric	1	
Results	Char	1000	—Project anticipated results.
Tracking Number	Char	20	Agency key identifier (Internal number scheme)*.
COMMENTS	Char	1000	—Project comments.
Tracking Number	Char	20	Agency key identifier (Internal number scheme)*.
Industry Share Amount	Numeric	10	ATP Program Cost Share Amount.
Cost Share Tracking #	Char	20	ATP Cost Share Tracking Number.

Note: Those fields denoted with an asterisk are deemed mandatory in all agency submissions. It is understood that all agencies will not have data for each data field listed above. Each agency must ensure that data submissions to the SBA include all of the data fields above, even if they are empty.

Code Research Institution Types

- 1 Nonprofit college or university
- 2 Domestic nonprofit research organization
- 3 Federally funded research and development center (FFDRC)

(b) Codes

(1) *Program Identification Code*

- 0 STTR (Small Business Technology Transfer)
- 1 SBIR (Small Business Innovation Research)
- 2 ATP (Advanced Technology Program)

(2) *Agency Codes*

- 1 DOD (Department of Defense)
- 2 DOE (Department of Energy)
- 3 NASA (National Aeronautics and Space Administration)
- 4 HHS (Health and Human Services)
- 5 NSF (National Science Foundation)
- 6 DOT (Department of Transportation)

7 EPA (Environmental Protection Agency)

- 8 ED (Department of Education)
- 9 DOA (Department of Agriculture)
- 10 DOC (Department of Commerce)
- 11 NIST (National Institute of Standards and Technology)

(3) *Branch Codes*

- 1 AF (Department of the Air Force)
- 2 ARMY (Department of the Army)
- 3 MDA (Missile Defense Agency)
- 4 DARPA (Defense Advanced Research Projects Agency)
- 5 DSWA (Defense Special Weapons Agency)

- 6 NAVY (Department of the Navy)
 7 OSD (Office of the Secretary of Defense)
 8 SOCO (Special Operations Command)
 9 NIMA (National Imaging and Mapping Agency)

(4) If any new codes, please advise the Office of Technology.

[FR Doc. 03-14635 Filed 6-13-03; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending June 6, 2003

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST-2003-15359.

Date Filed: June 4, 2003.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 302, PTC2 ME-AFR 0110 dated 4 June 2003, TC2 Middle East-Africa, Special Passenger Amending Resolution 010p from Qatar, Intended effective date: 15 June 2003.

Docket Number: OST-2003-15383.

Date Filed: June 6, 2003.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 301, PTC3 0650 dated 6 June 2003, Resolution 078ee-PEX Fares from Korea (Rep. of) to South East Asia, Intended effective date: 1 September 2003.

FOR FURTHER INFORMATION CONTACT: Andrea M. Jenkins, Telephone: (202) 366-0271.

Andrea M. Jenkins,
Federal Register Liaison.

[FR Doc. 03-15082 Filed 6-13-03; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Rule on Application 03-10-C-00-MDW To Impose a Passenger Facility Charge (PFC) at Chicago Midway International Airport, Chicago, IL and Use PFC Revenue at Gary/Chicago Airport, Gary, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the

application to impose a PFC at Chicago Midway International Airport and use the revenue from a PFC at Gary/Chicago Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before July 16, 2003.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Room 312, Des Plaines, Illinois 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Thomas R. Walker, Commissioner, City of Chicago Department of Aviation at the following address: Chicago O'Hare International Airport, P.O. Box 66142, Chicago, Illinois 60666.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Philip M. Smithmeyer, Manager, Chicago Airports District Office, 2300 East Devon Avenue, Room 312, Des Plaines, Illinois 60018, (847) 294-7335. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at Chicago Midway International Airport and use the revenue at Gary/Chicago Airport under the provisions of 49 U.S.C. 40017 and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 3, 2003, the FAA determined that the application to impose and use the revenue from a PFC submitted by City of Chicago Department of Aviation was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 4, 2003.

The following is a brief overview of the application.

Level of the proposed PFC: \$3.00.

Proposed charge effective date:

January 1, 2040.

Proposed charge expiration date:

February 1, 2040.

Total estimated PFC revenue:

\$1,550,00.

Brief description of proposed projects: Expand Passenger Terminal, Hangar Ramp Construction.

Class or classes of air carriers, which the public agency has requested, not be

required to collect PFCs: air taxi operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Chicago Department of Aviation.

Issued in Des Plaines, Illinois, on June 9, 2003.

Barbara J. Jordan,

Acting Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 03-15145 Filed 6-13-03; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Proposed Policy Statement No. ANE-2002-33.15-R0]

Policy for 14 CFR 33.15, Materials

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed policy statement; request for comments.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of proposed policy for 14 CFR 33.15, Materials.

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

ADDRESSES: Send all comments on the proposed policy to the individual identified under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Tim Mouzakis, FAA, Engine and Propeller Standards Staff, ANE-110, 12 New England Executive Park, Burlington, MA 01803; e-mail timoleon.mouzakis@faa.gov, telephone: (781) 238-7114; fax: (781) 238-7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

The proposed policy statement is available on the Internet at the following address: <http://www.airweb.faa.gov/rgl>. If you do not have access to the Internet, you may request a copy by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT**. The FAA invites interested parties to comment on the proposed policy. Comments should identify the subject of the proposed policy and be submitted to the individual identified under **FOR FURTHER INFORMATION CONTACT**. The FAA will consider all comments received by the

closing date before issuing the final policy.

Background

The FAA, in cooperation with industry, has developed a multi-faceted strategy to improve the safety of high-energy rotors. This strategy includes improving the ultrasonic (UT) billet inspection of titanium (Ti) alloys used in fan disks and other critical rotating engine hardware. The proposed policy would establish minimum safety standards for the UT billet inspection of Ti material used in the manufacturing of engine rotating components. The proposed policy would not establish new requirements.

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

Issued in Burlington, Massachusetts, on June 9, 2003.

Francis A. Favara,

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

[FR Doc. 03–15144 Filed 6–13–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Development of Voluntary Consensus Standards for Electrical System Wiring Practices on Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice; request for comments.

SUMMARY: This notice requests comments on voluntary consensus standards for electrical system wiring practices on general aviation small airplanes. In addition, the FAA requests comments from nongovernmental standards developing organizations (SDO) on their interest in developing such standards. This information will help the FAA determine the types of markets best suited to develop these standards for possible inclusion in the maintenance programs for general aviation small airplanes.

ADDRESSES: Barry Ballenger, Aerospace Engineer, FAA, Small Airplane Directorate, Continued Operational Safety Branch, ACE–113, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4152; fax (816) 329–4149; e-mail barry.ballenger@faa.gov.

FOR FURTHER INFORMATION CONTACT: If you need added information, you may

contact the person listed under the **ADDRESSES** section of this notice.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to respond to this notice by giving answers to the questions in the notice. Please ensure your reply gives your organization's name, address, and contact information. The FAA is particularly interested in comments from persons actively involved in voluntary standards development or are considering setting up a program for developing voluntary standards for electrical system wiring practices on general aviation small airplanes.

You may send your response to the person listed under the **ADDRESSES** section of this notice no later than August 15, 2003. The FAA will accept and consider all comments.

You should not send proprietary information by e-mail. If you believe any portion of the information you send is entitled to treatment as proprietary, you must claim confidentiality under 49 CFR part 7 for each portion. This claim must be made at the time the information is sent to the FAA. You should clearly mark all comments containing proprietary information.

Background

The National Technology Transfer and Advancement Act of 1995 encourages cooperative research and development efforts between the public and private sectors to bring technology and industrial innovations to the marketplace. With this in mind, the FAA seeks to gather information about how active standards developing organizations (SDO) are in determining standards for electrical system wiring practices on general aviation small airplanes. The FAA also wants to know the expertise available in this area. The FAA is especially interested in working with nongovernmental SDOs to promote development of voluntary consensus standards for these airplanes and get their comments on whether FAA should adopt these standards.

Information Requested

In addition to any general comments from interested parties, FAA specifically requests the following information from responding SDOs:

1. Does the organization develop standards for specific business or industry sectors (namely, automotive, aviation, and so forth) or does it develop standards in all areas?

2. Does the organization work under the American National Standards Institute (ANSI) procedures, or does it have other written procedures it uses for standards development? If available, please provide a copy.

3. Does the organization have, or plan to have, standards development that focus on, or that integrate the design, installation, maintenance, inspection, repair, and modification criteria of electrical systems as part of the scope of the standard(s)?

These standards would address cleaning procedures, wire and cable identification, wire and cable damage limits, installation clamping and routing methods, repair and replacement practices, inspection methods, and any other item that would provide a consistent way to ensure the continued airworthiness of installed electrical systems on small general aviation airplanes. In addition, the standards would act as a method of compliance to FAA certification and maintenance regulations for manufacturers, maintenance organizations, modifiers, third-party vendors, and any other interested party responsible for the design, modification, and maintenance of small general aviation airplanes.

4. Does the organization do product certification? If yes, what kind of products are generally involved?

5. Does the organization typically engage in product attribute development as well as standards development? If so, what kinds of products are generally involved?

6. Do members of government departments or agencies take part in the organization's standards development activities? If so, are there any members from regulatory agencies or departments?

7. Has the organization done any assessment of the market needs for electrical system wiring practices on small airplanes? If so, and the information is available, what is your assessment of categories and market sectors where the interest is likely to be high for electrical system wiring practices on small airplanes related standards?

Issued in Kansas City, Missouri, on June 6, 2003.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–15141 Filed 6–13–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket Nos. FMCSA-98-4334, FMCSA-2000-7363, FMCSA-2001-8398, FMCSA-2001-9258]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: This notice publishes the FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 35 individuals. The FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions will provide a level of safety that will equal or exceed the level of safety maintained without the exemptions for these commercial motor vehicle drivers.

DATES: This decision is effective June 26, 2003. Comments from interested persons should be submitted by July 14, 2003.

ADDRESSES: You can mail or deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. You can also submit comments at <http://dms.dot.gov>. Please include the docket numbers that appear in the heading of this document in your submission. You can examine and copy this document and all comments received at the same Internet address or at the Dockets Management Facility from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Zywokarte, Office of Bus and

Truck Standards and Operations, (202) 366-2987, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Exemption Decision**

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may renew an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of commercial motor vehicles in interstate commerce, for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 35 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 35 applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period. They are:

Gary A. Barrett
Ivan L. Beal
Johnny A. Beutler
Daniel R. Brewer
Brett L. Condon
Mark W. Coulson
Thomas W. Craig
Myron D. Dixon
Terry W. Dooley
George A. Hoffman, III
Alfred C. Jenkins
Donald L. Jensen
Daryl A. Jester
Robert L. Joiner, Jr.
James P. Jones
Loras G. Knebel
Larry J. Lang
Dennis D. Lesperance
Earnest W. Lewis
John W. Locke
Herman G. Lovell
Robert C. Lueders
Ronald L. Maynard
Gene L. Miller
Larry T. Morrison
James H. Oppliger
Richard S. Rehbein
David E. Sanders
Richard C. Simms
David B. Speller
Royal H. Stephens
Lynn D. Veach
Kevin L. Wickard
Charles M. Wilkins
Michael C. Wines

These exemptions are extended subject to the following conditions: (1) That each individual have a physical

exam every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for 2 years unless rescinded earlier by the FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application for additional 2-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 35 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226, 64 FR 16517, 66 FR 17994, 65 FR 45817, 65 FR 77066, 65 FR 78256, 66 FR 16311, 66 FR 17743, 66 FR 33990). Each of these 35 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, the FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

Comments

The FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, the FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by July 14, 2003.

In the past the FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 66 FR 17994 (April 4, 2001). The FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on: June 10, 2003.

Pamela M. Pelcovits,

Acting Associate Administrator, Policy and Program Development.

[FR Doc. 03-15146 Filed 6-13-03; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2003-15386]

Notice of Receipt of Petition for Decision that Nonconforming 2001 Ducati Monster 600 Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2001 Ducati Monster 600 motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2001 Ducati Monster 600 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially

similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is July 16, 2003.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78), or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing, Inc. of Houston, Texas ("Wallace") (Registered Importer 90-005) has

petitioned NHTSA to decide whether 2001 Ducati Monster 600 motorcycles are eligible for importation into the United States. The vehicles which Wallace believes are substantially similar are 2001 Ducati Monster 600 motorcycles that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. 2001 Ducati Monster 600 motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that non-U.S. certified 2001 Ducati Monster 600 motorcycles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2001 Ducati Monster 600 motorcycles are identical to their U.S. counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 111 *Rearview Mirrors*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, and 122 *Motorcycle Brake Systems*. Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: installation of compliant front amber reflectors and rear red reflectors.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: installation of a tire information placard and inspection to assure compliance with rim marking requirements. Rims that do not comply with the rim marking requirements must be replaced with compliant rims.

Standard No. 123 *Motorcycle Controls and Displays*: installation of a U.S. model speedometer/odometer calibrated in miles per hour.

The petitioner states that when the vehicle has been brought into conformity with all applicable Federal motor vehicle safety standards, a certification label that meets the requirements of 49 CFR part 567 will be affixed to the front of the motorcycle frame.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400

Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 10, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03-15083 Filed 6-13-03; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34353 (Sub-No. 1)]

Union Pacific Railroad Company— Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

AGENCY: Surface Transportation Board.

ACTION: Petition for Partial Revocation.

SUMMARY: The Board, under 49 U.S.C. 10502, revokes the class exemption as it pertains to the trackage rights described in STB Finance Docket No. 34353¹ to permit the trackage rights to: (1) Expire on or about June 22, 2003, for northbound trains; and (2) expire on or about October 16, 2003, for southbound trains, in accordance with the agreement of the parties.

DATES: This action is effective on June 20, 2003. Petitions to reopen must be filed by July 7, 2003.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance

¹ On May 9, 2003, the Union Pacific Railroad Company (UP) filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by The Burlington Northern and Santa Fe Railway Company (BNSF) to grant temporary overhead trackage rights to UP over a BNSF line of railroad between BNSF milepost 42.9 near Paola, KS, and BNSF milepost 633.0 near Joe Jct., TX, a distance of approximately 428.2 miles. See *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34353 (STB served May 29, 2003). The trackage rights operations under the exemption were scheduled to begin May 16, 2003.

Docket No. 34353 (Sub-No. 1) must be filed with the Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on petitioners' representative: Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565-1600. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dā-2-Dā Legal Copy Service, Suite 405, 1925 K Street, NW, Washington, DC 20006. Telephone: (202) 293-7776. [Assistance for the hearing impaired is available through FIRS at 1-800-877-8339.]

Board decisions and notices are available on our Web site at "<http://WWW.STB.DOT.GOV>."

Decided: June 9, 2003.

By the Board, Chairman Nober.

Vernon A. Williams,

Secretary.

[FR Doc. 03-14975 Filed 6-13-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-156 (Sub-No. 23X)]

Delaware and Hudson Railway Company, Inc., d/b/a Canadian Pacific Railway Company—Abandonment Exemption—in Albany County, NY

Delaware and Hudson Railway Company, Inc., d/b/a Canadian Pacific Railway Company (D&H), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 9.14± mile portion of railroad known as the Albany Main or the Voorheesville Running Track, between milepost 10.94± and milepost 1.8± in Albany County, NY. The line traverses United States Postal Service Zip Codes 12202, 12207, 12054, and 12186.

D&H has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be, and has been, rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been

decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 16, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 26, 2003. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 7, 2003, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicant's representative: Diane P. Gerth, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

D&H has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by June 20, 2003. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1552. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), D&H shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by D&H's filing of a notice of consummation by June 16, 2004, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: June 9, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 03-14974 Filed 6-13-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 201X)]

Union Pacific Railroad Company— Abandonment Exemption—In Franklin County, IA

On May 27, 2003, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 7.84-mile line of railroad, in the western portion of the Bristow Subdivision, extending from milepost 318.66, near Hampton, to milepost 326.50, near Coulter, in Franklin County, IA. The line traverses United States Postal Service Zip Codes 50431 and 50441 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final

decision will be issued by September 12, 2003.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 7, 2003. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-33 (Sub-No. 201X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; and (2) Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606. Replies to the UP petition are due on or before July 7, 2003.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1552. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days after the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at www.stb.dot.gov.

Decided: June 10, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 03-15118 Filed 6-13-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Departmental Offices, Treasury: Study of the Potential Effects of Acts of Terrorism on the Availability of Other Lines of Insurance

SUMMARY: The terrorism insurance legislation enacted on November 26, 2002, requires the Secretary of the Treasury (Treasury), after consultation with the National Association of Insurance Commissioners (NAIC), representatives of the insurance industry, and other experts in the insurance field, to conduct a study of the potential effects of acts of terrorism on the availability of life insurance and other lines of insurance coverage, including personal lines, and to submit a report to the Congress on the results of the study by August 26, 2003. To assist in the study, the Treasury is soliciting comments on the questions listed below.

DATES: Comments must be received by July 5, 2003.

ADDRESSES: Send comments by e-mail to Otherlinesstudy@do.treas.gov, or by mail to Lucy Huffman, Office of Microeconomic Analysis, U.S. Treasury Department, 1500 Pennsylvania Avenue, Washington, DC 20220. Please include your name, affiliation, address, e-mail address (if applicable), and telephone number. All submissions should be captioned "Comments on Study of Other Lines".

FOR FURTHER INFORMATION CONTACT: Lucy Huffman, Project Manager, Office of Microeconomic Analysis, 202-622-0198; or John Worth, Director, Office of Microeconomic Analysis, 202-622-2683.

SUPPLEMENTARY INFORMATION: Section 103(i) of the Terrorism Risk Insurance Act of 2002 (Pub. L. 107-297) (Act) requires the Treasury, after consultation with the NAIC, representatives of the insurance industry, and other experts in the insurance field, to conduct a study of "the potential effects of acts of terrorism on the availability of life insurance and other lines of insurance coverage, including personal lines". The Treasury is directed to submit a report to the Congress on the results of the study not later than 9 months after the date of enactment of the Act.

To assist in the study, Treasury is soliciting comment in response to the following questions, including empirical data in support of such comments where appropriate and available.

I. Exposure of Insurance Lines Not Covered Under Section 102(6) of the Act to Acts of Terrorism Defined in Section 102(1) of the Act

1.1 What lines of insurance would not be likely to experience potentially significant reductions in availability as a result of the occurrence of future acts of terrorism or the risk of acts of terrorism?

1.2 What lines of insurance would be likely to experience potentially significant reductions in availability as a result of the occurrence of future acts of terrorism or the risk of acts of terrorism?

1.3 What are the attributes of those lines cited in 1.2 that could lead to potentially significant reductions in availability? For example, are there unavoidable concentrations of risk? Is there a particular exposure to certain types of acts of terrorism?

1.4 What is the market structure of those lines of insurance cited in 1.2? In your answer, please describe, as quantitatively as you can, the degree of competition in the markets for those lines, the net premiums to surplus ratios for companies in those lines, and other measures of market structure that you believe are relevant; and compare them to the insurance industry average. What is the distribution of market share (highly concentrated among a few entities, broadly distributed, other)? What types of insurers hold the majority of the market share (local, regional, national, other)?

1.5 What is the current capacity of insurers in those lines cited in 1.2 to bear the risk of acts of terrorism, individually and as affiliates of other companies with support from them?

1.6 Compared to the condition of reinsurance and alternative markets before the attack of September 11, 2001, what is the availability and affordability of reinsurance or of alternatives sources of protection, for insurers offering coverage in lines cited in 1.2? What is the degree to which those insurers can mitigate their exposure through other means? Are there additional loss control programs or mitigation measures that could be undertaken?

1.7 What is the Federal and State regulatory structure applicable to those lines of insurance cited in 1.2? In particular please describe whether exclusions are allowed and for what risks.

II. Current Insurance Availability Conditions

2.1 Please describe current insurance availability conditions in as much detail as possible for customers of

the lines cited in 1.2. If there is reduced availability of a particular line of insurance for some customers, please indicate the line and describe the reduced availability as quantitatively as possible, including, to the extent you can, which customers have been significantly affected, by type and location. Please indicate whether such customers have access to alternative sources of insurance, including the cost and availability of these alternative sources, or whether the customers are not covered.

2.2 What is the impact on community and regional economies and well being, and the national economy of such reduced availability and affordability for those customers?

III. Impact of Potential Future Acts of Terrorism

In this section we solicit comment on the effect of potential future acts of terrorism—single events or aggregation of several events across locale or across a time period—that could cause significant and extended disruptions in availability of insurance lines cited in 1.2.

3.1 In order to facilitate our analysis, please set out the consequences of potential future acts of terrorism for each line of insurance cited in 1.2 within the following broad dimensions:

(1) The relative concentration of the insurance industry exposed to the loss (including the following categories: (a) Loss broadly distributed—share of loss is equivalent to market share; (b) concentration of loss among many small companies—share of loss is greater than market share for large number of small companies and less than market share among market leaders; (c) concentration of loss among market leaders—share of loss is greater than market share for large companies and less than market share among small companies; (d) other distributions deemed of interest); and

(2) the size of the loss (including the following categories: net present value of losses of approximately the following sizes: \$5 billion, \$15 billion, \$30 billion, \$60 billion or larger).

Within each “cell” identified by a single concentration and loss category, please describe as specifically as possible:

- Impact on financial capacity of insurers in the line (*e.g.*, as reduction in share of large local, regional or national market), whether and how many insolvencies might be the result, the extent to which state guarantee funds might be affected, any systemic impact on the insurance industry; and the length of time over which the industry might be able to recover.

- Scope of any significant reduction in availability of coverage in the line, including length of time over which coverage is reduced and numbers of customers or subsets of customers potentially affected.

- Scope of impact on the economies and well being of the communities in which the reductions in availability take place, the associated regions, and the national economy. Please be specific as to how the impact is transmitted from the affected community to the regional and national economy.

If you do not believe this format allows you to adequately answer the question, please alter as needed. Please note that descriptions of scenarios of individual events are not likely to be as helpful as broad aggregates.

3.2 If not already identified in the matrix above, please describe the class of events with the “worst” impact for the line of insurance affected, indicating the concentration and the size of the event (or aggregate of events).

3.3 Please describe, to the extent possible, the likelihood of the events included in the matrix above.

3.4 Please indicate whether you believe that the severity and likelihood of these events as you have described them is accurately reflected in current insurance availability conditions. Please be as specific as possible, including citing instances from your answers to questions 2.1–2.4.

Dated: June 6, 2003.

Mark Warshawsky,

Acting Assistant Secretary for Economic Policy.

[FR Doc. 03–15074 Filed 6–13–03; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4626

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form

4626, Alternative Minimum Tax—Corporations.

DATES: Written comments should be received on or before August 15, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3945, or through the Internet at CAROL.A.SAVAGE@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Alternative Minimum Tax—Corporations.

OMB Number: 1545-0175.

Form Number: 4626.

Abstract: Form 4626 is used by corporations to calculate their alternative minimum tax under section 55 of the Internal Revenue Code. The IRS uses the information on the form to determine whether the tax has been computed correctly.

Current Actions: The form was overhauled to reduce its size. Low usage lines were eliminated (former lines 2g, 2p, and 2q) to reduce the form from 2 pages to 1. The adjustment and preference items was “unindented” so we could eliminate a subtotal line. Also former line 8-a was eliminated, total carry forward line (page 2). Further, a Note at the top of the form to alert taxpayers that if they qualify as a small corporation under explained on the form.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 60,000

Estimated Time Per Respondent: 43 hr., 17 min.

Estimated Total Annual Burden Hours: 2,923.800

The following paragraph applies to all of the collections of information covered by this notice:

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

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 9, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03-15159 Filed 6-13-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8853

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8853, Archer MSAs and Long-Term Care Insurance Contracts.

DATES: Written comments should be received on or before August 15, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage at

Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3945, or through the Internet at CAROL.A.SAVAGE@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Archer MSAs and Long-Term Care Insurance Contracts.

OMB Number: 1545-1561.

Form Number: 8853.

Abstract: This form is used by individuals to report general information about their Archer medical savings accounts (MSAs), to figure their MSA deductions, and to figure their taxable distributions from MSAs. The form is also used to report taxable payments from long-term care (LTC) contracts.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 56,000.

Estimated Time Per Respondent: 1 hour, 47 minutes.

Estimated Total Annual Burden Hours: 100,795.

The following paragraph applies to all of the collections of information covered by this notice:

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

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital

or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 9, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03-15160 Filed 6-13-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 990-T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 990-T, Exempt Organization Business Income Tax Return.

DATES: Written comments should be received on or before August 15, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3179, or through the Internet at Larnice.Mack@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Exempt Organization Business Income Tax Return.

OMB Number: 1545-0687.

Form Number: 990-T.

Abstract: Form 990-T is used to report and compute the unrelated business income tax imposed on exempt organizations by Internal Revenue Code section 511 and the proxy tax imposed by Code section 6033(e). The form provides the IRS with the information necessary to determine that the tax has been properly computed.

Current Actions: The following changes are being considered:

A. Because of section 501 of the Tax Relief Extension Act of 1999 (Pub. L. 106-170), beginning in tax year 2000 the aggregate amounts of credits allowed under Subtitle A, Chapter 1, Subchapter A, Part IV, Subpart A of the Internal Revenue Code, will offset both a corporation's regular tax liability and its minimum tax. Because of this law change, Line 42 (alternative minimum tax) is relocated to Line 38. The other lines are being renumbered to reflect this change.

B. Schedule F of Form 990-T was used to compute the amount of specific payments (interest, annuity, royalty, or rent) that met the binding contract exception of Public Law 105-34, section 1041(b)(2) and are included on line 8. The binding contract exception, in effect on June 8, 1997, expires as of August 4, 2000. Therefore, Schedule F is being deleted as it is no longer needed.

Type of Review: Revision of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 37,103.

Estimated Time Per Respondent: 138 hours., 3 minutes.

Estimated Total Annual Burden Hours: 5,122,070.

The following paragraph applies to all of the collections of information covered by this notice:

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

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information

technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 6, 2003.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03-15161 Filed 6-13-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1040-ES, 1040-ES (NR), and 1040-ES (Español)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning 1040-ES, Estimated Tax for Individuals, 1040-ES (NR), U.S. Estimated Tax for Nonresident Alien Individuals, and 1040-ES (Español), Contribuciones Federales Estimadas Del Trabajo Por Cuenta Propia Y Sobre el Empleo De Empleados Domesticos—Puerto Rico.

DATES: Written comments should be received on or before August 15, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3945, or through the Internet at carol.a.savage@irs.gov.

SUPPLEMENTARY INFORMATION: *Title:* 1040-ES, Estimated Tax for Individuals, 1040-ES (NR), U.S. Estimated Tax for Nonresident Alien Individuals, and 1040-ES (Español), Contribuciones Federales Estimadas Del Trabajo Por Cuenta Propia Y Sobre el Empleo De Empleados Domesticos—Puerto Rico.

OMB Number: 1545-0087.

Form Number: 1040-ES, 1040-ES (NR), and 1040-ES (Espanol).

Abstract: Form 1040-ES is used by U.S. citizens and resident aliens to make estimated tax payment of income (and self-employment) tax due in excess of tax withheld. Form 1040-ES (NR) is used by nonresident aliens to pay any income tax due in excess of tax withheld. Form 1040-ES (Espanol) is printed in Spanish for use in Puerto Rico and includes payment vouchers for payment of self-employment tax on a current basis.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Responses: 40,991,991.

Estimated Time Per Response: 2 hours, 18 minutes.

Estimated Total Annual Burden Hours: 94,591,282.

The following paragraph applies to all of the collections of information covered by this notice:

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

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 10, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03-15162 Filed 6-13-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2000-28

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2000-28, Coal Exports.

DATES: Written comments should be received on or before August 15, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of notice should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3945, or through the Internet at CAROL.A.SAVAGE@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Coal Exports.

OMB Number: 1545-1690.

Notice Number: Notice 2000-28.

Abstract: Notice 2000-28 provides guidance relating to the coal excise tax imposed by section 4121 of the Internal Revenue Code. The notice provides rules under the Code for making a nontaxable sale of coal for export or for obtaining a credit or refund when tax has been paid with respect to a nontaxable sale of coal for export.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 400.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 400.

The following paragraph applies to all of the collections of information covered by this notice:

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

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 10, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03-15163 Filed 6-13-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120-IC-DISC, Schedules K and P

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this

opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1120-IC-DISC, Interest Charge Domestic International Sales Corporation Return, Schedule K (Form 1120-IC-DISC), Shareholder's Statement of IC-DISC Distributions, and Schedule P (Form 1120-IC-DISC), Intercompany Transfer Price or Commission.

DATES: Written comments should be received on or before August 15, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3945, or through the Internet at CAROL.A.SAVAGE@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Form 1120-IC-DISC, Interest Charge Domestic International Sales Corporation Return, Schedule K (Form 1120-IC-DISC), Shareholder's Statement of IC-DISC Distributions, and Schedule P (Form 1120-IC-DISC), Intercompany Transfer Price or Commission.

OMB Number: 1545-0938.

Form Numbers: 1120-IC-DISC, Schedules K and P.

Abstract: U.S. corporations that have elected to be an interest charge domestic international sales corporation (IC-DISC) file Form 1120-IC-DISC to report their income and deductions. The IC-DISC is not taxed, but IC-DISC shareholders are taxed on their share of IC-DISC income. IRS uses Form 1120-IC-DISC to check the IC-DISC's computation of income. Schedule K (Form 1120-IC-DISC) is used to report income to shareholders. Schedule P (Form 1120-IC-DISC) is used by the IC-DISC to report its dealings with related suppliers.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 1,200.

Estimated Time Per Respondent: 190 hours, 10 minutes.

Estimated Total Annual Burden Hours: 228,212.

The following paragraph applies to all of the collections of information covered by this notice:

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

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 10, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03-15164 Filed 6-13-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8633

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the

Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8633, Application to Participate in the IRS e-file Program.

DATES: Written comments should be received on or before August 15, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3945, or through the internet at CAROL.A.SAVAGE@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Application to Participate in the IRS e-file Program.

OMB Number: 1545-0991.

Form Number: 8633.

Abstract: Form 8633 is used by tax preparers, electronic return collectors, software firms, service bureaus and electronic transmitters as an application to participate in the electronic filing program covering individual income tax returns.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 50,000.

The following paragraph applies to all of the collections of information covered by this notice:

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

Request for comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 10, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03-15165 Filed 6-13-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 990-W

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 990-W, Estimated Tax on Unrelated Business Taxable Income for Tax-Exempt Organizations.

DATES: Written comments should be received on or before August 15, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3945, or through the Internet at CAROL.A.SAVAGE@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Estimated Tax on Unrelated Business Taxable Income for Tax-Exempt Organizations.

OMB Number: 1545-0976.

Form Number: 990-W.

Abstract: Form 990-W is used by tax-exempt trusts and tax-exempt corporations to figure estimated tax liability on unrelated business income and on investment income for private foundations and the amount of each installment payment. Form 990-W is a worksheet only. It is not required to be filed.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions and business or other for-profit organizations.

Estimated Number of Respondents: 27,265.

Estimated Time Per Respondent: 14 hours, 12 minutes.

Estimated Total Annual Burden Hours: 387,392.

The following paragraph applies to all of the collections of information covered by this notice:

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

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Approved: June 10, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03-15166 Filed 6-13-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0265]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 16, 2003.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030, FAX (202) 273-5981 or e-mail: denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0265."

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0265" in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Application for Counseling, VA Form 28-8832.

OMB Control Number: 2900-0265.

Type of Review: Extension of a currently approved collection.

Abstract: A veteran or dependent may use VA Form 28-8832 to apply for counseling services. Vocational Rehabilitation and Counseling will use the information on the form to quickly assess an applicant's probable entitlement to counseling, to call up

further records if necessary, and to contact the applicant to schedule a counseling appointment.

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 **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on April 1, 2003, at page 15798.

Affected Public: Individuals or households.

Estimated Annual Burden: 417 hours.

Estimated Average Burden Per

Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 5,000.

Dated: June 5, 2003.

By direction of the Secretary.

Martin L. Hill,

Acting Director, Records Management Service.

[FR Doc. 03-15076 Filed 6-13-03; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-NEW (VA Home Loan Guaranty Program Evaluation)]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Policy and Planning, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995

(44 U.S.C. 3501 *et seq.*), this notice announces that the Office of Policy and Planning (OPPA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 16, 2003.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to "OMB Control No. 2900-NEW (Pension and Parents DIC Participants)".

Send comments and recommendations concerning any aspect of the information collection to VA's Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-NEW (Pension and Parents DIC Participants)".

SUPPLEMENTARY INFORMATION:

Title: VA Home Loan Guaranty Program Evaluation. (OMB Control No. 2900-NEW (VA Home Loan Guaranty Program Evaluation).)

Type of Review: New collection.

Abstract: The purpose of these surveys is to provide information for an evaluation that assesses the

effectiveness and efficiency of VA Home Loan Guaranty Program for assisting eligible veterans and active duty military personnel to purchase, construct, repair, or improve a dwelling that they will own and occupy as their home; and to assess the adequacy, efficiency, and effectiveness of the Specially Adapted Housing Grant Program. These surveys will assist VA with the improvement of program operations and development of policy positions to support the needs and requirements of the veteran population.

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 **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on April 1, 2003, at pages 15797-15798.

Affected Public: Individuals or households.

Estimated Time Per Respondent and Annual Burden: 1,141 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,281.

Dated: June 5, 2003.

By direction of the Secretary.

Martin L. Hill,

Acting Director, Records Management Service.

[FR Doc. 03-15077 Filed 6-13-03; 8:45 am]

BILLING CODE 8320-01-P

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Construction or alteration in vicinity of private residence of President of United States; comments due by 6-23-03; published 4-22-03 [FR 03-09886]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Airbus; comments due by 6-23-03; published 5-23-03 [FR 03-12836]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Boeing; comments due by 6-23-03; published 4-23-03 [FR 03-09691]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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Boeing; comments due by 6-24-03; published 4-25-03 [FR 03-10115]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Bombardier; comments due by 6-23-03; published 5-23-03 [FR 03-12964]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Consolidated, Consolidated Vultee, and Convair; comments due by 6-23-03; published 4-22-03 [FR 03-09861]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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de Havilland; comments due by 6-23-03; published 4-16-03 [FR 03-09304]
Dornier; comments due by 6-23-03; published 5-15-03 [FR 03-12112]
Dowty Aerospace Propellers; comments due by 6-27-03; published 4-28-03 [FR 03-10334]
Eurocopter France; comments due by 6-23-

03; published 4-22-03 [FR 03-09864]

**TRANSPORTATION DEPARTMENT
Federal Aviation Administration**

Airworthiness directives:

McDonnell Douglas; comments due by 6-24-03; published 4-25-03 [FR 03-09981]

**TRANSPORTATION DEPARTMENT
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**TRANSPORTATION DEPARTMENT
Federal Aviation Administration**

Class E airspace; comments due by 6-25-03; published 5-9-03 [FR 03-11645]

**TRANSPORTATION DEPARTMENT
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Class E5 airspace; comments due by 6-23-03; published 5-22-03 [FR 03-12818]

**TREASURY DEPARTMENT
Comptroller of the Currency**

International banking activities:

Foreign banks seeking to establish Federal branches and agencies in U.S.; approval procedures; comments due by 6-23-03; published 4-23-03 [FR 03-09733]

**TREASURY DEPARTMENT
Fiscal Service**

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TREASURY DEPARTMENT

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USA PATRIOT Act; implementation—
Banks lacking Federal functional regulator; customer identification programs; comments due by 6-23-03; published 5-9-03 [FR 03-11015]

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Alcoholic beverages:
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Labeling and advertising; organic claims; comments

due by 6-23-03; published 5-9-03 [FR 03-11609]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.nara.gov/fedreg/plawcurr.html>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.access.gpo.gov/hara/nara005.html>. Some laws may not yet be available.

S. 243/P.L. 108-28

Concerning participation of Taiwan in the World Health Organization. (May 29, 2003; 117 Stat. 769)

S. 330/P.L. 108-29

Veterans' Memorial Preservation and Recognition Act of 2003 (May 29, 2003; 117 Stat. 772)

S. 870/P.L. 108-30

To amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program. (May 29, 2003; 117 Stat. 774)

Last List May 30, 2003

Public Laws Electronic Notification Service (PENS)

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Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-050-00001-6)	9.00	4Jan. 1, 2003
3 (1997 Compilation and Parts 100 and 101)	(869-050-00002-4)	32.00	1Jan. 1, 2003
4	(869-050-00003-2)	9.50	Jan. 1, 2003
5 Parts:			
1-699	(869-050-00004-1)	57.00	Jan. 1, 2003
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1200-End, 6 (6 Reserved)	(869-050-00006-7)	58.00	Jan. 1, 2003
7 Parts:			
1-26	(869-050-00007-5)	40.00	Jan. 1, 2003
27-52	(869-050-00008-3)	47.00	Jan. 1, 2003
53-209	(869-050-00009-1)	36.00	Jan. 1, 2003
210-299	(869-050-00010-5)	59.00	Jan. 1, 2003
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400-699	(869-050-00012-1)	39.00	Jan. 1, 2003
700-899	(869-050-00013-0)	42.00	Jan. 1, 2003
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11	(869-050-00029-6)	38.00	Jan. 1, 2003
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220-299	(869-050-00032-6)	58.00	Jan. 1, 2003
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13	(869-050-00037-7)	47.00	Jan. 1, 2003

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14 Parts:			
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60-139	(869-050-00039-3)	58.00	Jan. 1, 2003
140-199	(869-050-00040-7)	28.00	Jan. 1, 2003
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15 Parts:			
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16 Parts:			
0-999	(869-050-00046-6)	47.00	Jan. 1, 2003
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17 Parts:			
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240-End	(869-048-00050-0)	59.00	Apr. 1, 2002
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19 Parts:			
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141-199	(869-048-00054-2)	56.00	Apr. 1, 2002
*200-End	(869-050-00056-3)	30.00	Apr. 1, 2003
20 Parts:			
1-399	(869-048-00056-9)	47.00	Apr. 1, 2002
400-499	(869-048-00057-7)	60.00	Apr. 1, 2002
500-End	(869-050-00059-8)	63.00	Apr. 1, 2003
21 Parts:			
1-99	(869-050-00060-1)	40.00	Apr. 1, 2003
100-169	(869-048-00060-7)	46.00	Apr. 1, 2002
*170-199	(869-050-00062-8)	50.00	Apr. 1, 2003
200-299	(869-050-00063-6)	17.00	Apr. 1, 2003
300-499	(869-050-00064-4)	29.00	Apr. 1, 2003
*500-599	(869-050-00065-2)	47.00	Apr. 1, 2003
600-799	(869-050-00066-1)	15.00	Apr. 1, 2003
800-1299	(869-048-00066-6)	56.00	Apr. 1, 2002
1300-End	(869-050-00068-7)	22.00	Apr. 1, 2003
22 Parts:			
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23	(869-048-00070-4)	40.00	Apr. 1, 2002
24 Parts:			
*0-199	(869-050-00072-5)	58.00	Apr. 1, 2003
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500-699	(869-050-00074-1)	30.00	Apr. 1, 2003
*700-1699	(869-050-00075-0)	61.00	Apr. 1, 2003
1700-End	(869-048-00075-5)	29.00	Apr. 1, 2002
25	(869-048-00076-3)	68.00	Apr. 1, 2002
26 Parts:			
§§ 1.0-1-1.60	(869-050-00078-4)	49.00	Apr. 1, 2003
§§ 1.61-1.169	(869-048-00078-0)	58.00	Apr. 1, 2002
§§ 1.170-1.300	(869-050-00080-6)	57.00	Apr. 1, 2003
§§ 1.301-1.400	(869-048-00080-1)	44.00	Apr. 1, 2002
§§ 1.401-1.440	(869-050-00082-2)	61.00	Apr. 1, 2003
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§§ 1.641-1.850	(869-048-00084-4)	57.00	Apr. 1, 2002
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§§ 1.908-1.1000	(869-050-00087-3)	60.00	Apr. 1, 2003
*§§ 1.1001-1.1400	(869-050-00088-1)	61.00	Apr. 1, 2003
§§ 1.1401-End	(869-048-00088-7)	61.00	Apr. 1, 2002
*§§ 1.1551-End	(869-050-00090-3)	50.00	Apr. 1, 2003
2-29	(869-050-00091-1)	60.00	Apr. 1, 2003
30-39	(869-048-00090-9)	39.00	Apr. 1, 2002
40-49	(869-048-00091-7)	26.00	Apr. 1, 2002
50-299	(869-050-00094-6)	41.00	Apr. 1, 2003
*300-499	(869-050-00095-4)	61.00	Apr. 1, 2003
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27 Parts:				86 (86.600-1-End)			
1-199	(869-048-00096-8)	61.00	Apr. 1, 2002	87-99	(869-048-00150-6)	57.00	July 1, 2002
200-End	(869-048-00097-6)	13.00	Apr. 1, 2002	100-135	(869-048-00151-4)	42.00	July 1, 2002
28 Parts:				136-149			
0-42	(869-048-00098-4)	58.00	July 1, 2002	150-189	(869-048-00153-1)	47.00	July 1, 2002
43-end	(869-048-00099-2)	55.00	July 1, 2002	190-259	(869-048-00154-9)	37.00	July 1, 2002
29 Parts:				260-265			
0-99	(869-048-00100-0)	45.00	⁸ July 1, 2002	266-299	(869-048-00156-5)	47.00	July 1, 2002
100-499	(869-048-00101-8)	21.00	July 1, 2002	300-399	(869-048-00157-3)	43.00	July 1, 2002
500-899	(869-048-00102-6)	58.00	July 1, 2002	400-424	(869-048-00158-1)	54.00	July 1, 2002
900-1899	(869-048-00103-4)	35.00	July 1, 2002	425-699	(869-048-00159-0)	59.00	July 1, 2002
1900-1910 (§§ 1900 to 1910.999)	(869-048-00104-2)	58.00	July 1, 2002	700-789	(869-048-00160-3)	58.00	July 1, 2002
1910 (§§ 1910.1000 to end)	(869-048-00105-1)	42.00	⁸ July 1, 2002	790-End	(869-048-00161-1)	45.00	July 1, 2002
1911-1925	(869-048-00106-9)	29.00	July 1, 2002	41 Chapters:			
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1927-End	(869-048-00108-5)	59.00	July 1, 2002	1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
30 Parts:				3-6			
1-199	(869-048-00109-3)	56.00	July 1, 2002	7		6.00	³ July 1, 1984
200-699	(869-048-00110-7)	47.00	July 1, 2002	8		4.50	³ July 1, 1984
700-End	(869-048-00111-5)	56.00	July 1, 2002	9		13.00	³ July 1, 1984
31 Parts:				10-17			
0-199	(869-048-00112-3)	35.00	July 1, 2002	18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
200-End	(869-048-00113-1)	60.00	July 1, 2002	18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
32 Parts:				18, Vol. III, Parts 20-52			
1-39, Vol. I		15.00	² July 1, 1984	19-100		13.00	³ July 1, 1984
1-39, Vol. II		19.00	² July 1, 1984	1-100	(869-048-00162-0)	23.00	July 1, 2002
1-39, Vol. III		18.00	² July 1, 1984	101	(869-048-00163-8)	43.00	July 1, 2002
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191-399	(869-048-00115-8)	60.00	July 1, 2002	201-End	(869-048-00165-4)	24.00	July 1, 2002
400-629	(869-048-00116-6)	47.00	July 1, 2002	42 Parts:			
630-699	(869-048-00117-4)	37.00	July 1, 2002	1-399	(869-048-00166-2)	56.00	Oct. 1, 2002
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33 Parts:				43 Parts:			
1-124	(869-048-00120-4)	47.00	July 1, 2002	1-999	(869-048-00169-7)	47.00	Oct. 1, 2002
125-199	(869-048-00121-2)	60.00	July 1, 2002	1000-end	(869-048-00170-1)	59.00	Oct. 1, 2002
200-End	(869-048-00122-1)	47.00	July 1, 2002	44			
34 Parts:				(869-048-00171-9)			
1-299	(869-048-00123-9)	45.00	July 1, 2002	45 Parts:			
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400-End	(869-048-00125-5)	59.00	July 1, 2002	200-499	(869-048-00173-5)	31.00	⁹ Oct. 1, 2002
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(869-048-00126-3)		10.00	⁷ July 1, 2002	1200-End	(869-048-00175-1)	57.00	Oct. 1, 2002
36 Parts				46 Parts:			
1-199	(869-048-00127-1)	36.00	July 1, 2002	1-40	(869-048-00176-0)	44.00	Oct. 1, 2002
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38 Parts:				156-165			
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(869-048-00133-6)		40.00	July 1, 2002	(869-048-00184-1)		24.00	Oct. 1, 2002
40 Parts:				47 Parts:			
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52 (52.01-52.1018)	(869-048-00136-1)	55.00	July 1, 2002	40-69	(869-048-00187-5)	36.00	Oct. 1, 2002
52 (52.1019-End)	(869-048-00137-9)	58.00	July 1, 2002	70-79	(869-048-00188-3)	58.00	Oct. 1, 2002
53-59	(869-048-00138-7)	29.00	July 1, 2002	80-End	(869-048-00189-1)	57.00	Oct. 1, 2002
60 (60.1-End)	(869-048-00139-5)	56.00	July 1, 2002	48 Chapters:			
60 (Apps)	(869-048-00140-9)	51.00	⁸ July 1, 2002	1 (Parts 1-51)	(869-048-00190-5)	59.00	Oct. 1, 2002
61-62	(869-048-00141-7)	38.00	July 1, 2002	1 (Parts 52-99)	(869-048-00191-3)	47.00	Oct. 1, 2002
63 (63.1-63.599)	(869-048-00142-5)	56.00	July 1, 2002	2 (Parts 201-299)	(869-048-00192-1)	53.00	Oct. 1, 2002
63 (63.600-63.1199)	(869-048-00143-3)	46.00	July 1, 2002	3-6	(869-048-00193-0)	30.00	Oct. 1, 2002
63 (63.1200-End)	(869-048-00144-1)	61.00	July 1, 2002	7-14	(869-048-00194-8)	47.00	Oct. 1, 2002
64-71	(869-048-00145-0)	29.00	July 1, 2002	15-28	(869-048-00195-6)	55.00	Oct. 1, 2002
72-80	(869-048-00146-8)	59.00	July 1, 2002	29-End	(869-048-00196-4)	38.00	⁹ Oct. 1, 2002
81-85	(869-048-00147-6)	47.00	July 1, 2002	49 Parts:			
86 (86.1-86.599-99)	(869-048-00148-4)	52.00	⁸ July 1, 2002	1-99	(869-048-00197-2)	56.00	Oct. 1, 2002
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				200-399	(869-048-00200-6)	61.00	Oct. 1, 2002

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400-999	(869-048-00201-4)	61.00	Oct. 1, 2002
1000-1199	(869-048-00202-2)	25.00	Oct. 1, 2002
1200-End	(869-048-00203-1)	30.00	Oct. 1, 2002
50 Parts:			
1-17	(869-048-00204-9)	60.00	Oct. 1, 2002
18-199	(869-048-00205-7)	40.00	Oct. 1, 2002
200-599	(869-048-00206-5)	38.00	Oct. 1, 2002
600-End	(869-048-00207-3)	58.00	Oct. 1, 2002
CFR Index and Findings			
Aids	(869-050-00048-2)	59.00	Jan. 1, 2003
Complete 2003 CFR set		1,195.00	2003
Microfiche CFR Edition:			
Subscription (mailed as issued)		298.00	2003
Individual copies		2.00	2003
Complete set (one-time mailing)		298.00	2002
Complete set (one-time mailing)		290.00	2001

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 2002, through January 1, 2003. The CFR volume issued as of January 1, 2002 should be retained.

⁵ No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

⁷ No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained.

⁸ No amendments to this volume were promulgated during the period July 1, 2001, through July 1, 2002. The CFR volume issued as of July 1, 2001 should be retained.

⁹ No amendments to this volume were promulgated during the period October 1, 2001, through October 1, 2002. The CFR volume issued as of October 1, 2001 should be retained.