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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–15299; Airspace Docket No. 03–AWP–9]

Modification of Class E Airspace; Window Rock, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: An Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) RNAV (GPS) Runway (RWY) 02, and an RNAV (GPS)–B SIAP has been developed to serve Window Rock Airport, Window Rock, AZ. This action expands Class E airspace extending upward from 700 feet or more above the surface at Window Rock, AZ to contain aircraft executing these approaches. This action provides controlled airspace for Instrument Flight Rules (IFR) operations.

DATES: This direct final rule is effective on 0901 UTC, September 4, 2003. Comments for inclusion in the Rules Docket must be received on or before July 25, 2003.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2003–15299/ Airspace Docket No. 03–AWP–9, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final dispositions in person in the Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT: Jeri Carson, Air Traffic Division, Airspace Branch, AWP–520, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6611.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 modifies the Class E airspace at Window Rock, AZ. An RNAV (GPS) RWY 2 and RNAV (GPS)–B SIAP have been developed to serve Window Rock, AZ. These SIAPs require additional controlled airspace to contain aircraft executing the new approach procedures. This action expands Class E airspace to support Instrument Flight Rules (IFR) operations to Window Rock, AZ. 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 designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 03–AWP–9.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, this regulation only involves an established body of

technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9K, 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.

* * * * *

AWP AZ E5 Window Rock, AZ [Revised]

Window Rock Airport, AZ
(Lat. 35°39′07″ N, long. 109°04′02″ W)
Gallup VORTAC
(Lat. 35°28′34″ N, long. 108°52′21″ W)

That airspace extending upward from 700 feet above the surface within 6.6-mile radius of the Window Rock Airport and within 2.6 miles each side of the Gallup VORTAC 318° radial, extending from the 6.6-mile radius to the Gallup VARTAC and within 4-miles west and 2 miles east of the 214° bearing from the Window Rock airport, extending from the 6.6-mile radius to 13.4 miles southwest of the airport and within 2 miles each side of 004° bearing from the Window Rock Airport, extending from the 6.6-miles radius to 11.7 miles north of the airport and within an area bounded by a line beginning at Lat. 35°38′27″ N, Long. 109°06′37″ W; to Lat. 35°31′07″ N, Long. 108°58′34″ W; to Lat. 35°27′13″ N, Long. 109°04′36″ W; to Lat. 35°25′26″ N, Long. 109°14′07″ W; to lat 35°31′35″ N, Long. 109° 11′00″ W, to the point of beginning. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 35°30′00″ N, Long. 109°17′00″ W; to Lat. 35°28′00″ N, Long. 109°30′00″ W; to Lat. 35°08′00″ N, Long. 109°39′00″ W; to Lat. 35°08′00″ N, Long. 109°25′00″ W; to Lat. 35°20′00″ N, Long. 109°12′00″ W; to the point of beginning and that airspace beginning at Lat. 35°49′30″ N, Long. 109°05′00″ W; to Lat. 36°04′00″ N, Long. 109°27′00″ W; to Lat. 36°07′00″ N, Long. 109°23′00″ W; to Lat. 35°54′00″ N, Long. 109°03′00″ W; to Lat. 35°54′00″ N, Long. 108°43′00″ W; to Lat. 35°51′00″ N, Long. 108°44′00″ W; to Lat. 35°51′30″ N, Long. 108°47′00″ W; to Lat. 35°44′00″ N, Long. 108°51′30″ W, to the point of beginning.

* * * * *

Issued in Los Angeles, California, on June 5, 2003.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 03–15526 Filed 6–18–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule, technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Alpharma, Inc. The supplemental NADA provides for the use of a lasalocid Type A medicated article to make free-choice, loose mineral Type C medicated feeds used for increased rate of weight gain in pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers). The regulations are also being revised to provide current references for the amounts of selenium and ethylenediamine dihydroiodide (EDDI) permitted in other free-choice cattle feeds.

DATES: This rule is effective June 19, 2003.

FOR FURTHER INFORMATION CONTACT: Eric S. Dubbin, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855; 301–827–0232; e-mail: *edubbin@cvm.fda.gov*.

SUPPLEMENTARY INFORMATION: Alpharma, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, filed a supplement to NADA 96–298 that provides for use of BOVATEC 68 (lasalocid) Type A medicated article to make a free-choice high phosphorus loose mineral Type C medicated feed containing 1088 grams lasalocid per ton of feed. The free-choice medicated feed is used for increased rate of weight gain in pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers). The NADA is approved as of April 9, 2003, and the regulations are amended in 21 CFR 558.311 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

Section 558.311 is also being revised to reflect publication of an updated compliance policy guide (CPG) on permitted levels of EDDI in animal feed (CPG 7125.18, May 1, 2000).

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for 3 years of marketing exclusivity beginning April 9, 2003.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subject in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

■ 2. Section 558.311 is amended:

a. In paragraph (b)(4) by removing ''(e)(2) and (e)(3)'' and by adding in its place ''(e)(2), (e)(3), and (e)(4)'';

b. In paragraphs (e)(2)(i) and (e)(3)(i) by revising footnote 1;

c. By redesignating paragraph (e)(4) as paragraph (e)(5); and

d. By adding new paragraph (e)(4).

The revisions and addition read as follows:

§ 558.311 Lasolocid.

* * * * *

(e) * * *

(2) * * *

(i) * * *

[1] Content of this vitamin and trace mineral premixes may be varied; however, they should be comparable to those used by the firm for other free-choice feeds. Formulation modifications require FDA approval prior to marketing. Selenium must comply with § 573.920 of this chapter. Ethylenediamine dihydroiodide (EDDI) should comply with FDA Compliance Policy Guide Sec. 651.100 (CPG 7125.18).

(3) * * *

(i) * * *

[1]Content of vitamin and trace mineral premixes may be varied; however, they should be comparable to those used for other free-choice liquid feeds. Formulation modifications require FDA approval prior to marketing. Selenium must comply with § 573.920 of this chapter. EDDI should comply with FDA Compliance Policy Guide Sec. 651.100 (CPG 7125.18).

* * * * *

(4) It is used as a free-choice, loose mineral Type C feed as follows:

(i) *Specifications.*

Ingredient	Percent	International feed No.
Monocalcium Phosphate (21% P)	57.50	6–01–082
Salt	17.55	6–04–152
Distillers Dried Grains w/Solubles	5.40	5–28–236
Dried Cane Molasses (46% Sugars)	5.20	4–04–695
Potassium Chloride	4.90	6–03–755
Trace Mineral/Vitamin Premix[1]	3.35	.....
Calcium Carbonate (38% Ca)	2.95	6–01–069
Mineral Oil	1.05	8–03–123
Magnesium Oxide (58% Mg)	1.00	6–02–756
Iron Oxide (52% Fe)	0.10	6–02–431
Lasalocid Type A Medicated Article (68 g per pound)	0.80	.....

[1] Content of vitamin and trace mineral premixes may be varied. However, they should be comparable to those used for other free-choice loose mineral feeds. Formulation modifications require FDA approval prior to marketing. Selenium must comply with § 573.920 of this chapter. EDDI should comply with FDA Compliance Policy Guides Sec. 651.100 (CPG 7125.18).

(ii) *Amount.* 1,088 grams per ton.

(iii) *Indications for use.* Pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers): For increased rate of weight gain. Intakes of lasalocid in excess of 200 mg/head/day have not been shown to be more effective than 200 mg/head/day.

(iv) *Limitations.* Feed continuously on a free-choice basis at a rate of 60 to 300 mg lasalocid per head per day.

(v) *Sponsor.* See No. 046573 in § 510.600(c) of this chapter.

* * * * *

Dated: May 29, 2003.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 03–15541 Filed 6–18–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE INTERIOR

Indian Arts and Crafts Board

25 CFR Part 309

RIN 1076–AE16

Protection of Products of Indian Art and Craftsmanship; Correction

AGENCY: Indian Arts and Crafts Board (IACB), Department of the Interior.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to the final regulations for the Indian Arts and Crafts Enforcement Act of 2000 (25 CFR part 309), which were published Thursday, June 12, 2003, (68 FR 35164). The rule clarifies the regulatory definition of ''Indian product,'' as defined under the Indian Arts and Crafts Act of 1990.

EFFECTIVE DATES: June 13, 2003.

FOR FURTHER INFORMATION CONTACT: Meridith Z. Stanton, Director, (202) 208–3773 (not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction clarify the regulatory definition of ''Indian product,'' as defined under the Indian Arts and Crafts Act of 1990 (Pub. L. 101–644, 104 Stat. 4662).

Need for Correction

As published, the final regulations contain an error which may prove to be misleading and is in need of clarification.

Correction of Publication

■ Accordingly, the publication on June 12, 2003 of the final regulations (25 CFR part 309), which were the subject of FR Doc. 03–14827, is corrected as follows:

Effective Date—[Corrected]

■ On page 35164, in the second column, the effective date of September 10, 2003 is to read July 14, 2003.

Meridith Z. Stanton,

Director, Indian Arts and Crafts Board.

[FR Doc. 03–15417 Filed 6–18–03; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach 01–013]

RIN 1625–AA00 (Formerly RIN 2115–AA97)

Security Zone; Port Hueneme Harbor, Ventura County, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; change in effective period.

SUMMARY: The Coast Guard is revising the effective period for a temporary security zone covering all waters within Port Hueneme Harbor in Ventura County, CA. This security zone is needed for national security reasons to protect Naval Base Ventura County and commercial port from potential subversive acts. Entry into this zone is prohibited unless specifically authorized by the Capitan of the Port Los Angeles-Long Beach, the Commanding Officer of Naval Base Ventura County, or their designated representatives.

DATES: The amendment to § 165.T11–060(c) in this rule is effective June 15, 2003. Section 165.T11–060, added at 67 FR 1099, January 9, 2002, effective from 12:01 a.m. PST on December 21, 2001, to 11:59 p.m. PDT on June 15, 2002, as amended by this rule is extended in effect until 11:59 p.m. PST on December 15, 2003.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP Los Angeles-Long Beach 01–013 and are available for inspection or copying at U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach, 1001 South Seaside Avenue, Building 20, San Pedro, California, 90731 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Rob Griffiths, Assistant Chief of Waterways Management Division, at (310) 732–2020.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On January 9, 2002, we published a temporary final rule for Port Hueneme Harbor entitled ''Security Zone; Port Hueneme Harbor, Ventura County, CA'' in the **Federal Register** (67 FR 1097) under § 165.T11–060. The effective period for this rule was from December 21, 2001, through June 15, 2002.

On June 18, 2002, we published a temporary final rule for Port Hueneme Harbor entitled ''Security Zone; Port Hueneme Harbor, Ventura County, CA'' in the **Federal Register** (67 FR 41341) under § 165.T11–060. The effective period was extended through June 15, 2003.

This temporary final rule further extends the effective period through December 15, 2003.

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Due to the terrorist attacks on September 11, 2001 and the warnings given by national security and intelligence officials, there is an increased risk that further subversive or terrorist activity may be launched against the United States. A heightened level of security has been established around Naval Facilities. The original TFR was urgently required to prevent possible terrorist strikes against the United States and more specifically the people, waterways, and properties in Port Hueneme Harbor and the Naval Base Ventura County. It was anticipated that we would assess the security environment at the end of the effective period to determine whether continuing security precautions were required and, if so, propose regulations responsive to existing conditions. We have determined the need for continued security regulations exists.

The Coast Guard has determined that designation of a Restricted Area by the Army Corps of Engineers (ACOE) under 33 CFR 334 is a more appropriate regulation in this case. On January 13, 2003, ACOE published a notice of proposed rulemaking for Port Hueneme Harbor entitled ''United States Navy Restricted Area, Naval Base Ventura County, Port Hueneme, CA'' in the **Federal Register** (68 FR 1791) under 33 CFR 334.1127. The ACOE will utilize the extended effective period of this TFR to issue a Final Rule. This TFR preserves the status quo within the harbor while a permanent Restricted Area is implemented.

For the reasons stated in the paragraphs above under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

On September 11, 2001, terrorists launched attacks on commercial and public structures—the World Trade Center in New York and the Pentagon in Arlington, Virginia—killing large numbers of people and damaging properties of national significance. There is an increased risk that further subversive or terrorist activity may be launched against the United States based on warnings given by national security and intelligence officials. The Federal Bureau of Investigation (FBI) has issued warnings on October 11, 2001 and February 11, 2002 concerning the potential for additional terrorist attacks within the United States. In addition, the ongoing hostilities in Iraq and Afghanistan have made it prudent for important facilities and vessels to be on a higher state of alert because Osama Bin Ladin and his Al Qaeda organization, and other similar organizations, have publicly declared an ongoing intention to conduct armed attacks on U.S. interests worldwide.

These heightened security concerns, together with the catastrophic impact that a terrorist attack against a Naval Facility would have to the public interest, makes these security zones prudent on the navigable waterways of the United States. To mitigate the risk of terrorist actions, the Coast Guard has increased safety and security measures on the navigable waterways of U.S. ports and waterways as further attacks may be launched from vessels within the area of Port Hueneme Harbor and the Naval Base Ventura County.

In response to these terrorist acts, to prevent similar occurrences, and to protect the Naval Facilities at Port Hueneme Harbor and the Naval Base Ventura County, the Coast Guard has established a security zone in all waters within Port Hueneme Harbor. This security zone is necessary to prevent damage or injury to any vessel or waterfront facility, and to safeguard ports, harbors, or waters of the United States in Port Hueneme Harbor, Ventura County, CA.

As of today, the need for a security zone in Port Hueneme Harbor still exists. This temporary final rule will become effective June 15, 2003, and is set to expire 11:59 p.m. PST on December 15, 2003. This will allow the Army Corps of Engineers to utilize the extended effective period of this TFR to complete notice and comment rulemaking for permanent regulations tailored to the present and foreseeable security environment. This revision preserves the status quo within the Port Hueneme Harbor while permanent rules are finalized.

Discussion of Rule

This regulation that is extending the effective period of the current security zone, prohibits all vessels from entering Port Hueneme Harbor beyond the COLREGS demarcation line set forth in subpart 80.1120 of part 80 of Title 33 of the Code of Federal Regulations without first filing a proper Advance Notification of Arrival as required by part 160 of Title 33 of the Code of Federal Regulations as well as obtaining clearance from Commanding Officer, Naval Base Ventura County ''Control 1''.

This security zone is established pursuant to the authority of The Magnuson Act regulations promulgated by the President under 50 U.S.C. 191, including subparts 6.01 and 6.04 of part 6 of Title 33 of the Code of Federal Regulations. Vessels or persons violating this section are subject to the penalties set forth in 50 U.S.C. 192 including seizure and forfeiture of the vessel, a monetary penalty of not more than $10,000, and imprisonment for not more than 10 years.

This rule will be enforced by the Captain of the Port Los Angeles-Long Beach, who may also enlist the aid and cooperation of any Federal, State, county, municipal, and private agencies to assist in the enforcement of this rule. Commanding Officer, Naval Base Ventura County ''Control 1'' will control vessel traffic entering Port Hueneme Harbor.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS) because this zone will encompass a small portion of the waterway.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because this zone will encompass a small portion of the waterway.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. 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 analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation because we are establishing a security zone.

A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and record keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.

■ 2. In temporary § 165.T11–060, revise paragraph (c) to read as follows:

§ 165.T11–060 Security Zone; Port Hueneme Harbor, Ventura County, California.

* * * * *

(c) *Effective period.* This section is effective from 12:01 a.m. PST on

December 21, 2001, until 11:59 p.m. PST on December 15, 2003.

* * * * *

Dated: June 10 2003.

John M. Holmes,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.

[FR Doc. 03–15531 Filed 6–18–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

[Docket No. SLSDC 2003–15136]

RIN 2135–AA18

Seaway Regulations and Rules: Stern Anchors and Navigation Underway

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by making requirement for stern anchors applicable to large tug and barge combinations and by adding new requirements for manning of the wheelhouse for vessels underway.

DATES: This rule is effective on July 21, 2003.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–6823.

SUPPLEMENTARY INFORMATION: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. A notice of proposed rulemaking was published on May 13, 2003 (68 FR 25546). Interested parties have been afforded an opportunity to comment. No comments were received. The amendments are described in the following summary.

Under agreement with the SLSMC, the SLSDC is amending the joint regulations by making requirement for stern anchors applicable to new tug and barge combinations. Some tug and barge combinations that transit the Seaway carry dangerous or hazardous cargo and are just as large, 110 meters or more in combination, as the commercial vessels to which the requirement now applies. Accordingly, the SLSDC is making the requirement that a vessel be equipped with a stern anchor also applicable to these large tug and barge combinations. This will provide increased safety through greater control. Specifically, § 401.15, ''Stern anchors'', is amended by adding a new subsection to read, ''Every integrated tug and barge or articulated tug and barge unit greater than 110m in overall length which is constructed after January 1, 2003, shall be equipped with a stern anchor.''

In addition, the SLSDC is amending the manning requirements for navigation underway to ensure greater safety for all vessels, which includes tugs and tug and barge combinations as well. The rule already requires adequate manning and operation of the propulsion machinery. Inadequate manning of the wheelhouse during mooring and other essential duties also poses serious environmental and safety risks. Accordingly, § 401.35, ''Navigation underway'', is amended by adding two new subsections (c) and (d) to read as follows: ''(c) man the wheelhouse of the vessel at all times by either the master or certified deck officer and by another qualified crewmember and (d) have sufficient well rested crewmembers available for mooring operations and other essential duties.''

Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et reg.*) because it is not a major federal action significantly affecting the quality of human environment.

Federalism

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this proposal does not have sufficient federalism implications to warrant a Federalism Assessment.

Unfunded Mandates

The Corporation has analyzed this rule under title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

Paperwork Reduction Act

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

List of Subjects

33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

■ Accordingly, the Saint Lawrence Seaway Development Corporation is amending 33 CFR part 401 as follows:

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—[Amended]

■ 1. The authority citation for subpart A of part 401 continues to read as follows:

Authority: 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.52, unless otherwise noted.

■ 2. § 401.15 is revised to read as follows:

§ 401.15 Stern anchors.

(a) Every ship of more than 110m in overall length, the keel of which is laid after January 1, 1975, shall be equipped with a stern anchor.

(b) Every integrated tug and barge or articulated tug and barge unit greater than 110m in overall length which is constructed after January 1, 2003, shall be equipped with a stern anchor.

3. § 401.35 is amended by: removing the word ''and'' after the semicolon in paragraph (a); removing the period after paragraph (b) and replacing it with a semicolon; and adding two new paragraphs (c) and (d) to read as follows:

§ 401.35 Navigation underway.

* * * * *

(c) Man the wheelhouse of the vessel at all times by either the master or certified deck officer and by another qualified crewmember; and

(d) Have sufficient well rested crewmembers available for mooring operations and other essential duties.

Issued at Washington, DC on June 16, 2003.

Albert S. Jacquez,

Administrator, Saint Lawrence Seaway Development Corporation.

[FR Doc. 03–15537 Filed 6–18–03; 8:45 am]

BILLING CODE 4910–61–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 125

[FRL–7514–9]

RIN 2040–AD85

National Pollutant Discharge Elimination System—Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today's final rule makes minor changes to EPA's final rule published December 18, 2001, implementing section 316(b) of the Clean Water Act (CWA) for new facilities that use water withdrawn from rivers, streams, lakes, reservoirs, estuaries, oceans or other waters of the United States for cooling. The December 2001 rule instituted national technology-based performance requirements applicable to the location, design, construction, and capacity of cooling water intake structures at new facilities. These national requirements establish the best technology available for minimizing adverse environmental impact associated with the use of these structures. EPA is making several minor changes to the December 2001 rule because, in several instances, the final rule text does not reflect the Agency's intent.

DATES: This final rule is effective on July 21, 2003. For judicial review purposes, this final rule is promulgated as of 1 p.m. Eastern Standard Time (EST) on July 3, 2003, as provided in 40 CFR 23.2 and 23.7.

FOR FURTHER INFORMATION CONTACT: Martha Segall, USEPA Office of Water by phone at (202) 566–1041 or by e-mail at *rule.316b@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Regulated Entities

This final rule applies to new greenfield and stand-alone facilities that use cooling water intake structures to withdraw water from waters of the U.S. and that have or require a National Pollutant Discharge Elimination System (NPDES) permit issued under section 402 of the CWA. New facilities subject to this regulation include those that have a design intake flow of greater than two (2) million gallons per day (MGD) and that use at least twenty-five (25) percent of water withdrawn for cooling purposes. Today's rule does not apply to existing facilities, major modifications to existing facilities that would be ''new sources'' under 40 CFR 129.29(b) as that term is used in the effluent guidelines and standards program, or facilities that employ cooling water intake structures in the offshore oil and gas extraction point source category as defined under 40 CFR 435.10 and 40 CFR 435.40.

The following table is not intended to be exhaustive; rather, it provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria at 40 CFR 125.81. If you have questions about the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Category	Examples of regulated entities	Standard industrial classification codes	North American Industry Codes (NAIC)
Federal, State and Local Government.	Operators of steam electric generating point source dischargers that employ cooling water intake structures.	4911 and 493	221111, 221112, 221113, 221119, 221121, 221122, 221111, 221112, 221113, 221119, 221121, 221122
Industry	Operators of industrial point source dischargers that employ cooling water intake structures.	See below	See below
	Steam electric generating	4911 and 493	221111, 221112, 221113, 221119, 221121, 221122, 221111, 221112, 221113, 221119, 221121, 221122
	Agricultural production	0133	111991, 11193
	Metal mining	1011	21221
	Oil and gas extraction (Excluding offshore and coastal subcategories).	1311, 1321	211111, 211112
	Mining and quarrying of nonmetallic minerals	1474	212391
	Food and kindred products	2046, 2061, 2062, 2063, 2075, 2085.	311221, 311311, 311312, 311313, 311222, 311225, 31214
	Tobacco products	2141	312229, 31221
	Textile mill products	2211	31321

Category	Examples of regulated entities	Standard industrial classification codes	North American Industry Codes (NAIC)
	Lumber and wood products, except furniture	2415, 2421, 2436, 2493.	321912, 321113, 321918, 321999, 321212, 321219
	Paper and allied products	2611, 2621, 2631, 2676.	3221, 322121, 32213, 322121, 322122, 32213, 322291
	Chemical and allied products	28 (except 2895, 2893, 2851, and 2879).	325 (except 325182, 32591, 32551, 32532)
	Petroleum refining and related industries	2911, 2999	32411, 324199
	Rubber and miscellaneous plastics products	3011, 3069	326211, 31332, 326192, 326299
	Stone, clay, glass, and concrete products	3241	32731
	Primary metal industries	3312, 3313, 3315, 3316, 3317, 3334, 3339, 3353, 3363, 3365, 3366.	324199, 331111, 331112, 331492, 331222, 332618, 331221, 22121, 331312, 331419, 331315, 331521, 331524, 331525
	Fabricated metal products, except machinery and transportation equipment.	3421, 3499	332211, 337215, 332117, 332439, 33251, 332919, 339914, 332999
	Industrial and commercial machinery and computer equipment	3523, 3531	333111, 332323, 332212, 333922, 22651, 333923, 33312
	Transportation equipment	3724, 3743, 3764	336412, 333911, 33651, 336416
	Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks.	3861	333315, 325992
	Electric, gas, and sanitary services	4911, 4931, 4939, 4961.	221111, 221112, 221113, 221119, 221121, 221122, 22121, 22133
	Educational services	8221	61131
	Engineering, accounting, research, management and related services.	8731	54171

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

1. *Docket.* EPA has established an official public docket for this action under Docket ID No. OW–2002–0052. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

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

II. Legal Authority, Purpose, and Scope of Today's Final Rule

On December 18, 2001, EPA published a final rule implementing section 316(b) of the Clean Water Act for new facilities that use water withdrawn from rivers, streams, lakes, reservoirs, estuaries, oceans or other waters of the United States for cooling purposes. EPA reviewed the final rule text and believes that the regulatory language did not correctly reflect EPA's intent with respect to three issues. On December 26, 2002, EPA published a direct final rule (67 FR 78948) amending the text of the December 2001 final rule. EPA published a companion proposed rule on the same day as the direct final rule (67 FR 78956). The proposed rule invited comment on the substance of the direct final rule. The proposed rule stated that if EPA received adverse comment by January 27, 2003, the direct final rule would not take effect and EPA would publish a notice in the **Federal Register** withdrawing the direct final rule before the March 26, 2003, effective

date. EPA subsequently received adverse comment on the direct final rule, and withdrew the direct final rule on March 19, 2003 (68 FR 14164). Today's rulemaking constitutes EPA's final action on the proposed rule. With this final action, EPA is addressing and responding to the adverse comments received on the proposed rule and the direct final rule.

The legal authority, background, and basis for the December 2001 rule are discussed in the **Federal Register** notice of rulemaking (66 FR 65256, December 18, 2001). EPA often refers to the final rule implementing section 316(b) for new facilities as the ''Phase I rule.'' This term is used to avoid confusion with other phases of the section 316(b) rulemaking that mainly cover existing facilities.

III. Summary of the Final Rule

This rule makes minor changes to the regulations at 40 CFR 125.80, National Pollutant Discharge Elimination System: Regulations Addressing Cooling Water Intake Structures for New Facilities published on December 18, 2001 (66 FR 65256). The changes will clarify three technical issues on velocity monitoring, authority to require additional design and construction technologies, and procedures governing requests for less stringent alternative requirements.

A. Velocity Monitoring

The first revision to the regulatory text relates to velocity monitoring. In the final rule for cooling water intake structures at new facilities, EPA required that velocity be monitored at cooling water intake structures at least once per quarter. In monitoring velocity, facilities that employ surface intake screens are required to monitor head loss across the intake screens at the ''minimum ambient source water surface elevation.'' EPA qualified that language in the requirement by adding a parenthetical phrase that would allow the minimum ambient source water surface elevation to be determined using the Director's best professional judgment based on available hydrological data. *See* 40 CFR 125.87(b). However, EPA also defined ''minimum ambient source water surface elevation'' at 40 CFR 125.83 to mean ''the elevation of the 7Q10 flow for freshwater streams or rivers; the conservation pool level for lakes or reservoirs; or the mean low tidal water level for estuaries or oceans.'' EPA further defined each of these low flows in terms of a temporal and hydrological basis. *See* 66 FR 65339, December 18, 2001.

EPA understands that ambient source water surface elevations fluctuate through time, and it would be difficult, if not infeasible, to coordinate the measurements of head loss to the time when these minimum ambient source water surface elevations were occurring in the waterbody. It was EPA's intent that the velocity be measured at a time that is predicted, based on knowledge of the hydrology of the waterbody, to be a time of reasonable low flow representative of the low surface elevations that might occur during the months that comprise each quarter. For example, in tidal waters the velocity measurement should be taken at a low tide. If tide tables and/or other records indicate that the surface elevations in a particular month are typically lower than in other months, the facility should measure intake velocity at one of the lowest predicted tides during that particular month. In reservoirs where water levels are drawn down at certain parts of the year, the facility should measure intake velocity immediately after a drawdown or release has occurred. In freshwater rivers and streams, the facility should measure intake velocity during the month that typically has the lowest flows. Such monitoring should occur at a time when flows are not temporarily elevated due to recent storm events. The Director should determine and specify the appropriate time of measurement in the facility's NPDES permit based on available existing hydrological information and information submitted by the owner of the facility with its permit application. Accordingly, to conform the regulatory text to EPA's intent, EPA believes that the regulatory language at 40 CFR 125.87 is sufficient and that the definition of ''minimum ambient source water surface elevation'' is no longer needed. Therefore, today's action will only delete the definition of ''minimum ambient source water surface elevation'' at 40 CFR 125.83.

B. Director's Authority to Require Additional Design and Construction Technologies or Operational Measures in Track I

The second set of revisions to the regulatory text relates to the Director's authority to require additional design and construction technologies or operational measures in Track I. There are five provisions at issue: 40 CFR 125.84(b)(4)(ii), (b)(4)(iii), (b)(5)(ii), (c)(3)(ii), and (c)(3)(iii). Four of these provisions specify circumstances where design and construction technologies or operational measures for minimizing impingement mortality of fish and shellfish are required. At 40 CFR 125.84(b)(4)(ii) and (c)(3)(ii), facilities are required to select and implement design and construction technologies or operational measures for minimizing impingement mortality of fish and shellfish if ''There are migratory and/or sport or commercial species of impingement concern to the Director or any fishery management agency(ies), which pass through the hydraulic zone of influence of the cooling water intake structure.'' The language should have specified that additional design and construction technologies or operational measures are required if, ''Based on information submitted by any fishery management agency(ies) or other relevant information, there are migratory and/or sport or commercial species of impingement concern to the Director that pass through the hydraulic zone of influence of the cooling water intake structure.'' Paragraphs (b)(4)(iii) and (c)(3)(iii) require a facility to select and implement design and construction technologies or operational measures for minimizing impingement mortality if ''It is determined by the Director or any fishery management agency(ies) * * *.'' The language should have specified that those technologies are required if, ''It is determined by the Director, based on information submitted by any fishery management agency(ies) or other relevant information, that * * *.'' The fifth provision, paragraph (b)(5)(ii), addresses circumstances where design and construction technologies or operational measures are required for minimizing entrainment of entrainable life stages of fish and shellfish. The language used in this provision was similar to that in paragraphs (b)(4)(ii), (b)(4)(iii), (c)(3)(ii), and (c)(3)(iii) and therefore required similar corrections.

All of these revisions are necessary because the decision of what to require under section 316(b) of the CWA belongs to the Director. Although EPA did not intend to delegate the decisionmaking to another agency, the Director may obtain information from another agency to make a decision. Therefore, today's action amends the requirements at 40 CFR 125.84(b)(4)(ii), (b)(4)(iii), (b)(5)(ii), (c)(3)(ii), and (c)(3)(iii) to reflect the intent that the information of another agency informs the decision of the Director.

C. Deletion of Inappropriate Cross Reference in the Alternative Requirements Section

The third issue relates to drafting errors in the alternative requirements section of the rule. The regulation at 40 CFR 125.85 in paragraphs (a)(2) and (3) currently refers to local water resources ''not addressed under § 125.84(d)(1)(i)'' intending to refer to local water resource issues other than impingement or

entrainment. Cross-referencing this other section of the regulations is not technically correct, because subsection (d) of § 125.84 is part of Track II while the alternative requirements provision applies to either Track I or Track II. Therefore, this action deletes the reference to 40 CFR 125.84(d)(1)(i) and substitutes language referencing ''significant adverse impacts on local water resources other than impingement or entrainment.'' Similarly, to eliminate any uncertainty regarding applicability of the alternative requirements provision at 40 CFR 125.85 to the Track II performance requirements at 40 CFR 125.84(d), this action deletes 40 CFR 125.84(d)(1)(ii) because it is unnecessary and confusing. In addition, the paragraph 40 CFR 125.84(d)(1) and the subparagraph (d)(1)(i) have been combined with some modifications because a separate subparagraph is no longer needed.

IV. Response to Comments

EPA received one set of comments on the direct final and companion proposed rules published on December 26, 2002, (67 FR 78948 and 78956) from Riverkeeper, Inc. on behalf of 16 environmental organizations. This group of environmental organizations are petitioners in a suit filed against EPA in the U.S. Court of Appeals in the Second Circuit (Case No. 02–4005) challenging EPA's final Phase I rule for new facilities. Riverkeeper, *et al.* submitted as their comments the brief that they filed in their challenge to the December 18, 2001, Phase I final regulations (Brief for the Environmental Petitioners, December 4, 2002). Riverkeeper *et al.*'s comments did not specifically object to the technical changes in the direct final rule; rather, they objected to the underlying provisions in the final Phase I rule that are related to the technical corrections. Riverkeeper *et al.* filed their brief to preserve their ability to have the objectionable provisions remanded to EPA should they succeed in their challenge of the Phase I rule. EPA also understands that Riverkeeper *et al.* intend to consolidate any petition for review of this rule with the pending litigation in the Second Circuit. EPA believes it responded to Riverkeeper *et al.*'s comments articulated in their brief in EPA's brief filed in the Second Circuit on April 4, 2003, and in the record for the Phase I rule. Thus, EPA includes in the record for this rule the brief it filed in the Second Circuit in the Phase I litigation, all other briefs filed in that litigation, and the entire public record on the National Pollutant Discharge Elimination System: Regulations Addressing Cooling Water Intake Structures for New Facilities, Final Rule (Docket ID W–00–03).

V. Statutory and Executive Orders Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, [58 FR 51735, October 4, 1993] the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector or the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and therefore is not subject to OMB review.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This rule merely makes three minor technical revisions to the December 2001 Phase I final regulations for cooling water intake structures. These minor changes will clarify the Agency's intent on velocity monitoring, authority to require additional design and construction technologies, and procedures for seeking less stringent alternative requirements. It would affect the same facilities as the December 2001 rule, impose no additional costs or result in additional benefits beyond those already projected, and would not reduce the level of environmental protection projected.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business based on the Small Business Administration's size standards; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impact of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This final rule does not substantively change the December 18, 2001, final rule for new facilities (66 FR 65256), nor does it impose a significant economic impact on a substantial number of small entities. This rule merely makes three minor technical revisions to the December 2001 rule. These minor changes will clarify the Agency's intent on velocity monitoring, authority to require additional design and construction technologies, and procedures for seeking less stringent

alternative requirements. It would affect the same facilities as the December 2001 rule, impose no additional costs or result in additional benefits beyond those already projected, and would not reduce the level of environmental protection projected.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector, in any one year. This rule merely makes three minor technical revisions to the December 2001 Phase I final regulations for cooling water intake structures. These minor changes will clarify the Agency's intent on velocity monitoring, authority to require additional design and construction technologies, and procedures for seeking less stringent alternative requirements. It would affect the same facilities as the December 2001 rule, would have no additional costs or benefits beyond those already projected, and would not reduce the level of environmental protection projected. Thus, today's rule is not subject to the requirements of section 202 and 205 of the UMRA. For the same reasons, EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, today's rule is not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

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

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule merely makes three minor technical revisions to the December 2001 Phase I final regulations for new facilities. These minor changes will clarify the Agency's intent on velocity monitoring, authority to require additional design and construction technologies, and procedures for seeking less stringent alternative requirements. It would affect the same facilities as the December 2001 rule, impose no additional costs or result in additional benefits beyond those already projected, and would not reduce the level of environmental protection projected. Thus Executive Order 13132 does not apply to this rule.

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

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

This final rule does not have Tribal implications. It will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes, as specified in Executive Order 13175. This rule merely makes three minor technical revisions to the final regulations for cooling water intake structures. These minor changes will clarify the Agency's intent on velocity monitoring, authority to require additional design and construction technologies, and procedures for seeking less stringent alternative requirements. It would affect the same facilities as the December 2001 rule, impose no additional costs or result in additional benefits beyond those already projected, and would not reduce the level of environmental protection projected. This rule will not affect Tribes in any way in the foreseeable future. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe might have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This final rule is not economically significant as defined under Executive Order 12866 and does not concern an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. This rule merely

makes three minor technical revisions to the final regulations for cooling water intake structures. These minor changes will clarify the Agency's intent on velocity monitoring, authority to require additional design and construction technologies, and procedures for seeking less stringent alternative requirements. It would affect the same facilities as the December 2001 rule, impose no additional costs or result in the additional benefits beyond those already projected, and would not reduce the level of environmental protection projected. Therefore, it is not subject to Executive Order 13045.

H. Executive Order 13211 (Energy Effects)

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

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (''NTTAA'') of 1995 (Public Law 104–113, Section12(d), 15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This final rule does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 requires that, to the greatest extent practicable and permitted by law, each Federal agency must make achieving environmental justice part of its mission. Executive Order 12898 provides that each Federal agency must conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies, and activities because of their race, color, or national origin.

EPA does not expect that this final rule would have an exclusionary effect, deny persons the benefit of the NPDES program or subject persons to discrimination because of their race, color, or national origin. This rule merely makes three minor technical revisions to the final regulations for cooling water intake structures. These minor changes will clarify the Agency's intent on velocity monitoring, authority to require additional design and construction technologies, and procedures for seeking less stringent alternative requirements. It would affect the same facilities as the December 2001 rule, would have no additional costs or benefits beyond those already projected, and would not reduce the level of environmental protection projected.

K. Executive Order 13158: Marine Protected Areas

Executive Order 13158 (65 FR 34909, May 31, 2000) requires EPA to ''expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment.'' EPA may take action to enhance or expand protection of existing marine protected areas and to establish or recommend, as appropriate, new marine protected areas. The purpose of the Executive Order is to protect the significant natural and cultural resources within the marine environment, which means '''those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.''

Today's final rule will not enhance or expand protection nor reduce the level of environmental protection of existing marine protected areas. This rule merely makes three minor technical revisions to the December 2001 Phase I final regulations for cooling water intake structures. These minor changes will clarify the Agency's intent on velocity monitoring, authority to require additional design and construction technologies, and procedures for seeking less stringent alternative requirements. It would affect the same facilities as the December 2001 rule, impose no additional costs or result in additional benefits beyond those already projected, and would not reduce the level of environmental protection projected.

L. Plain Language Directive

Executive Order 12866 encourages agencies to write all rules in plain language. EPA has written this final rule in plain language to make this rule and the final rule at 66 FR 65256, December 18, 2001 easier to understand.

M. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective July 21, 2003.

List of Subjects in 40 CFR Part 125

Environmental protection, Cooling water intake structures, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: June 13, 2003.

Christine Todd Whitman,

Administrator.

■ For the reasons set forth in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 125—CRITERIA AND STANDARDS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

■ 1. The authority citation for part 125 continues to read as follows:

Authority: The Clean Water Act, 33 U.S.C. 1251 *et seq.*, unless otherwise noted.

§ 125.83 [Amended]

■ 2. Section 125.83 is amended by removing the definition for ''Minimum ambient source water surface elevation.''

■ 3. Section 125.84 is amended by revising paragraphs (b)(4)(ii), (b)(4)(iii), (b)(5)(ii), (c)(3)(ii), (c)(3)(iii), and (d)(1) to read as follows:

§ 125.84 As an owner or operator of a new facility, what must I do to comply with this subpart?

* * * * *

(b) * * *

(4) * * *

(ii) Based on information submitted by any fishery management agency(ies) or other relevant information, there are migratory and/or sport or commercial species of impingement concern to the Director that pass through the hydraulic zone of influence of the cooling water intake structure; or

(iii) It is determined by the Director, based on information submitted by any fishery management agency(ies) or other relevant information, that the proposed facility, after meeting the technology-based performance requirements in paragraphs (b)(1), (2), and (3) of this section, would still contribute unacceptable stress to the protected species, critical habitat of those species, or species of concern;

(5) * * *

(ii) Based on information submitted by any fishery management agency(ies) or other relevant information, there are or would be undesirable cumulative stressors affecting entrainable life stages of species of concern to the Director and the Director determines that the proposed facility, after meeting the technology-based performance requirements in paragraphs (b)(1), (2), and (3) of this section, would still contribute unacceptable stress to the protected species , critical habitat of those species, or these species of concern;

* * * * *

(c) * * *

(3) * * *

(ii) Based on information submitted by any fishery management agency(ies) or other relevant information, there are migratory and/or sport or commercial species of impingement concern to the Director that pass through the hydraulic zone of influence of the cooling water intake structure; or

(iii) It is determined by the Director, based on information submitted by any fishery management agency(ies) or other relevant information, that the proposed facility, after meeting the technology-based performance requirements in paragraphs (c)(1) and (2) of this section, would still contribute unacceptable stress to the protected species, critical habitat of those species, or species of concern;

* * * * *

(d) * * *

(1) You must demonstrate to the Director that the technologies employed will reduce the level of adverse environmental impact from your cooling water intake structures to a comparable level to that which you would achieve were you to implement the requirements of paragraphs (b)(1) and (2) of this section. This demonstration must include a showing that the impacts to fish and shellfish, including important forage and predator species, within the watershed will be comparable to those which would result if you were to implement the requirements of paragraphs (b)(1) and (2) of this section.

This showing may include consideration of impacts other than impingement mortality and entrainment, including measures that will result in increases in fish and shellfish, but it must demonstrate comparable performance for species that the Director identifies as species of concern. In identifying such species, the Director may consider information provided by any fishery management agency(ies) along with data and information from other sources.

* * * * *

■ 4. Section 125.85 is amended by revising paragraphs (a)(2) and (3) to read as follows:

§ 125.85 May alternative requirements be authorized?

(a) * * *

(2) The Director determines that data specific to the facility indicate that compliance with the requirement at issue would result in compliance costs wholly out of proportion to the costs EPA considered in establishing the requirement at issue or would result in significant adverse impacts on local air quality, significant adverse impacts on local water resources other than impingement or entrainment, or significant adverse impacts on local energy markets;

(3) The alternative requirement requested is no less stringent than justified by the wholly out of proportion cost or the significant adverse impacts on local air quality, significant adverse impacts on local water resources other than impingement or entrainment, or significant adverse impacts on local energy markets; and

* * * * *

[FR Doc. 03–15518 Filed 6–18–03; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 68, No. 118
Thursday, June 19, 2003

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 1000

[Docket No. FR–4676–N–09]

Native American Housing Assistance and Self-Determination Negotiated Rulemaking Committee; Meeting

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Negotiated Rulemaking Committee meeting.

SUMMARY: This document announces a meeting of the Native American Housing Assistance and Self-Determination Negotiated Rulemaking Committee. The purpose of the Committee is to discuss and negotiate a proposed rule that would change the regulations for the Indian Housing Block Grant (IHBG) program allocation formula, and other regulatory issues that arise out of the allocation or reallocation of IHBG funds.

DATES: The committee meeting will be held on Monday, July 14, 2003, Tuesday, July 15, 2003, Wednesday, July 16, 2003, and Thursday, July 17, 2003. The committee meeting will begin at approximately 9 a.m. on Monday, July 14, 2003, and is scheduled to adjourn at 3 p.m. on Thursday, July 17, 2003.

ADDRESSES: The meeting will take place at the Westin Hotel, 1672 Lawrence Street, Denver, Colorado 80202; telephone (303) 572–9100 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, Room 4126, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone, (202) 401–7914 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

HUD has established the Native American Housing Assistance and Self-Determination Negotiated Rulemaking Committee for the purposes of discussing and negotiating a proposed rule that would change the regulations for the Indian Housing Block Grant (IHBG) program allocation formula, and other IHBG program regulations that arise out of the allocation or reallocation of IHBG funds.

The IHBG program was established under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*) (NAHASDA). NAHASDA reorganized housing assistance to native Americans by eliminating and consolidating a number of HUD assistance programs in a single block grant program. In addition, NAHASDA provides federal assistance for Indian Tribes in a manner that recognizes the right of Indian self-determination and tribal self-government. Following the procedures of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561–570), HUD and its tribal partners negotiated the March 12, 1998 (63 FR 12349), final rule, which created a new 24 CFR part 1000 containing the IHBG program regulations.

II. Negotiated Rulemaking Committee Meeting

This document announces a meeting of the Native American Housing Assistance and Self-Determination Negotiated Rulemaking Committee. The committee meeting will take place as described in the **DATES** and **ADDRESSES** section of the document. The agenda planned for the meeting includes work group sessions and the discussion of work group progress reports by the full committee. The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may be allowed to make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dated: June 12, 2003.

Rodger J. Boyd,

Deputy Assistant Secretary for Native American Programs.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–122–1–7612; FRL–7515–2]

Determination of Nonattainment as of November 15, 1996, and November 15, 1999, and Reclassification of the Beaumont/Port Arthur Ozone Nonattainment Area; State of Texas; Supplemental Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental proposed rule.

SUMMARY: On December 11, 2002, the U.S. Court of Appeals for the Fifth Circuit (the Court) reversed EPA's extension of the attainment date for the Beaumont/Port Arthur moderate 1-hour ozone nonattainment area (BPA). The Court concluded that the Federal Clean Air Act (the Act or CAA) precludes such an extension as a matter of law. The Court remanded our final action approving the ozone attainment demonstration State Implementation Plan (SIP) and the motor vehicle emissions budgets (MVEB) and our finding that the BPA area is implementing all reasonably available control measures (RACM), for proceedings consistent with the Court's opinion and for EPA to demonstrate an examination of all relevant data and provide a plausible explanation for the rejection of proposed RACMs.

In response to the Court's reversal, EPA is withdrawing its final action that extended the attainment date to November 15, 2007, and approved the transport demonstration. The EPA is proposing to issue a finding that BPA has failed to attain the 1-hour ozone national ambient air quality standard (NAAQS or standard) by November 15, 1996, the attainment date for moderate nonattainment areas set forth in the Act.

If EPA takes final action on this finding, the BPA area would be reclassified as a serious 1-hour ozone nonattainment area. If EPA issues a final

notice of reclassification of the BPA area to serious, EPA is proposing in the alternative two options for identifying the appropriate attainment date for the area. Under Option 1, EPA is proposing an additional finding that the area failed to attain the 1-hour ozone standard by November 15, 1999, the attainment date for serious nonattainment areas. If EPA takes final action on this finding, the area would therefore be reclassified as a severe 1-hour ozone nonattainment area, with an attainment date of no later than November 15, 2005. Alternatively, under Option 2, the EPA is proposing to reclassify BPA to a serious 1-hour ozone nonattainment area, and retain that classification with an attainment date of no later than November 15, 2005, thereby giving the State a prospective opportunity as a serious area to attain the standard. Under either alternative, we are proposing that the State of Texas submit the required SIP revision on or before one year after the effective date of a final action on this notice. We are further proposing to adjust the dates by which the area must meet the rate-of-progress (ROP) requirements and adjust contingency measure requirements as they relate to the ROP requirements. Due to the revised attainment date in response to the remand, we are proposing to withdraw our final approval of BPA's 2007 attainment demonstration SIP, the MVEB, the mid-course review commitment (MCR),and our finding that BPA implemented all RACM. We also propose the schedule for Texas to submit a revised SIP, a new MVEB, and a re-analysis of RACM.

In particular, we are soliciting comments on the alternate proposed Options 1 and 2.

DATES: Written comments must be received on or before July 21, 2003.

ADDRESSES: Comments on this action can be mailed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733 or e-mailed to *diggs.thomas@epa.gov.* Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Steven Pratt, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202–2733. Telephone Number (214) 665–2140, e-mail Address: *pratt.steven@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means EPA. This supplementary information section is organized as listed in the following Table of Contents:

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I. What Is the Background for This Proposed Action?

The BPA area is classified as a moderate 1-hour ozone nonattainment area and, therefore, was required to attain the 1-hour ozone standard of 0.12 ppm by November 15, 1996. On April 16, 1999, EPA proposed in the alternative either to reclassify the BPA area to a serious ozone nonattainment area, or to extend BPA's attainment date if the State submitted a SIP consistent with the criteria of the Transport Policy. 64 FR 18864. EPA proposed to find that the BPA area did not attain the 1-hour ozone NAAQS by November 15, 1996, as required by the CAA. The proposed finding was based on 1994–1996 air quality data that showed the area's air quality violated the standard and the area did not qualify for an attainment date extension under the provisions of section 181(a)(5).[1] EPA also proposed that the appropriate reclassification of the area would be from moderate to serious. Although the area was not eligible for an attainment date extension under CAA section 181(a)(5), the April 16, 1999, proposal included a notice of the BPA area's eligibility for an attainment date extension, pursuant to the Transport Policy, which was published in a March 25, 1999, **Federal Register** notice (64 FR 14441). This policy addressed circumstances where pollution from upwind areas interferes with the ability of a downwind area to attain the 1-hour ozone standard by its attainment date. EPA proposed to finalize its action on the determination of nonattainment and reclassification of the BPA area only after the area had received an opportunity to qualify for an attainment date extension under the Transport Policy.

The State of Texas submitted a request for an extension of the attainment date for the BPA area, a transport demonstration, an attainment demonstration SIP and MVEB, a MCR enforceable commitment, and RACM analysis. We proposed on December 27, 2000, to approve the transport demonstration and extend the attainment date without reclassifying the area, approve the attainment demonstration SIP and MVEB, approve the MCR commitment, and find that BPA was implementing all RACM. (65 FR 81786)

On May 15, 2001, EPA issued a final rule (66 FR 26914) in which EPA approved the transport demonstration and extended the attainment date for the BPA area to November 15, 2007, while retaining the area's classification as ''moderate.'' The rule also approved the attainment demonstration for the BPA area and MVEB, approved the State's enforceable commitment to perform a mid-course review and submit a SIP revision by May 1, 2004, found that the area was implementing all RACM, and took one other non-related action. (66 FR 26914). The attainment demonstration SIP is addressed in the State of Texas submittals dated November 12, 1999, and April 25, 2000. Thus, the area would have had until no later than November 15, 2007, the attainment date for the upwind Houston-Galveston (HG) nonattainment

[1] Section 181(a)(5) specifies that a state may request, and EPA may grant, up to two one-year attainment date extensions. EPA may grant an extension if: (1) The state has complied with the requirements and commitments pertaining to the applicable implementation plan for the area, and (2) the area has measured no more than one exceedance of the ozone standard at any monitoring site in the nonattainment area in the year in which attainment is required.

area, to attain the 1-hour ozone standard. The final rule contains EPA's responses to the comments. (We also took one final action not relevant to today's proposed action and the Court's remand: the finding that BPA met the Reasonably Available Control Technology (RACT) requirements for major sources of Volatile Organic Compounds (VOC) emissions.)

A petition for review of the May 15, 2001, rulemaking was filed in the U.S. Court of Appeals for the Fifth Circuit. On December 11, 2002, the Court issued a decision in *Sierra Club* v. *EPA,* 314 F.3d 735 (5th Cir. 2002), reversing the portion of EPA's approval that extended BPA's attainment date to 2007 under the Transport Policy without reclassifying the area.[2] The Court also remanded to EPA the final actions related to the reversal: our approval of the attainment demonstration SIP and MVEB, the MCR commitment, and our finding that the area was implementing all RACM. The Court affirmed the portion of EPA's final action that requires implementation only of control measures that contribute to attainment as expeditiously as practicable and considers implementation costs in rejecting control measures, but remanded EPA's specific determination regarding RACM in the BPA area so that any conclusions about the control measures may be adequately explained. In response to the reversal, we must withdraw our determination to extend the attainment deadline for BPA and our approval of the transport demonstration. In light of the lapse of time since EPA's prior proposal regarding the determination of nonattainment and reclassification, EPA is issuing this supplemental proposal that supersedes the April 16, 1999, proposal. In response to the remand, we are proposing to withdraw our final action approving the attainment demonstration SIP and MVEB and the MCR commitment and finding that BPA is implementing all RACM.

II. What Are the National Ambient Air Quality Standards?

Since the CAA's inception in 1970, EPA has set NAAQS for six common air pollutants: Carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. The CAA requires that these standards be set at levels that protect public health and welfare with an adequate margin of safety. These standards present state and local governments with the air quality levels they must meet to achieve clean air. Also, these standards allow the American people to assess whether or not the air quality in their communities is healthful.

III. What Is the NAAQS for Ozone?

The NAAQS for ozone is expressed in two forms called the 1-hour and 8-hour[3] standards. Table 1 summarizes the 1-hour ozone standards.

TABLE 1. SUMMARY OF OZONE STANDARDS

Standard	Value	Type	Method of compliance
1-hour	0.12 ppm	Primary and Secondary	Must not be exceeded, on average, more than one day per year over any three-year period at any monitor within an area.

(Primary standards are designed to protect public health and secondary standards are designed to protect public welfare and the environment.)

The 1-hour ozone standard of 0.12 parts per million (ppm) was promulgated in 1979. The 1-hour ozone standard continues to apply to the BPA area, and it is the classification of the BPA area with respect to the 1-hour ozone standard addressed in this document.

IV. What Is a SIP and How Does It Relate to the NAAQS for Ozone?

Section 110 of the CAA requires states to develop air pollution regulations and control strategies to ensure that state air quality meet the NAAQS established by EPA. Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP.

Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive. They may contain state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

V. What Is the Beaumont/Port Arthur Nonattainment Area?

The Beaumont/Port Arthur moderate ozone nonattainment area is located in Southeast Texas, and consists of Hardin, Jefferson, and Orange Counties.

VI. What Is the Additional Context for This Proposed Rulemaking?

The Transport Policy provided for an extension of an area's attainment date if it were adversely affected by transport, without reclassification of the affected area. Consequently, when we granted the extension of the attainment date for BPA, we did not take action to finalize the April 16, 1999, proposed finding that BPA had not attained the 1-hour ozone standard by November 15, 1996. We therefore did not reclassify BPA from ''moderate'' to ''serious.'' The Court's ruling means that BPA's attainment date extension is no longer valid. Currently the area is classified as ''moderate'' and the State and the area thus have not yet been subject to the requirements for a ''serious'' area.

The air quality in the BPA area has improved throughout the years. In the early to mid-1990's, the design value hovered around 0.160 ppm, to .150 ppm. Since 1998, the area's design value has fluctuated between 0.134 ppm and 0.145 ppm, correlating to ''marginal'' and ''moderate'' classifications. In 2001, only two of the seven monitoring sites showed exceedences of the NAAQS of 0.124 ppm, while in 2002 only one site showed any exceedences. BPA came very close to attaining in 2002, when it experienced exceedances at that one monitoring site, Sabine Pass, the site most directly impacted by emissions from HG. In fact, the Sabine Pass

[2] Two other United States Circuit Courts of Appeals had previously issued decisions rejecting transport-based attainment date extensions that EPA had granted in other areas. *Sierra Club* v. *EPA,* 294 F.3d 155 (D.C. Cir. 2002) and *Sierra Club* v. *EPA,* 311 F.3d 853 (7th Cir. 2002). In the wake of these decisions, EPA issued final rulemakings reclassifying the Washington, DC ozone nonattainment area, 68 FR 3410 (January 24, 2003), and the St. Louis ozone nonattainment area. 68 FR 4835 (January 30, 2003). (EPA subsequently redesignated the St. Louis area to attainment for the ozone standard 68 FR 25418 and 68 FR 25442 (May 12, 2003).) In addition, in light of the Fifth Circuit's decision on Beaumont, EPA recently issued a final rule withdrawing a transport-based attainment date extension and reclassifying the Baton Rouge ozone nonattainment area. 68 FR 20077 (April 24, 2003).

[3] The 8-hour ozone standard value is 0.08 ppm and is the primary and secondary standard. The standard requires that the average of the annual fourth highest daily maximum 8-hour average ozone concentration measured at each monitor over any three-year period, be less than or equal to 0.08 ppm. EPA intends to designate areas under the 8-hour standard by April 15, 2004.

monitor has seen four of the five highest design values since 1997.

Since 1996, the State has implemented a series of VOC and NO_X rules in BPA and the entire eastern half of the State. Texas implemented VOC and NO_X RACT rules in BPA for point and area sources, and implemented for half of the State (all of the attainment counties in the eastern half of Texas), NO_X rules for electric generating facilities, a lower Reid-vapor pressure gasoline, and Stage I vapor recovery program for gas stations. They implemented state-wide NO_X rules for water heaters, small boilers, and process heaters. They entered into enforceable documents reducing NO_X emissions at two large point sources in East Texas. In 2000, Texas adopted beyond-RACT NO_X rules in BPA for point sources with some effective this year and the rest fully implemented by May 2005. The majority of these state rules focus on emissions from point and area sources, not from on-road mobile emissions.

The BPA area's NO_X emissions inventory is composed of about 55% point sources and about 17% on-road mobile sources (area, biogenics, and non-road mobile make up the remaining 28%). Its VOC emissions inventory is composed of about 12% point sources and about 4% on-road mobile sources (area, biogenics, and non-road mobile make up the remaining 84%). This composition is unusual since generally, 1-hour ozone nonattainment areas have NO_X and VOC emissions inventories composed of much greater percentages of on-road mobile sources, on the order of two to three times the NO_X percentage, and on the order of two to six times the VOC percentage. The inventory composition makes it unlikely that additional on-road mobile control measures would significantly affect BPA's NO_X and VOC emissions inventories. Thus, additional on-road mobile controls would be unlikely to significantly aid in reducing NO_X and VOC emissions thereby reducing the ozone concentration level in BPA. This is contrasted to the likelihood that additional point and area control measures would significantly affect BPA's NO_X and VOC emissions inventories, thereby more than likely significantly aiding in reducing NO_X and VOC emissions, and having a greater impact on reducing the ozone concentration level in BPA.

VII. Why Are We Proposing To Reclassify the BPA Area?

Section 181(b)(2) of the Act requires that we determine, based on the area's design value (as of the attainment date), whether an ozone nonattainment area attained the one-hour ozone standard by that date. If we find that the nonattainment area has failed to attain the one-hour ozone standard by the applicable attainment date, the area is reclassified by operation of law to the higher of the next higher classification for the area, or the classification applicable to the area's design value as determined at the time of the required **Federal Register** notice.

We make attainment determinations for ozone nonattainment areas using available quality-assured air quality data. For the BPA moderate ozone nonattainment area, the proposed attainment determination is based on 1994–1996 air quality data. The data show that for 1994–1996, four monitoring sites averaged more than one exceedance day per year. This data calculates to a design value of .157 ppm. Therefore, we propose to find that the BPA area did not attain the 1-hour ozone NAAQS by the November 15, 1996, deadline. Additional background for this proposed finding may be found in the April 16, 1999, proposal (64 FR 18864), the December 27, 2000, proposal (65 FR 81786), and the May 15, 2001, final rule (66 FR 26914). A summary and discussion of the air quality monitoring data for the BPA area for 1994 through 1996 can be found in the April 16, 1999, proposal and its TSD.

Section 181(b)(2)(A) of the Act requires that, when we find that an area failed to attain by the applicable date, the area is reclassified by operation of law to the higher of: the next higher classification or the classification applicable to the area's ozone design value at the time the required notice is published in the **Federal Register**. The classification applicable to BPA's ozone design value at the time of today's notice is ''moderate'' since the area's 2002 calculated design value, based on quality-assured ozone monitoring data from 2000–2002, is 0.144 ppm. (We will not have quality-assured monitoring data to calculate a 2003 design value until the Spring of 2004.) By contrast, the next higher classification for BPA is ''serious.'' Because ''serious'' is a higher nonattainment classification than ''moderate'' under the statutory scheme, BPA would be reclassified as ''serious,'' for failing to attain the standard by the moderate area applicable attainment date of November 15, 1996.

If EPA issues a final notice of reclassification of the BPA area to a ''serious'' classification, EPA must then ascertain the appropriate attainment date for the area. EPA is proposing in the alternative two options.

Section 181(a)(1) provides that the date for a ''serious'' area to attain is set as November 15, 1999, a date that has long since elapsed. Under Option 1, EPA is proposing to make an additional finding that the area did not attain the 1-hour ozone standard as of November 15, 1999. The air quality monitoring data show that for 1997–1999, four monitoring sites averaged more than one exceedance day per year. This data calculates to a design value of .134 ppm.

Table 2 lists the number of recorded exceedances of the one-hour ozone standard at each SLAMS/SPM monitoring site in the BPA area for the period 1997 through 2002, and each monitor's design value for that period. A complete listing of the ozone exceedances at each monitor as well as EPA's calculations of the design values can be found in the technical support document.

TABLE 2.—OZONE EXCEEDANCES IN THE BEAUMONT/PORT ARTHUR AREA

[1997 to 2002]

Site	Type	1997	1998	1999	2000	2001	2002	Site Design Value (ppm)			
								97–99	98–00	99–01	00–02
Beaumont	SLAMS	3	2	0	1	0	0	0.130	0.121	0.117	0.112
Port Arthur	SLAMS	0	0	0	3	0	0	0.115	0.118	0.118	0.118
West Orange	SLAMS	2	1	0	1	0	0	0.110	0.120	0.118	0.118
Hamshire	SLAMS	.....	.....	.....	2	0	0	.....	0.131	0.121	0.119
Sabine	SPM	2	4	3	2	1	3	0.134	0.145	0.134	0.144
Mauriceville	SPM	2	2	0	0	0	0	0.125			
Jefferson Co. Airport	SPM	2	1	3	2	1	0	0.132	0.137	0.132	

—Data unavailable; Data below the NAAQS attainment concentration of 0.125 ppm is not reported for the industry provided SPMs.

Therefore, under Option 1, if we issue a final rulemaking reclassifying the area to ''serious,'' we are proposing further to find that the BPA area also did not attain the ozone standard by November 15, 1999, the attainment deadline for ''serious'' areas. If we finalize this further finding, the BPA area would then be reclassified as ''severe'', with an attainment date of November 15, 2005. Section 181(b)(2) requires the area to be reclassified to the higher of the next higher classification or the area's design value, except that a ''serious'' area cannot be reclassified to any higher level than ''severe.''

Alternatively, under Option 2, we are proposing to find that the area should be reclassified to ''serious,'' but recognizing that the EPA did not reclassify the area as ''serious'' until almost four years after the time the area would have been obligated to meet the attainment date for a ''serious'' area. We are therefore proposing in the alternative that the area should retain the ''serious'' classification. Since the attainment date for serious areas, 1999, elapsed almost 4 years ago, and BPA was not reclassified in time to have a prospective opportunity as a serious area to implement prescribed measures to attain by that date, EPA is therefore proposing to reclassify the area as ''serious'' with an attainment date of November 15, 2005. We think it would be appropriate in these circumstances to retain the serious classification but with a prospective attainment date, since BPA never had an opportunity to attain as a serious area. EPA solicits comments upon this proposed alternative approach.

VIII. What Is the Proposed New Attainment Date for the Beaumont/Port Arthur Area?

In our April 16, 1999, proposal to reclassify BPA, we took comment on whether 21 months (or a different time frame) was adequate for a moderate area to attain the standard where the new attainment date had not yet lapsed, but where there was less time remaining than the Act had contemplated. The attainment date proposed for the BPA area under either Option 1 or 2 is as expeditiously as practicable but no later than November 15, 2005. That date is approximately 24 months from the date that a final rule resulting from this proposal is expected to be published in the **Federal Register**, which would provide approximately the same time frame as that proposed in our April 16, 1999, proposal.

IX. What Is the Proposed Date for Submitting a Revised SIP for BPA?

EPA must address the schedule by which Texas is required to submit the SIP revision if we issue a final finding of failure to attain that reclassifies the area. Pursuant to section 182(i), EPA can adjust any applicable deadline (other than the attainment date) as appropriate for any area reclassified under section 181(b). We propose to have Texas submit the SIP revision on or before one year after the effective date of a final action on this notice. We believe the proposed SIP revision submittal date is reasonable.

Should the area be classified serious, Texas is required to submit SIP revisions meeting the CAA's pollution control requirements for serious areas. The measures required by section 182(c) of the CAA include, the following:

(1) Attainment and reasonable further progress demonstrations;

(2) Clean-fuel vehicle programs;

(3) The major source threshold lowered from 100 to 50 tons per year for volatile organic compounds (VOCs) and nitrogen oxide compounds (NO_X);

(4) More stringent new source review requirements;

(5) An enhanced air monitoring program; and

(6) Contingency provisions.

Should the area be classified severe, Texas is required to submit SIP revisions meeting the CAA's pollution control requirements for severe areas. The measures required by section 182(c) of the CAA include all of those listed above for a serious area, and the following:

(1) Attainment and reasonable further progress demonstrations;

(2) A reformulated gasoline (RFG) program;

(3) The major source threshold lowered from 50 to 25 tons per year for volatile organic compounds (VOCs) and nitrogen oxide compounds (NO_X);

(4) More stringent new source review requirements (1.3 to 1);

(5) A Vehicle Miles Traveled (VMT) offset SIP;

(6) Major Stationary Source fee for failure to attain; and

(7) Contingency provisions.

In a separate action, the EPA issued a proposed rule to implement the 8-hour ozone NAAQS (June 2, 2003, 68 FR 32082). The proposal contains two discrete frameworks to implement the 8-hour ozone standard while ensuring a smooth transition from the 1-hour standard to the new 8-hour standard. Option 2 for transitioning from the 1-hour to the 8-hour NAAQS proposes to retain the 1-hour standard, designations, and classifications for limited purposes until the area meets the 1 hour standard. For all remaining purposes, EPA would revoke the 1 hour standard and associated designations and classifications one year after the effective date of designations for the 8 hour standard. The notice also proposes allowing areas with an outstanding obligation to submit a 1-hour ozone attainment demonstration to submit their 8-hour ozone attainment demonstration in lieu of the 1-hour attainment demonstration. For more detailed information, please see the Proposed Rule to Implement the 8-Hour Ozone NAAQS. We are also encouraging comments on the potential impact of this option on the BPA area and its SIP obligations if we finalize reclassification.

X. Why Are We Proposing To Withdraw the Attainment Demonstration, MCR and MVEB approvals and the RACM Finding, and What Are the Potential Impacts of the Proposed Withdrawals?

We are proposing to withdraw our final approval of BPA's 2007 attainment demonstration and the accompanying Motor Vehicle Emission Budget (MVEB), the MCR enforceable commitment, and the Reasonably Available Control Measures (RACM) finding. Having an earlier attainment date than 2007 requires the submission of a revised attainment demonstration SIP, a new MVEB, and a re-analysis of the RACM determination.

To be consistent with the Court's reversal of the 2007 attainment date extension, and to respond to the remand, we propose to withdraw our May 15, 2001, approval of the 2007 attainment demonstration and MVEB, the MCR enforceable commitment, and the finding that the area was implementing all RACM. They are no longer applicable as they were based on a 2007 attainment date. A new attainment demonstration with a new MVEB, and a new RACM analysis, will be required to be submitted for the BPA area, when we take final reclassification action. Additionally, the Court affirmed the portion of our May 15, 2001, final action that treats as potential RACMs only those measures that would advance the attainment date and considers implementation costs when rejecting certain control measures in its December 11, 2002, decision. However, the Court remanded to EPA the analysis and conclusions regarding RACM in the BPA area. According to the Court's order, the analysis must: (1) demonstrate an examination of all

relevant data; and (2) provide a plausible explanation for the rejection of proposed RACMs including why the measures, individually and in combination, would not advance the BPA area's attainment date.

Subsequent to the State's submittal, the EPA issued a memorandum clarifying its position on RACM analyses (memorandum from John S. Seitz and Margo Oge, December 14, 2000, titled ''Additional Submission on RACM from States with Severe 1-hour Ozone Nonattainment Area SIPS''). The memorandum clarifies that it is the State's responsibility to perform and submit a RACM analysis for EPA use in determining SIP approval. Even though the State is responsible for developing the new analysis, EPA will only consider as adequate an RACM analysis by the State containing the factors outlined in the Court's December 11, 2002, ruling, when evaluating the use of RACM in the SIP approval process. The RACM analysis will be due on or before the attainment demonstration due date.

Withdrawing approval of the MVEB will result in reverting to the previously approved MVEBs for the purposes of transportation conformity. This would be the 1996 budget which was for VOCs only and did not include a NO_X budget. Therefore, there will be no valid NO_X budget in effect until a new MVEB (for both VOC and NO_X) is submitted and found adequate. In order for transportation projects to proceed in the absence of an adequate NO_X budget, an area must: (1) Pass a ''build/no-build'' emissions test, meaning that projected future regional emissions from the transportation system after making proposed changes must be lower than the projected emissions from the existing transportation system; and (2) demonstrate that the estimated future emissions will not exceed 1990 levels. See 40 CFR 93.119(b).

XI. How Does the Recent Release of MOBILE6 Interact With Reclassification?

A. What Is the Relationship Between MOBILE6 and the Attainment Year Motor Vehicle Emissions Budgets?

In addition to the fact that the motor vehicle emissions budgets contained in the State's November 12, 1999, and April 25, 2000, submittals are based on the year 2007, which is no longer an allowable attainment date under the decision in *Sierra Club* v. *EPA,* the current MVEB is not based upon the most recent mobile source emission factors model, MOBILE6.

The motor vehicle emissions budgets submitted to fulfill the SIP revision requirements, including those of the attainment demonstration, must be prepared using the MOBILE6 emissions factor model. The State should refer to applicable guidance and policy, such as ''Policy Guidance for the Use of MOBILE6 in SIP Development and Transportation Conformity'' (memorandum from John S. Seitz and Margo Tsirigotis Oge, January 18, 2002) in preparing the budgets. The revised SIP must contain budgets based on MOBILE6 modeling.

B. What Is the Relationship Between MOBILE6 and the Post-1999 Rate-of-Progress Requirement?

The section 182(c)(2)(B) reasonable further progress requirement requires volatile organic compounds (VOC) or nitrogen oxides (NO_X) reductions of 3 percent per year, averaged over a 3-year period, until the attainment date, for serious and above ozone nonattainment areas designated and classified under the 1-hour ozone NAAQS. The EPA refers to these reductions as the rate-of-progress (ROP) requirement.

The January 18 MOBILE6 policy indicates, among other things, that the motor vehicle emissions budgets in the post-1999 rate-of-progress plans will have to be developed using MOBILE6. In this policy we said:

> In general, EPA believes that MOBILE6 should be used in SIP development as expeditiously as possible. The Clean Air Act requires that SIP inventories and control measures be based on the most current information and applicable models that are available when a SIP is developed.[4]

Texas has not submitted ROP plans other than the original 15% ROP plan required for the BPA area, since under the Transport Policy the BPA area was not required to meet the post-1996 ROP requirements. The post-1996 until the attainment date ROP plans will need to be based upon MOBILE6.

The post-1996 rate-of-progress requirement flows from section 182(c)(2)(B) which requires serious and above areas to achieve a 3 percent per year reduction in baseline VOC emissions (or some combination of VOC and NO_X reduction from baseline emissions pursuant to section 182(c)(2)(C)) averaged over each consecutive three-year period after November 15, 1996, until the attainment date.[5] Baseline emissions are the total amount of actual VOC or NO_X emissions from all anthropogenic sources in the area during the calendar year 1990, excluding emissions that would be eliminated under certain Federal programs and Clean Air Act mandates: phase 2 of the Federal gasoline Reid vapor pressure regulations (Phase 2 RVP) promulgated on June 5, 1990 (see 55 FR 23666); the Federal motor vehicle control program in place as of January 1, 1990 (1990 FMVCP); and certain changes and corrections to motor vehicle inspection and maintenance (I/M) programs and corrections and reasonably available control technology (RACT) that were required under section 182(a)(2).[6] We have issued guidance that provides detailed information for implementing the rate-of-progress provisions of section 182.[7] Basically our guidance requires the calculation of a target level of emissions for each rate-of-progress milestone year. The target level for any rate-of-progress milestone year is the 1990 baseline emissions decreased by the amount of baseline emissions that would be reduced by the 1990 FMVCP, the Phase 2 RVP program, and RACT fix-ups[8] by that year and reduced by the amount of the mandated minimum reductions (15 percent VOC by 1996, and an additional nine (9) percent VOC, or VOC and NO_X, by 1999, an additional 9 percent VOC, or VOC and NO_X, by 2002, and an additional VOC, or VOC and NO_X, by 2005). Under our guidance, the first rate-of-progress milestone year target levels, for example, the 15 percent VOC reduction by 1996, starts with the 1990 base year emissions and then subtracts the effects of the 1990 FMVCP and Phase 2 RVP through 1996 and also subtracts the required 15 percent VOC reduction. The 1999 VOC target level starts with the 1996 target level and subtracts the effects between 1996 and 1999 of the 1990 FMVCP and Phase 2 RVP and subtracts the required 9

[4] See Clean Air Act section 172(c)(3) and 40 CFR 51.112(a)(1).

[5] As a moderate area, BPA was not required to submit a ROP plan for a nine (9) percent reduction for the 3-year period November 15, 1996, through November 15, 1999. However, as a serious or severe area the BPA area is required to submit a ROP plan through November 15, 2005, the new attainment date.

[6] These requirements under section 182(a)(2) are known I/M and RACT corrections or I/M and RACT ''fix-ups.'' For further explanation of these see 57 FR at 13503–13504, April 16, 1992.

[7] This includes: Guidance on the Post-1996 Rate-of-Progress Plan (RPP) and Attainment Demonstration, EPA–452/R–93–015 (Corrected version of February 18, 1994). An electronic copy may be found on EPA's Web site at *http://www.epa.gov/ttn/oarpg/t1pgm.html* (file name: ''post96_2.zip'').

[8] The BPA area has no I/M program and so has no I/M fix-ups to consider. A vehicle I/M program would normally be listed as a requirement for a moderate ozone nonattainment area. However, the Federal I/M Flexibility Amendments of 1995 determined that urbanized areas with populations less than 200,000 for 1990 (such as Beaumont/Port Arthur) are not mandated to participate in the I/M program (60 FR 48033, September 18, 1995).

percent post-1996 reduction. For each target level, our guidance requires the preparation of a 1990 base year inventory ''adjusted'' to the milestone year (the ''1990 adjusted base year inventory'') to account for the effects of the 1990 FMVCP and Phase 2 RVP by the milestone year. The adjusted inventory uses 1990 motor vehicle activity levels but emission factors computed by MOBILE6 for the applicable milestone year. For example, preparation of a rate-of-progress plan for the ROP milestone year of 1999, with NO_X substitution, requires a 1990 base year inventory for both VOC and NO_X, a 1990 base year VOC inventory adjusted to 1996, and 1990 base year VOC and NO_X inventories inventory adjusted to 1999. Preparation of a rate-of-progress plan for 2005 with NO_X substitution requires a 1990 base year inventory for both VOC and NO_X plus the following seven ''adjusted'' inventories: 1996 VOC; 1999 VOC and NO_X; 2002 VOC and NO_X; and 2005 VOC and NO_X.

One consequence of the need to use MOBILE6 emission factors in the post-1996 rate-of-progress plans is that the area must recompute the 1990 baseline emissions using the MOBILE6 emissions factor model to update the 1990 on-road mobile sources portion of the 1990 base year emission inventory. The area must also calculate post-1996 rate-of-progress target levels by re-iterating the target levels for rate-of-progress requirements for the 1996 milestone year.

In addition to vehicle emissions budgets for any applicable milestone year, the post-1996 rate-of-progress requirement will also require the development of a revision to the 1990 base year emissions inventories and development of up to seven 1990 adjusted inventories (VOC for 1996, VOC and NO_X for 1999, VOC and NO_X for 2002, plus VOC and NO_X for 2005).

XII. What Will Be the Rate-of-Progress and Contingency Measure Schedules?

A. Rate-of-Progress Milestones

Section 182(c)(2)(B) requires serious and above areas to achieve a 3 percent per year reduction in baseline VOC emissions (or some combination of VOC and NO_X reductions from baseline emissions pursuant to section 182(c)(2)(C)) averaged over each consecutive three-year period after November 15, 1996, until the attainment date. Under the proposed new attainment date, attainment must be achieved as expeditiously as practicable but no later than November 15, 2005.

Under the proposed schedule for submittal of the new SIP, the rate-of-progress plans for the 1999 and 2002 milestone years will be due well after the November 15, 1999, and November 15, 2002, milestone dates. If sufficient actual reductions occurring by the November 15, 1999, and November 15, 2002, milestone dates do not now exist, then Texas can only get reductions after the two milestone dates because, at this point, the State does not have the ability to require additional reductions for a period that has already passed. The passing of the deadlines does not relieve Texas from the requirement to achieve the 18 percent reduction in emissions, but simply means that the 18 percent reduction must be achieved as expeditiously as practicable but no later than November 15, 2005.

The approved SIP for the BPA area contains measures that generate additional benefits after November 15, 1996. Such measures include beyond-RACT reduction requirements on large sources of NO_X.

As discussed elsewhere in this document in the section titled ''What is the Relationship Between MOBILE6 and the Post-1999 Rate-of-Progress,'' the CAA specifies the emissions ''baseline'' from which each emission reduction milestone is calculated. Section 182(c)(2)(B) states that the reductions must be achieved ''from the baseline emissions described in subsection (b)(1)(B).'' This baseline value is termed the 1990 adjusted base year inventory. Section 182(b)(1)(B) defines baseline emissions (for purposes of calculating each milestone VOC/NO_X emission reduction) as ''the total amount of actual VOC or NO_X emissions from all anthropogenic sources in the area during the calendar year of enactment'' and excludes from the baseline the emissions that would be eliminated by certain specified Federal programs and certain changes to state I/M and RACT rules.[9] The 1990 adjusted base year inventory must be recalculated relative to each milestone and attainment date because the emission reductions associated with the FMVCP increase each year due to fleet turnover.[10]

Therefore, since there are federal and state rules requiring reductions after November 15, 1996, EPA concludes that the BPA area has already implemented measures creditable towards the 1999 and 2002 rate-of-progress milestones. However, we are not able to conclude that the area has sufficient measures to achieve the required 9 percent reduction by November 15, 1999, and an additional 9 percent reduction by November 15, 2002, in the absence of the rate-of-progress plans for both the 1999 and 2002 milestone years that document the calculations of the 1999 and 2002 target levels of emissions and how the SIP accounts for expected growth in emissions related activities, and contain the requisite demonstration that sufficient creditable reductions have or were projected to occur by November 15, 1999, and November 15, 2002, respectively. We have insufficient data concerning what the levels of reductions will be in the area by 1999 and 2002, since we do not know what the 1990 adjusted base year inventory for 1996, 1999, and 2002 will be or the projected emissions growth for the periods of November 15, 1996, through November 15, 1999, and November 15, 1999, through November 15, 2002. Nor do we have sufficient information to allow us to determine what date will be as expeditiously as practicable for this post-1996 18 percent rate-of-progress requirement.

EPA proposes that the 1999 and 2002 rate-of-progress requirements be that Texas submit a rate-of-progress plan that demonstrates that the SIP has sufficient measures to make the required 18 percent reductions by a date as expeditiously as practicable.[11] Texas must identify sufficient data and show why they meet the ''as expeditiously as practicable'' requirement. Such SIP revision will have to demonstrate that any date after November 15, 1999, by which the 1999 9 percent ROP reduction is achieved, as well as any date after November 15, 2002, by which the first post-1999 9 percent ROP reduction is achieved, is as expeditiously as practicable.

B. 2005 Rate-of-Progress

EPA is not proposing any change to the date by which the second 9 percent increment of post-1999 rate-of-progress must be achieved. If the currently adopted and approved SIP measures and the current suite of Federal measures will not achieve the required rate-of-progress reductions, we believe the State has sufficient time to adopt and implement measures to achieve the required reductions in the BPA area by November 15, 2005.

[9] These are the 1990 FMVCP, Phase 2 RVP, and the I/M and RACT fix-ups.

[10] See U.S. EPA, (1994), Guidance on the Post-1996 Rate-of-Progress Plan (RPP) and Attainment Demonstration, EPA–452/R–93–015 (Corrected version of February 18, 1994). An electronic copy may be found on EPA's Web site at *http://www.epa.gov/ttn/oarpg/t1pgm.html* (file name: ''post96_2.zip'').

[11] EPA believes that such date cannot be any later than November 15, 2005.

C. Contingency for Failure To Achieve Rate-of-Progress by November 15, 1999 and November 15, 2002

The contingency measures plan must identify specific measures to be undertaken if the area fails to meet any applicable milestone, to make rate-of-progress, or to attain the NAAQS. With respect to the November 15, 1999, and November 15, 2002, milestones, EPA believes that the contingency plan will need to account for any adjustment to the milestone dates.

We also note that the presently-approved 1996 ROP/attainment contingency plan is automatically invoked if we take final action determining the BPA has failed to attain the standard. (See 63 FR 6659 for the contingency measures.) Therefore, the State will be required to ''backfill'' these contingency measures. Since the BPA area did not attain by the moderate area attainment date, and in order to fulfill the contingency measures requirements of sections 172(c)(9) and 182(c)(9) of the CAA, it is proposed that the implementation of the failure-to-attain contingency measures in the current SIP will be triggered automatically upon the effective date that this proposed rule is finalized. Further, Texas will be required to submit a revision to the SIP containing additional contingency measures for its serious, or if appropriate, severe, area SIP to meet ROP requirements and backfill for failure to attain. *See* 57 FR 13498, 13511 (1992).

XIII. What Are the Impacts on the Title V Program?

Upon reclassification to serious or severe, the major stationary source threshold will be lowered. Consequently, the State's Title V operating permits program regulations need to cover existing sources that will become subject to the appropriate lower major stationary source threshold. Any newly major stationary sources must submit a timely Title V permit application. ''A timely application for a source applying for a part 70 permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the permitting authority may establish.'' *See* 40 CFR 70.5(a)(1). The 12 month (or earlier date set by the applicable permitting authority) time period to submit a timely application will commence on the effective date of any reclassification action.

XIV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: June 9, 2003.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. 03–15521 Filed 6–18–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03–1898, MB Docket No. 03–132, RM–10709]

Radio Broadcasting Services; Oak Grove, KY and Springfield, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by Saga Communications of Tuckessee, LLC, licensee of Station WJOI–FM, Channel 232A, Springfield, Tennessee, proposing the reallotment of Channel 232A from Springfield, Tennessee to Oak Grove, Kentucky, as the community's first local aural transmission service, and modification of Station WJOI–FM license accordingly. Channel 232A can be allotted to Oak Grove, in compliance with the minimum distance separation requirement of the Commission's Rules, provided there is a site restriction 9.3 kilometers (5.8 miles) east of the community. The reference coordinates for Channel 232A at Oak Grove are 36–38–23 NL and 87–20–39 WL.

DATES: Comments must be filed on or before July 28, 2003, and reply comments on or before August 12, 2003.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Gary S. Smithwick, Esq., Smithwick & Belendiuk, P.C., 5028 Wisconsin Avenue, NW., Suite 301, Washington, DC 20016.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 03–132 adopted June 4, 2003, and released June 6, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., 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.*

Provisions of the Regulatory Flexibility Act of l980 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* contact.

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 Kentucky, is amended by adding Oak Grove, Channel 232A.

3. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by removing Springfield, Channel 232A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03–15496 Filed 6–18–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03–1899; MB Docket No. 03–131; RM–10702]

Radio Broadcasting Services; Quartzsite, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Dana J. Puopolo requesting the allotment of Channel 290C2 at Quartzsite, Arizona. The coordinates for Channel 290C2 at Quartzsite are 33–41–51 and 114–12–10. There is a site restriction 4.5 kilometers (2.8 miles) northeast of the community. Since Quartzsite is located within 320 kilometers of the U.S.-Mexican border, concurrence of the Mexican Government will be requested for the allotment of Channel 290C2 at Quartzsite.

DATES: Comments must be filed on or before July 28, 2003, and reply comments on or before August 12, 2003.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Dana J. Puopolo, 2134 Oak Street, Unit C, Santa Monica, CA 90405.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 03–131, adopted June 4, 2003, and released June 6, 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 Arizona, is amended by adding Channel 290C2 at Quartzsite.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03–15497 Filed 6–18–03; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 68, No. 118

Thursday, June 19, 2003

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Rangeland Allotment Management Planning on the Pine Ridge Geographic Area Nebraska National Forest, Pine Ridge Ranger District

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) to update rangeland management planning on thirty-four (34) livestock grazing allotments, which will result in the development of new Allotment Management Plans (AMPs). The allotments are within the Pine Ridge Geographic Area as defined by the Nebraska National Forest Land and Resource Management Plan 2001 Revision (Forest Plan). Proposed management actions would be implemented beginning in the year 2004. The agency gives notice of the full environmental analysis and decisionmaking process that will occur on the proposal so interested and affected people may become aware of how they may participate in the process and contribute to the final decision.

DATES: Comments concerning the scope of the analysis must be received within 30 days after publication in the **FEDERAL REGISTER.** The draft environmental impact statement is expected August 2003 and the final environmental impact statement is expected October 2003.

ADDRESSES: Send written comments to the District Ranger, Pine Ridge Ranger District, Nebraska National Forest, 1240 W. 16th Street, Chadron, Nebraska 69337. For further information, mail correspondence to Jeff Abegglen, Interdisciplinary Team Leader, Nebraska National Forest, Pine Ridge Ranger District, 1240 W. 16th Street. Chadron, Nebraska 69337. Phone 308–432–4475.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

Two primary influences help to shape the need for this project.

The Rescission Act of 1995, (Pub. L. 104–19, section 504) directed the Forest Service to complete NEPA analysis on all grazing allotments. This analysis will comply with that direction.

The Forest Plan (2001 revision) established goals, objectives, standards, and guidelines for resource management on the Nebraska National Forest and Associated Units. The Nebraska National Forest Land and Resource Management Plan (Forest Plan) identifies livestock grazing as an appropriate multiple use under certain conditions described as standards and guidelines. Term grazing permits currently authorize cattle grazing on all 34 allotments within the Pine Ridge Geographic Area (PRGA).

The Forest Service will compare the existing conditions on the 34 allotments in the project area with the desired conditions relative to the goals, objectives, standards and guidelines contained within the Forest Plan. This comparison will identify any differences between the existing and desired conditions, and establish the need for the project.

The purpose of the project is to address the established need by determining whether to continue to permit livestock grazing on all, or part, of the 34 allotments in the project area, and under what conditions, if grazing is to be continued.

Proposed Action

The proposed action is to continue to permit livestock grazing on all 34 allotments within the PRGA, while meeting Forest Plan direction which provides for a wide range of values and uses. The proposed action is designed to continue the improving trends in vegetation, watershed conditions, and in ecological sustainability relative to livestock grazing within the PRGA. The proposal generates the need to develop new AMPs which incorporate results from scientific research, analysis and documentation, and meet Forest Plan direction. Collectively these 34 allotments contain approximately 52,878 acres of National Forest System (NFS) lands and private lands with the allotments. Private lands within the allotment are those acres that are managed in the same manner as the Federal acres. However, the private landowner can fence these areas separate from NFS lands as he chooses, and exclude them from Federal management. The revised AMPs will be prepared for individual allotments and implemented in the 2004 grazing season and beyond.

The Forest Plan identified lands within the PRGA as containing lands which are capable and suitable for grazing by domestic livestock.

The Forest Plan also provided specific management direction across the PRGA. Within the area encompassed by these 34 allotments, management areas (MA) include MA1.1—Wilderness: Soldier Creek, MA 1.31—Backcountry Recreation Non-motorized, MA 1.31a—Backcountry Recreation Non-motorized (Pine Ridge NRA), MA 2.1—Special Interest Areas, MA 3.51 Bighorn sheep, MA 5.12—General Forest and Rangelands: Range Vegetation Emphasis, and MA 7.1—Residential/Forest Intermix.

Important riparian areas occur in 19 allotments. Some allotments contain riparian exclosures for riparian and wildlife habitat protection. The term ''riparian'' refers to land bordering a stream, lake, spring or seep whose waters provide soil moisture in excess of what is locally available, and generally implies a particular type of habitat with physical characteristics by an over story of trees or other large woody plants with a complex under story of woody and/or herbaceous species.

The PRGA provides habitat for many wildlife species (game and non-game) including two management indicator species (MIS) and their habitats. These MIS species are the sharp-tailed grouse and the pygmy nuthatch.

Consultation with the U.S. Fish and Wildlife Service, as required by the Endangered Species Act (ESA), will be completed on all proposed activities.

An interdisciplinary team has been selected to do the environmental analysis, as well as prepare and accomplish scoping and public involvement activities.

Preliminary issues

Preliminary issues include:

(1) Economic effects (positive or negative) to livestock grazing permittees and the local economy from changes in livestock management.

(2) Effects of proposed livestock grazing strategies on natural ecosystems. This includes elements such as native and desirable nonnative plant and animal communities, riparian areas, upland grasslands, wooded draws, ponderosa pine forested areas, areas of hazardous fuels, and threatened, endangered, sensitive, management indicator, and local concern species.

(3) Effects of proposed livestock grazing strategies on recreational activities and/or experiences.

Possible Alternatives

Potential alternatives will include a full range of management options including:

(1) No action = No grazing (this is required).

(2) No change from permit or current situation.

(3) Livestock grazing incorporating adaptive management to meet the Forest Plan goals, objectives, standards, and guidelines (Proposed Action). Adaptive management is defined as a process where land managers implement management practices that are designed to meet Forest Plan standards and guidelines, and would likely achieve the desired conditions in a timely manner. If monitoring shows that desired conditions, as described by Forest Plan Direction, are not being met, then an alternate set of management actions would be implemented to achieve the desired results.

Responsible Official

District Ranger, Pine Ridge Ranger District, Nebraska National Forest, 1240 W. 16th Street, Chadron, Nebraska 69337.

Nature of Decision To Be Made

This Draft Environmental Impact Statement (DEIS) does not document a decision. The purpose of this document is to disclose the direct, indirect, and cumulative effects of the proposed action and other alternatives that are analyzed. After providing the public an opportunity to comment on the specific activities described in the alternatives, the District Ranger will review the proposed action, the other alternatives, and the anticipated environmental consequences of each in order to make the following decisions:

1. Whether to continue to permit cattle grazing on all 34 allotments within the Pine Ridge Geographic Area.

2. If grazing is to be permitted, (a) What grazing a systems and prescribed livestock use would be permitted; (b) what structural range improvements would be undertaken; and (c) what type of monitoring program would be implemented. Individual Allotment Management Plans (AMPs) would then be developed to incorporate conditions outlined in the Record of Decision. These AMPs will be completed and approved prior to the 2004 grazing season, and would become part of the term grazing permits to be issued.

Scoping

A preliminary scoping letter was sent to interested parties on March 7, 2003. This letter asked for public comments on the proposal from March 7 to April 7, 2003. Public involvement will be especially important at several points during the analysis, beginning with the scoping process. The Forest Service will seek information, comments, and assistance from Federal, State, local agencies, tribes, and other individuals or organizations who may be interested in, or affected by, the proposal. The scoping activities will include: (1) Engaging potentially affected or interested parties by written correspondence, (2) contacting those on our Forest media list, and (3) hosting public information meeting(s).

Comment Requested

This notice of intent initiates the formal scoping process which guides the development of the environmental impact statement.

Early Notice of Importance for Public Participation in Subsequent Environmental Review

A draft environmental impact statement (DEIS) 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 document. 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.)

Charles R. Marsh,

Acting District Ranger.

[FR Doc. 03–15422 Filed 6–18–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Ravalli County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ravalli County Resource Advisory Committee will be meeting to discuss projects for 2003 and monitoring of 2002 projects. Agenda topics will include project proposal submissions and a public forum (question and answer session). The meeting is being held pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of

2002 (Pub. L. 106–393). The meeting is open to the public.

DATES: The meeting will be held on June 24, 2003, 6:30 p.m.

ADDRESSES: The meeting will be held at the Ravalli County Administration Building, 215 S. 4th Street, Hamilton, Montana. Send written comments to Jeanne Higgins, District Ranger, Stevensville Ranger District, 88 Main Street, Stevensville, MT 59870, by facsimile (406) 777–7423, or electronically to *jmhiggins@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Jeanne Higgins, Stevensville District Ranger and Designated Federal Officer, Phone: (406) 777–5461.

Dated: June 12, 2003.

David T. Bull,

Forest Supervisor.

[FR Doc. 03–15452 Filed 6–18–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Winema and Fremont Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Winema and Fremont Resource Advisory Committee will meet in Lakeview, Oregon, for the purpose of evaluating and recommending resource management projects for funding in 2004, under the provisions of Title II of the Secure Rural Schools and Community Self-Determination Act of 2000.

DATES: The meeting will be held on July 2 and 3, 2003.

ADDRESSES: The meeting will be held in the conference room of the Lakeview Interagency Office, 1301 South S Street, in Lakeview. Send written comments to Winema and Fremont Resource Advisory Committee, c/o USDA Forest Service, PO Box 67, Paisley, OR 97636, or electronically to *waney@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: W.C. (Bill) Aney, Designated Federal Official, Paisley Ranger District, Fremont and Winema National Forests, PO Box 67, Paisley, OR 97636, telephone (541) 943–4401.

SUPPLEMENTARY INFORMATION: The agenda will include a review of 2002 and 2003 projects recommended by the RAC, consideration of Title II project proposals for 2004 submitted by the Forest Service, the public, and other agencies, presentations by project proponents, and final recommendations for funding of fiscal year 2004 projects. All Winema and Fremont Resource Advisory Committee Meetings are open to the public. There will be a time for public input and comment. Interested citizens are encouraged to attend.

Dated: June 6, 2003.

Jane L. Cottrell,

Acting Forest Supervisor.

[FR Doc. 03–15543 Filed 6–18–03; 8:45 am]

BILLING CODE 3410–11–M

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: June 23, 2003: 10:30 a.m.—3:45 p.m.

PLACE: Radio Free Europe/Radio Liberty, Broadcast Center, Room 546, Prague, Czech Republic.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. government-funded non-military international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 5523b(c)(2) and (6)).

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact either Brenda Hardnett or Carol Booker at (202) 401–3736.

Dated: June 16, 2003.

Carol Booker,

Legal Counsel.

[FR Doc. 03–15636 Filed 6–17–03; 11:52 am]

BILLING CODE 8230–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Final Results of Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of the antidumping duty new shipper review of fresh garlic from the People's Republic of China.

SUMMARY: On April 29, 2003, the Department of Commerce published the preliminary results of the new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China. The period of review is November 1, 2001, through April 30, 2002. The review covers subject merchandise produced by two companies, of which one, the respondent company in this review, exported the merchandise to the United States.

We invited interested parties to comment on the preliminary results. Because we received no comments, we have made no changes to our preliminary determination that, based on the use of adverse facts available, the respondent sold subject merchandise to the United States at prices below normal value. The final dumping margin for the new shipper review is listed in the ''Final Result of Review'' section below.

EFFECTIVE DATE: June 19, 2003.

FOR FURTHER INFORMATION CONTACT: Edythe Artman or Mark Ross, Office of AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3931 and (202) 482–4794, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 29, 2003, the Department of Commerce (the Department) published the notice of preliminary results of this new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC). *See* Fresh Garlic from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Review, 68 FR 22676 (April 29, 2003) (Preliminary Results). We invited interested parties to comment on our preliminary results.

We received no comments.

We have conducted this review in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214 (2001).

Scope of the Order

The products covered by this antidumping duty order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay.

The scope of this order does not include the following: (a) Garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non-fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed.

The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings 0703.20.0010, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9700 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive. In order to be excluded from the antidumping duty order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non-fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to the U.S. Bureau of Customs and Border Protection (Customs) to that effect.

Separate Rate

In the preliminary results, the Department found that Huaiyang Hongda Dehydrated Vegetable Company (Hongda) had submitted documentation and responses that established an absence of both *de jure* and *de facto* control by the Chinese government. We preliminarily determined that Hongda had met the criteria for the application of a separate rate. See Preliminary Results, 68 FR at 22677.

Since the preliminary results, we have not received any information that provides a basis for reconsideration of this determination. Therefore, we find that Hongda is entitled to a separate rate for purposes of this review.

Use of Adverse Facts Available

In the preliminary results, we recounted the numerous opportunities that we gave Hongda and its supplier to provide the Department with the information necessary to calculate dumping margins for sales of its merchandise and that of its supplier. We issued an original and three supplemental questionnaires to Hongda and requested factors-of-production information from the supplier, Jin Xiang Jin Ma Fruit and Vegetable Products Company, Ltd. (Kima), indirectly through Hongda and in a direct mailing to Kima. Nevertheless, we did not receive detailed information regarding the sales transactions that took place between Kima and Hongda, information regarding the production process of the garlic Hongda purchased from Kima, or factors-of-production information from Kima.

In response to the second supplemental questionnaire, Hongda merely identified Kima as a company that ''grows and sells garlic'' and stated that it ''simply purchased the garlic'' from Kima. In response to the third supplemental questionnaire, Hongda claimed, in contradiction to an earlier response, that it had taken possession of the garlic purchased from Kima and processed it before exporting it to the United States. Hongda also stated that Kima was unwilling to provide details on its production process or its factors of production. In support of its response, Hongda submitted a certification from Kima to the effect that it was ''unable'' to provide the requested information. Hongda provided no reason for this ''inability'' to respond.

Following the response to the third supplemental questionnaire, we issued a questionnaire directly to Kima in which we requested that it respond to the factors-of-production questionnaire. The company did not respond to our request.

Because Hongda did not provide the Department with the information necessary to calculate a margin on the overwhelming majority of its sales—those involving garlic purchased from Kima, because it did not explain why it could not provide the information for those sales, and because Kima, an ''interested party'' with respect to these transactions, did not provide the requested information, we preliminarily determined that the use of facts otherwise available was warranted to calculate a margin for all of Hongda's sales pursuant to section 776(a)(2) of the Act. *See* Preliminary Results, 68 FR 22678. Furthermore, we found that, by not providing the factors-of-production information for the Kima/Hongda transactions, that neither Hongda nor Kima acted to the best of its ability in providing the Department with the necessary information to calculate a margin. Therefore, pursuant to sections 782(e)(3), (4), and (5) of the Act, the Department did not use the information reported by Hongda and instead applied total adverse facts available to Hongda pursuant to section 776(b) of the Act. *See* Preliminary Results, 68 FR 22679. Furthermore, we corroborated the adverse facts-available rate, the rate that is currently applicable to all exporters subject to the PRC-wide rate, pursuant to section 776(c) of the Act. *See* Preliminary Results, 68 FR at 22680.

Since the preliminary results, Hongda has provided no comments on our preliminary results and no additional information concerning the sales under review. We have received no comments or information from other interested parties.

Therefore, we have no basis to reconsider our preliminary determination. According, we are applying adverse facts available to the sales of merchandise produced by Hongda or Kima and exported by Hongda during the period of review.

Final Result of Review

As a result of the application of adverse facts available, we find that a dumping margin of 376.67 percent exists for the period November 1, 2001, through April 30, 2002, on Hongda's shipments of fresh garlic from the PRC.

The Department shall determine, and Customs 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 review.

Cash-Deposit Requirements

The following cash-deposit requirements will be effective upon publication of the final results of this new shipper review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For subject merchandise grown by Hongda or Jin Xiang Jin Ma Fruit and Vegetable Products Co. Ltd. (Kima) and exported by Hongda, the cash-deposit rate will be 376.67 percent; (2) for all other subject merchandise exported by Hongda, the cash-deposit rate will be the PRC countrywide rate, which is 376.67 percent; (3) for all other PRC exporters

which have not been found to be entitled to a separate rate, the cash-deposit rate will be the PRC countrywide rate; and (4) for all non-PRC exporters of subject merchandise that have not been assigned an individual rate, the cash-deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification

Bonding is no longer permitted to fulfill security requirements for shipments from Hongda of fresh garlic from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this notice in the **Federal Register**.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

We are issuing and publishing these final results of review in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214(i)(1) and 351.210(c).

Dated: June 13, 2003.

Jeffrey May,

Acting Assistant Secretary for Import Administration.

[FR Doc. 03–15524 Filed 6–18–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–807]

Certain Hot-Rolled Carbon Steel Flat Products from the Netherlands; Antidumping Duty Administrative Review; Extension of Time Limit

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limits.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the 2001–2002 administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from the Netherlands. This review covers one manufacturer/exporter of the subject merchandise to the United States and the period May 3, 2001 through October 31, 2002.

EFFECTIVE DATE: June 19, 2003.

FOR FURTHER INFORMATION CONTACT: Melissa Blackledge at (202) 482–3518 or Robert James at (202) 482–0649, Antidumping and Countervailing Duty Enforcement Group III, Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On December 19, 2002, in response to a request from petitioners, Bethlehem Steel Corporation, National Steel Corporation, and United States Steel Corporation, we published a notice of initiation of this administrative review in the **Federal Register**. *See* Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 67 FR 78722 (December 26, 2002). Pursuant to the time limits for administrative reviews set forth in section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Tariff Act), the current deadlines are August 2, 2003 for the preliminary results and November 30, 2003 for the final results. The Department, however, may extend the deadline for completion of the preliminary results of a review if it determines it is not practicable to complete the preliminary results within the statutory time limit. *See* 751(a)(3)(A) of the Tariff Act and section 351.213(h)(2) of the Department's regulations. In this case the Department has determined it is not practicable to complete this review within the statutory time limit because of significant issues which require additional time to evaluate. These include: Classification of respondent's U.S. sales as constructed export price or export price; examination of further manufacturing in the United States by affiliated persons; and the examination of sales by respondent's many affiliated parties in the U.S. market and in the home market.

Therefore, the Department is extending the time limit for completion of the preliminary results until November 30, 2003 in accordance with section 751(a)(3)(A) of the Tariff Act. The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

Dated: June 12, 2003.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 03–15523 Filed 6–18–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

Docket Number: 03–024. *Applicant:* The University of Michigan, Materials Science & Engineering Department, 3062 HH Dow Building, 2300 Hayward Street, Ann Arbor, MI 48109–2136. *Instrument:* Materials Preparation and Crystal Growth System, Model MCGS5. *Manufacturer:* Crystalox Limited, United Kingdom. *Intended Use:* The instrument is intended to be used to melt alloys of precious metals, including ruthenium and platinum, to study their tensile properties, creep properties, diffusion behavior and

oxidation characteristics. The objective is to identify new materials that can increase the efficiency of high temperature systems such as aircraft engines and electric utility power generation turbines. Improved efficiency requires that these systems operate in increasingly higher temperatures. *Application accepted by Commissioner of Customs:* May 28, 2003.

Docket Number: 03–025. *Applicant:* The University of Texas Health Science Center at San Antonio, 7703 Floyd Curl Drive, San Antonio, TX 78229–7750. *Instrument:* Electron Microscope, Model JEM–1230. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument is intended to be used in the applicant's Department of Pathology for the following research projects:

1. Genetic Synthesis of Atherosclerosis
2. Mycoplasma pneumoniae-Airway interplay
3. Collaborative Program in BPD (bronchopulmonary dysplasia)
4. Molecular Biology of the Synapse
5. Single Molecular Analysis of Complex DNA Metabolism
6. Membrane Pathology in Renal Cell Injury

Application accepted by Commissioner of Customs: May 28, 2003.

Docket Number: 03–026. *Applicant:* University of Vermont, College of Medicine, Department of Molecular Physiology and Biophysics, HSRF—RM127, 149 Beaumont Avenue, Burlington, VT 05405. *Instrument:* Cuvette System for muscle fiber investigation. *Manufacturer:* Scientific Instruments, GmbH, Germany. *Intended Use:* The instrument is intended to be used to bathe a strip of dissected muscle. Muscle strips will be prepared from heart biopsies and measurements of force production used to characterize heart muscle performance in various heart diseases. *Application accepted by Commissioner of Customs:* May 29, 2003.

Docket Number: 03–027. *Applicant:* Oregon Health & Science University, Neurological Sciences Institute, 505 NW 185th Avenue, Beaverton, OR 97006. *Instrument:* Electron Microscope, Model Tecnai G^2 12 BioTWIN. *Manufacturer:* FEI Company, The Netherlands. *Intended Use:* The instrument is intended to be used to examine the following:

1. The ultrastructural localization of several types of glutamate receptors relative to specific populations of primary afferents in the rat trigeminal dorsal horn, using antipeptide antisera that selectively recognize each receptor.

2. The localization of the MOR1 relative to other populations of afferents.

Application accepted by Commissioner of Customs: June 3, 2003.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 03–15525 Filed 6–18–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings and Anticircumvention Determinations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFFECTIVE DATE: June 19, 2003.

SUMMARY: The Department of Commerce (the Department) hereby publishes a list of scope rulings and anticircumvention determinations completed between October 1, 2002 and March 31, 2003. In conjunction with this list, the Department is also publishing a list of requests for scope rulings and anticircumvention determinations pending as of March 31, 2003. We intend to publish future lists after the close of the next calendar quarter.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos or Mark Hoadley, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–2243 or (202) 482–3148, respectively.

Background

The Department's regulations provide that the Secretary will publish in the **Federal Register** a list of scope rulings. *See* 19 CFR 351.225(o). Our most recent ''Notice of Scope Rulings'' was published on February 18, 2003. *See* 68 FR at 7772.

This notice covers all scope rulings and anticircumvention determinations completed by Import Administration between October 1, 2002 and March 31, 2003, inclusive. It also lists any scope or anticircumvention inquiries pending as of March 31, 2003. The Department intends to publish the items contained herein in June 2003. As described below, subsequent lists will follow after the close of each calendar quarter.

Scope Rulings Completed Between October 1, 2002 and March 31, 2003

Brazil

A–351–817 and C–351–818: Certain Cut-To-Length Carbon Steel Plate from Brazil

Requestor: TradeArbed, Inc.; continuous cast steel slab is outside the scope of the orders; November 25, 2002.

Canada

A–122–838 and C–122–839: Softwood Lumber from Canada

Requestor: The Executive Committee of the Coalition for Fair Lumber Imports; softwood lumber first produced in the United States, but that is further processed in Canada is outside the scope of the orders; January 22, 2003.

A–122–838 and C–122–839: Softwood Lumber from Canada

Requestor: Shakertown 1992, Inc.; western red cedar board is within the scope of the orders; January 23, 2003.

A–122–838 and C–122–839: Softwood Lumber from Canada

Requestor: Transco Mills, Ltd.; wood roof decking is within the scope of the orders; February 14, 2003.

People's Republic of China

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Atico International, Inc.; ''snowball'' candle, ''Christmas cake'' candle, certain glowing candles, and claimed ''beeswax'' candles are within the scope of the order; ''angel'' candle, ''NOEL'' candle, ''JOY'' and ''PEACE'' pillar candles are outside the scope of the order; November 11, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Leader Light, Ltd.; ''Happy Birthday,'' ''Season's Greetings,'' ''PEACE'' musical candles, certain brick candles, floating candles, candle gardens, artificial flower candles, ceramic filled candles, pillar candle gift set, and ''molded'' and ''crackle finish'' pillar candles are within the scope of the order; ''Merry Christmas'' musical candle, various pillar candles, duck candle, ''rustic'' and ''smooth'' candles, and ''tin box'' candles are outside the scope of the order; December 12, 2002.

A–570–868: Folding Metal Tables and Chairs from China

Requestor: RPA International Pty., Ltd. and RPS, LLC; poly-fold metal folding chairs are within the scope of the order; January 13, 2003.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Atico International, Inc.; ''filled paraffin wax gel'' candle and

''tier disk heart-shaped'' candle are within the scope of the order; February 25, 2003.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Burlington Toiletries International, Ltd.; circular gel candles in containers are within the scope of the order; March 31, 2003.

Anticircumvention Determinations Completed Between October 1, 2002 and March 31, 2003

None

Scope Inquiries Terminated Between October 1, 2002 and March 31, 2003

Canada

A–122–838 and C–122–839: Softwood Lumber from Canada

Canbo, Inc. (in Quebec) withdrew its request for a scope ruling; terminated November 20, 2002.

A–122–838 and C–122–839: Softwood Lumber from Canada

Industries Perron Inc., withdrew its request for a scope ruling; terminated February 25, 2003.

Japan

A–588–857: Certain Welded Large Diameter Line Pipe from Japan

BP America, Inc., withdrew its request for a scope ruling; terminated October 22, 2002.

Anticircumvention Inquiries Terminated Between October 1, 2002 and March 31, 2003

None.

Scope Inquiries Pending as of March 31, 2003

People's Republic of China

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Fleming International, Ltd.; whether synthetic and vegetable wax candles are within the scope of the order; requested October 24, 2001.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: For Your Ease Only; whether floating gel candles are within the scope of the order; requested November 15, 2001.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Garden Ridge; whether ''animal print'' palm oil candles are within the scope of the order; requested February 20, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: New Spectrum; whether floating candles, assorted figurine candles, ''ball of gold rope'' candles, Christmas ornament candles, various candle sets, scented candles, and citronella ''garden torch'' candles are within the scope of the order; requested March 29, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Hallmark Cards, Inc.; whether assorted ''leaves'' candles, a ''star'' candle, and a ''dome-shaped'' candle are within the scope of the order; requested May 8, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Meijer, Inc.; whether ''birthday'' candles and assorted pillars, rounds, and wax-filled containers are within the scope of the order; requested May 14, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Avon Products, Inc.; whether ''resin topper jar'' candles containing palm oil are within the scope of the order; requested May 21, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Avon Products, Inc.; whether two ''disc-shaped'' candles containing stearic wax are within the scope of the order; requested May 28, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Avon Products, Inc.; whether a ''flower'' pillar candle containing stearic wax is within the scope of the order; requested May 28, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Avon Products, Inc.; whether a ''fruit'' pillar candle containing stearic wax is within the scope of the order; requested May 28, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Home Interiors & Gifts, Inc.; whether a ''rose blossom'' candle, ''sunflower'' floating candles, ''American heart'' floating candles, ''baked apple'' tea lights, and vanilla tea lights are within the scope of the order; requested June 4, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Avon Products, Inc.; whether three wax filled gel candles are within the scope of the order; requested June 13, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Dollar Tree Stores, Inc.; whether assorted ''gel-filled'' containers are within the scope of the order; requested August 1, 2002.

A–570–502: Certain Iron Construction Castings from the People's Republic of China.

Requestor: Frank J. Martin Co.; whether certain cast iron full-flanged rings and certain cast iron gas lids are within the scope of the order; requested August 21, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: San Francisco Candle Company; whether a ''candy cane'' candle is within the scope of the order; requested August 23, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: San Francisco Candle Company; whether a ''heart-shaped'' candle is within the scope of the order; requested August 23, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Avon Products, Inc.; whether a ''floating rose-shaped'' candle is within the scope of the order; requested September 30, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Neatzit Israel International, Ltd.; whether a Chanukah candle is within the scope of the order; requested September 30, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Sears; whether three ''wrapped present'' candles with a mirrored tray are within the scope of the order; requested October 15, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Spectrum Brands; whether an assortment of citronella candles are within the scope of the order; requested October 15, 2002.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: J.C. Penney Purchasing Corp.; whether a ''wicker lamp shade'' candle is within the scope of the order; requested January 22, 2003.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Target Corporation; whether snowball candles and sets are within the scope of the order; requested February 5, 2003.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Crazy Mountain Imports; whether various candles with Christmas ornaments are within the scope of the order; requested February 19, 2003.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Wal-Mart Stores, Inc.; whether snowball and Christmas

ornament candles are within the scope of the order; requested February 21, 20032.

A–570–827: Certain Cased Pencils from the People's Republic of China

Requestor: Designs by Skaffles Inc.; whether a stationary set is within the scope of the order; requested March 6, 2003

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Dollar Tree Stores, Inc.; whether various floral, autumn leaf, and Christmas ''floater'' candles are within the scope of the order; requested March 7, 2003.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Illuminations Stores, Inc.; whether spherical Christmas ornament candles are within the scope of the order; requested March 7, 2003.

A–570–506: Porcelain-on Steel Cooking Ware from the People's Republic of China

Requestor: Target Corporation; whether enamel-clad beverage holders and dispensers are outside the scope of the order; requested March 18, 2003.

A–570–504: Petroleum Wax Candles from the People's Republic of China

Requestor: Access Business Group; whether various ''bowl'' and jar candles are within the scope of the order; request March 25, 2003.

Russian Federation

A–821–802: Antidumping Suspension Agreement on Uranium

Requestor: USEC, Inc. and its subsidiary, United States Enrichment Corporation; whether enriched uranium located in Kazakhstan at the time of the dissolution of the Soviet Union is within the scope of the order; requested August 6, 1999.

Multiple Countries

A–475–820: Stainless Steel Wire Rod from Italy, C–475–821; Stainless Steel Wire Rod from Italy, A–588–843: Stainless Steel Wire Rod from Japan, A–469–805: Stainless Steel Wire Rod from Spain, A–469–807: Stainless Steel Wire Rod from Spain, A–583–828: Stainless Steel Wire Rod from Taiwan, A–533–810: Certain Stainless Steel Wire Rod from India, A–588–833: Stainless Steel Wire Rod from India, A–351–825: Stainless Steel Wire Rod from Brazil, A–533–808: Stainless Steel Wire Rod from India, C–469–004: Stainless Steel Wire Rod from Spain

Requestor: Ishar Bright Steel Ltd.; whether stainless steel bar that is manufactured in the United Arab Emirates from stainless steel wire rod imported form multiple subject countries is within the scope of the orders; requested December 22, 1998.

Anticircumvention Inquires Pending as of March 31, 2003

Italy

A–475–818 & C–475–819: Certain Pasta From Italy

Requestor: Pastificio Fratelli Pagani S.p.A. (Pagani); whether imports of certain pasta from Italy, falling within the physical dimensions outlined in the scope of the order, are circumventing the antidumping and countervailing duty orders; initiated April 27, 2000.

Japan

A–588–824: Corrosion-Resistant Carbon Steel Flat Products from Japan

Requestor: USS-Posco Industries; whether imports of boron-added hot-dipped and electrolytic corrosion-resistant carbon steel sheet are circumventing the order; pending.

Interested parties are invited to comment on the completeness of this list of pending scope inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Enforcement Group III, Import Administration, International Trade Administration, 14th Street and Constitution Avenue, NW., Room 1870, Washington, DC 20230.

This notice is published in accordance with section 351.225(o) of the Department's regulations.

Dated: June 12, 2003.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 03–15522 Filed 6–18–03; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Finance and Accounting Service Board of Advisors

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Comptroller).

ACTION: Notice.

SUMMARY: On Wednesday, May 28, 2003 (68 FR 31691), the Department of Defense published a notice of meeting of the Defense Finance and Accounting Service (DFAS) Board of Advisors scheduled for Thursday, June 19, 2003. The meeting has been postponed and will be rescheduled and announced at a later date.

FOR FURTHER INFORMATION CONTACT: Contact Beverly A. Lemon, Corporate Planning, DFAS, Crystal Mall 3 (room 206), 1931 Jefferson Davis Highway, Arlington, VA 22240. Telephone: (703) 607–3829.

Dated: June 12, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–15413 Filed 6–18–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Enabling Joint Force Capabilities will, tentatively meet in closed session August 26, 2003, at the U.S. Strategic Command; September 2, 2003, at Joint Forces Command; and September 22, 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 these meetings, 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 meetings concern matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meetings will be closed to the public.

Dated: June 12, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–15414 Filed 6–18–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department gives notice that on August 2, 2002, an arbitration panel rendered a decision in the matter of *Alabama Department of Rehabilitation Services* v. *U. S. Department of Veterans Affairs, Veterans Canteen Service (Docket No. R–S/01–6).* This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d–1(b), after the Department received a complaint filed by the petitioner, the Alabama Department of Rehabilitation Services.

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d–2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged denial by the U.S. Department of Veterans Affairs (DVA), Veterans Canteen Service (VCS), of a request by the Alabama Department of Rehabilitation Services, the State licensing agency (SLA), to establish Randolph-Sheppard vending facilities at DVA Medical Centers in Alabama, in violation of the Act (20 U.S.C. 107 *et seq.*) and the implementing regulations in 34 CFR part 395.

A summary of the facts is as follows: In 1998 the SLA filed an arbitration complaint with the U.S. Department of Education. The SLA's complaint alleged that DVA/VCS had failed to comply with the provisions of the Act and implementing regulations regarding permit applications submitted by the SLA for four Federal properties maintained and operated by DVA/VCS. A Federal arbitration panel was convened to hear this matter and rendered a decision on October 20, 2000.

The panel ruled that DVA/VCS had not complied with the Act and implementing regulations regarding the establishment of Randolph-Sheppard vending facilities on Federal property. At the instruction of the arbitration panel, the SLA submitted to DVA/VCS, during the arbitration proceedings, permit applications requesting the establishment of blind vending facilities in 33 separate buildings located in Alabama. However, at the time of the SLA's filing of this second arbitration complaint, the SLA had not received a response to these requests.

Later, the SLA alleges that it learned DVA/VCS had contracted with private companies to operate vending machines on DVA/VCS property in Alabama subsequent to January 1, 1975, which is in violation of the Act and implementing regulations. Further, the SLA also contends that it has never received any disbursement of vending machine income from the operation of these vending machines operated by DVA/VCS on Federal property in violation of the income-sharing provisions of the Act and implementing regulations.

As a result of this dispute, the SLA requested the Secretary of Education to convene a Federal arbitration panel to hear this complaint. A panel was convened, and a hearing on this matter was held on April 23, 2002.

Arbitration Panel Decision

The arbitration panel heard the following three issues: (1) Whether DVA/VCS had violated the Act and implementing regulations by failing to take action necessary to carry out the decision of the arbitration panel in *Alabama Department of Rehabilitation Services* v. *Department of Veterans Affairs, Veterans Canteen Service, Case No. R–S/98–7;* (2) whether DVA/VCS' failure to approve or disapprove the applications for permits submitted by the SLA in March 2000 to establish vending facilities on Federal property in Alabama was in violation of the Act and implementing regulations; and (3) whether the operation of vending machines by private companies and the receipt of vending machine income from those machines by DVA/VCS without sharing a percentage of the income with the SLA was in violation of the income-sharing provisions of the Act and implementing regulations.

After considering the evidence presented, the panel made the following decision and award: Concerning the first issue, the panel concurred with the first arbitration panel's findings and award in Case No. R–S/98–7 in which that panel ruled that DVA/VCS had violated the Act. Therefore, the panel ruled that DVA/VCS should take all proper corrective action necessary.

Regarding the second issue, the majority of the panel ruled that DVA/VCS had failed to properly respond to the applications for permits submitted by the SLA in March 2000. Accordingly, the panel directed DVA/VCS to review, investigate, and determine which permit applications submitted by the SLA should have been approved and then to issue those permits. Also, the panel ordered DVS/VCS to determine the amount of monies lost as the result of its failure to timely grant and issue those permits and to compensate the SLA with interest at the lawful rate.

Finally, as to the third issue, the majority of the panel concluded that testimony showed that DVA/VCS performed every activity involved in the vending of beverages, thus establishing that DVA/VCS, not a private vending company, operated the vending machines. Therefore, the panel ruled that profits made by DVA/VCS were exempt from the vending machine income-sharing provisions of the Act as alleged by the SLA.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 3232, Mary E. Switzer Building, Washington, DC 20202–2738. Telephone: (202) 205–8536. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–8298.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal**

Register. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Dated: June 13, 2003.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 03–15415 Filed 6–18–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department gives notice that on July 11, 2001, an arbitration panel rendered a decision in the matter of *David Ramsey, et al.* v. *New Hampshire Department of Education, Division of Vocational Rehabilitation, Bureau of Service for the Blind and Visually Impaired (Docket No. R–S/99–4).* This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d–1(a), after the Department received a complaint filed by the petitioner, David Ramsey, *et al.*

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d–2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns a competitive bidding process for the operation of vending machines at the roadside rest areas located on the interstate highway system used by the State of New Hampshire. The State's use of this competitive bidding process allegedly prevented blind vendors from operating these vending machines in violation of the priority provisions of the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*) and the implementing regulations in 34 CFR part 395. The State was represented in this arbitration proceeding by the New Hampshire Department of Education, Division of Vocational Rehabilitation, Bureau of Services for the Blind and Visually Impaired, which is the State licensing agency (SLA).

A summary of the facts is as follows: In July 1985, the New Hampshire legislature enacted State legislation, RSA 230:30–a, which instituted a competitive bidding process for anyone seeking to install and maintain vending machines at rest area locations along New Hampshire's interstate highway system.

The complainants, David Ramsey, *et al.*, claimed that blind vendors had a ''right of first refusal'' before any other entity was approached to operate vending facilities at rest area locations on the interstate highway system. The complainants maintained that the right of first refusal resulted from the Transportation Equity Act of the 21st Century (TEA–21), in 23 U.S.C. 111(b), which authorizes placement of vending machines at rest areas located on the interstate highway system. This authority also provides that the State shall give priority to vending machines operated by the SLA under the Act. The complainants further alleged that the State law, RSA 230:30–a, which authorized the bidding process for the placement of vending machines on the interstate highway system, was preempted by the TEA–21, which is a Federal law.

The SLA denied that there was a preemption issue and alleged that a conflict did not exist between State and Federal law in this case. The SLA further alleged that the Federal arbitration panel did not have jurisdiction concerning the issues raised by complainants. The SLA also maintained that the State implemented the priority provision under the TEA–21 by giving priority to blind vendors and awarding a vending contract to the SLA if it submitted the high bid or if the SLA tied for the high bid.

Arbitration Panel Decision

A majority of the arbitration panel concluded that RSA 230:30–a resulted in the awarding of contracts to private vendors, thus preventing blind vendors from competing since they lacked comparable resources. According to the panel, although RSA 230:30–a is silent regarding the priority or preference to blind vendors in the installation and maintenance of vending machines at interstate rest areas, no real priority was given to blind vendors on the basis of breaking a tie bid in favor of blind vendors. Thus, the panel rejected the SLA's interpretation of the meaning of priority under the TEA–21.

Accordingly, the panel agreed with the complainants that the purpose and fair interpretation of priority within section 111(b) of the TEA–21 required that the complainants receive an opportunity to operate vending machines before any private vendor was even invited to bid. Otherwise, RSA 230:30–a rendered the TEA–21 meaningless.

The panel further determined that, contrary to the SLA's position, the panel did have the authority to rule on these issues. The panel stated that the grievance procedure in 20 U.S.C. 107d–1(a) does not contain any limitation on the authority of an arbitration panel in deciding disputes between blind vendors and SLAs.

Concerning the issue of preemption of State law, the panel ruled that this case was not one in which State law simply supplemented Federal law as argued by the SLA. The panel determined that RSA 230:30–a clearly interfered with section 111(b) of the TEA–21, because it frustrated the purpose of Congress, which was to provide blind people with realistic economic and employment opportunities.

Finally, the panel ruled that the complainants were entitled to damages in the amount of full commissions payable from the time the complaint was filed on October 28, 1998. The panel instructed that the State pay to the SLA the commissions to be used to benefit the blind vendors. Legal fees were not awarded to either party.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 3232, Mary E. Switzer Building, Washington, DC 20202–2738. Telephone: (202) 205–8536. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–8298.

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Loretta Petty Chittum,

Acting Assistant Secretary for Special Education andRehabilitative Services.

[FR Doc. 03–15538 Filed 6–18–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GP94–2–012]

Columbia Gas Transmission Corporation; Notice of Refund Report

June 12, 2003.

Take notice that on June 10, 2003, Columbia Gas Transmission Corporation (Columbia) tendered for filing its Refund Report made to comply with the April 17, 1995 Settlement (Settlement) in Docket No. GP94–02, *et al.,* as approved by the Commission on June 15, 1995 (Columbia Gas Transmission Corp., (71 FERC § 61,337 (1995)).

Columbia states that on January 20, 2003, it made refunds, as billing credits and with checks, in the amount of $307,253.93.

Columbia further states that the refunds represent deferred tax refunds received from Trailblazer Pipeline Company and Overthrust Pipeline Company. Columbia asserts that these refunds were made pursuant to Article VIII, Section E of the Settlement using the allocation percentages shown on Appendix G, Schedule 5 of the Settlement. Columbia explains that the refunds include interest at the Commission rate, in accordance with the Code of Federal Regulations, Subpart F, Section 154.501 (d).

Columbia states that copies of its filing have been mailed to all affected customers and state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before the protest date as shown below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: June 23, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15424 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–515–000]

Dominion Transmission, Inc.; Notice of Report of Overrun/Penalty Revenue Distribution

June 12, 2003.

Take notice that on June 6, 2003, Dominion Transmission, Inc. (DTI) tendered for filing its report of overrun/penalty revenue distribution. Section 41 of the General Terms and Conditions of DTI's FERC Gas Tariff, Crediting of Unauthorized Overrun Charge and Penalty Revenues, requires distribution of such charges and revenues to non-offending customers on June 30 of each year, and filing of the related report within 30 days of the distribution.

DTI states that it distributed the penalty revenues to customers one month early, on May 30, 2003, due to a physical move of the Regulatory & Pricing Department that will be occurring in mid to late June.

DTI states that copies of the transmittal letter and summary workpapers are being mailed to DTI's customers and to all interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before the intervention and protest date as indicated below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: June 19, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15433 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–052]

Dominion Transmission, Inc.; Notice of Compliance Filing

June 12, 2003.

Take notice that on June 6, 2003, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with an effective date of July 1, 2003.

Second Revised Sheet No. 1407
First Revised Sheet No. 1408
Second Revised Sheet No. 1409
First Revised Sheet No. 1410
First Revised Sheet No. 1411
First Revised Sheet No. 1412

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: June 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15438 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–517–000]

Enbridge Offshore Pipelines (UTOS) LLC; Notice of Tariff Filing

June 12, 2003.

Take notice that on June 6, 2003, Enbridge Pipelines Offshore (UTOS) LLC (UTOS) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, First Revised Sheet No. 2, to be effective July 1, 2003. UTOS states that it is filing this tariff sheet to remove provisions from its FERC Gas Tariff that address whether operating employees and facilities are shared with its marketing affiliate and substitute new provisions indicating that such information will be posted on UTOS'' website, consistent with Commission policy.

UTOS states that copies of its filing have been mailed to all affected customers of UTOS and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: June 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15435 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–516–000]

Enbridge Pipelines (AlaTenn) L.L.C.; Notice of Tariff Filing

June 12, 2003.

Take notice that on June 6, 2003, Enbridge Pipelines (AlaTenn) L.L.C. (AlaTenn) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, First Revised Sheet No. 192, to be effective July 1, 2003. AlaTenn states that it is filing this tariff sheet to remove provisions from its FERC Gas Tariff that address whether operating employees and facilities are shared with its marketing affiliate and substitute new provisions indicating that such information will be posted on AlaTenn's website, consistent with Commission policy.

AlaTenn states that copies of its filing have been mailed to all affected customers of AlaTenn and interested state commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: June 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15434 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–518–000]

Enbridge Pipelines (KPC); Notice of Tariff Filing

June 12, 2003.

Take notice that on June 6, 2003, Enbridge Pipelines (KPC) (KPC) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, First Revised Sheet No. 174, to be effective July 1, 2003.

KPC states that it is filing this tariff sheet to remove provisions from its FERC Gas Tariff that address whether operating employees and facilities are shared with its marketing affiliate and substitute new provisions indicating that such information will be posted on KPC's website, consistent with Commission policy.

KPC states that copies of its filing have been mailed to all affected customers of KPC and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's

Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: June 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15436 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–519–000]

Enbridge Pipelines (Midla) L.L.C.; Notice of Tariff Filing

June 12, 2003.

Take notice that on June 6, 2003, Enbridge Pipelines (Midla) L.L.C. (Midla) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, First Revised Sheet No. 144 and First Revised Sheet No. 145, to be effective July 1, 2003.

Midla states that it is filing these tariff sheets to remove provisions from its FERC Gas Tariff that address whether operating employees and facilities are shared with its marketing affiliate and substitute new provisions indicating that such information will be posted on Midla's website, consistent with Commission policy.

Midla states that copies of its filing have been mailed to all affected customers of Midla and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: June 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15437 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–342–004]

MIGC, Inc.; Notice of Compliance Filing

June 12, 2003.

Take notice that on June 9, 2003, MIGC, Inc. (MIGC) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No.1, Third Revised Sheet No. 66A; Fourth Revised Sheet No. 69; and Fourth Revised Sheet No. 82A, to become effective May 1, 2003.

MIGC asserts that the purpose of this filing is to correct the pagination for three tariff sheets submitted in its May 23, 2003 compliance filing to comply with the Commission's Second Order on Compliance with Order No. 637 issued May 9, 2003 in Docket Nos. RP00–342–001 and RP00–342–002. MIGC states that it is filing a properly paginated version of the same tariff sheets and requests that the Commission accept the repaginated version in place of MIGC's version submitted on May 23, 2003.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: June 23, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15428 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–275–001]

Northern Border Pipeline Company; Notice of Refund Report

June 12, 2003.

Take notice that on June 10, 2003, Northern Border Pipeline Company (Northern Border) tendered for filing its refund report in accordance with the Commission's March 27, 2003 order in Docket No. RP03–275–000, (102 FERC ¶ 61,329).

Northern Border states that on May 8, 2003, it issued a refund totaling $10,260.958.78. Northern Border states that of this refund total, $4,136.145.10 was issued by checks and $6,124,813.68 was credited to shippers' invoices. Northern Border states that included in the above totals are carrying charges of $461,355.35, computed through May 8, 2003.

Northern Border states that copies of the filing has been served on all affected shippers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be

filed on or before the protest date as shown below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: June 23, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15429 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–352–001]

Southern Star Central Gas Pipeline, Inc.; Notice of Compliance Filing

June 12, 2003.

Take notice that on June 6, 2003, Southern Star Central Gas Pipeline, Inc. (Southern Star) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Original Sheet No. 17, to become effective May 1, 2003.

Southern Star states that the tariff sheet is being submitted to comply with the FERC Order issued May 23, 2003, in this docket.

Southern Star states that copies of the tariff sheet are being served on Southern Star's jurisdictional customers, those appearing on the official service list, and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: June 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15430 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–470–001]

Southern Star Central Gas Pipeline, Inc.; Notice of Compliance Filing

June 12, 2003.

Take notice that on June 9, 2003, Southern Star Central Gas Pipeline, Inc. (Southern Star) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the tariff sheets listed below to become effective May 15, 2003:

Substitute First Revised Sheet No. 153
Substitute Second Revised Sheet No. 244
Substitute Second Revised Sheet No. 246

Southern Star states that the tariff sheets are being filed to comply with the FERC Order issued May 30, 2003, in this docket.

Southern Star states that copies of the tariff sheets are being served on Southern Star's jurisdictional customers, those appearing on the official service list, and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: June 23, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15431 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–513–000]

Transcontinental Gas Pipe Line Corporation; Notice of Limited Waiver

June 12, 2003.

Take notice that on June 2, 2003, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing a request for expedited approval of a limited waiver of certain imbalance cash out provisions of Transco's FERC Gas Tariff.

Transco states that this requested waiver would apply to the imbalances incurred by shippers during April and May 2003 following the implementation of Transco's new business system and associated new business practices.

Transco states that copies of the filing have been served upon each person designated on the official service listed.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before the intervention and protests date has indicated below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the

Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: June 16, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15432 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

[Docket No. ER03–911–001, et al.]

Federal Energy Regulatory Commission

Deseret Generating & Transmission Co-operative, Inc., et al.; Electric Rate and Corporate Filings

June 11, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Deseret Generation & Transmission Co-operative, Inc.

[Docket No. ER03–911–001]

Take notice that on June 9, 2003, Deseret Generation & Transmission Co-operative, Inc. submitted an errata to its June 3, 2003 filing in this proceeding.

Comment Date: June 30, 2003.

2. The Potomac Edison Company

[Docket No. ER03–937–000]

Take notice that on June 9, 2003, The Potomac Edison Company (Potomac Edison), tendered for filing with the Federal Energy Regulatory Commission (Commission) pursuant to the Commission's regulations, 18 CFR 35.15, Notices of Cancellation of Potomac Edison's Rate Schedule FERC Nos. 60, 61, 62 and 63 consisting of Transition Service Agreements with the City of Hagerstown and the Towns of Thurmont, Front Royal and Williamsport, respectively. Potomac Edison states that the Agreements terminated by their own terms effective June 20, 2003, and Potomac Edison therefore requests an effective date of June 30, 2003, for the cancellations.

Comment Date: June 30, 2003.

3. Central Maine Power Company

[Docket No. ER03–938–000]

Take notice that on June 9, 2003, Central Maine Power Company (CMP) tendered for filing an unexecuted Local Network Operating Agreement entered into with Hancock Lumber Co., Inc. CMP states that service will be provided pursuant to CMP's Open Access Transmission Tariff, designated rate schedule CMP—FERC Electric Tariff, Fifth Revised Volume No. 3, Original Service Agreement Number 189.

Comment Date: June 30, 2003.

4. Westar Energy, Inc.

[Docket No. ER03–939–000]

Take notice that on June 10, 2003, Westar Energy, Inc. (Westar) submitted for filing a supplement and an amendment to First Revised FPC No. 72 (Supercedes Original FPC No. 72, as supplemented). Westar states that Supplement No. 3 to the Electric Interconnection Contract (Contract) between Westar and Western Light & Telephone Company, Inc., now known as Aquila Networks-WPK (Aquila) adds two 34.5 kV interconnection points which were put in service a number of years ago. Westar states that Amendment No. 2 provides for removal of points of interconnection between Westar and Aquila as allowed by the Contract.

Westar further states that a copy of this filing was served upon the Kansas Corporation Commission and Aquila.

Comment Date: June 30, 2003.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15559 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2358–005, et al.]

Pacific Gas and Electric Company, et al.; Electric Rate and Corporate Filings

June 6, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Pacific Gas and Electric Company

[Docket Nos. ER97–2358–005, ER98–2351–004, ER01–839–004, ER01–66–002]

Take notice that on June 3, 2003, Pacific Gas and ElectricCompany (PG&E) tendered for filing refund reports under itsTransmission Owner Tariff and modifications to its WholesaleDistribution Tariff in compliance with Commission Orders.

PG&E states that copies of this filing have been sent to the California Independent System Operator Corporation (CAISO),Scheduling Coordinators registered with the CAISO, the CaliforniaPublic Utilities Commission and all other parties to the official service lists.

Comment Date: June 24, 2003.

2. San Diego Gas & Electric Company

[Docket Nos. ER97–2364–006, ER97–4235–003, ER98–497–003, ER98–2371–003]

Take notice that on June 3, 2003, San Diego Gas & Electric(SDG&E) tendered for filing its refund report in compliance withOpinions 458 (August 5, 2002) and 458–A (November 1, 2002).

SDG&E states that copies of this filing were served upon all parties in Docket No. ER97–2364–000, including the California PublicUtilities Commission, the California Independent System Operator,California Independent System Operator-registered Scheduling

Coordinators, Pacific Gas and Electric Company, and SouthernCalifornia Edison Company.

Comment Date: June 24, 2003.

3. Westar Generating, Inc.

[Docket No. ER01–1305–008]

Take notice that on June 4, 2003, Westar Generating, Inc.(Westar) submitted an informational filing as required by Article IV,Informational Filings, of the Settlement Agreement in Dockets No. ER01–1305–000.

Westar states that a copy of this filing was served upon the Kansas Corporation Commission.

Comment Date: June 25, 2003.

4. Southwest Power Pool, Inc.

[Docket No. ER03–472–001]

Take notice that on June 3, 2003, Southwest Power Pool, Inc. (SPP) submitted for filing an executed service agreement for Firm Point-to-Point Transmission Service with Western Resources d/b/a/ Westar Energy (Westar) and an executed service agreement for Firm Point-to-Point Transmission Service with Exelon Generation Company LLC (Exelon). SPP seeks an effective date of January 1, 2003 for these service agreements. SSP states that the service agreements supersede service agreements submitted by SPP on January 30, 2003.

SPP states that Exelon and Westar were served with a copy of this filing.

Comment Date: June 24, 2003.

5. Commonwealth Edison Company

[Docket No. ER03–630–001]

Take notice that on June 4, 2003, Commonwealth Edison Company (ComEd) submitted a filing to the Federal Energy Regulatory Commission in compliance with the May 5, 2003 Order in Docket No. ER03–630–000.

ComEd states that copies of this filing were served on Grande Prairie Energy, LLC and the Illinois Commerce Commission.

Comment Date: June 25, 2003.

6. Public Service Company of New Mexico

[Docket No. ER03–914–000]

Take notice that on June 4, 2003, Public Service Company of New Mexico (PNM) tendered for filing an Interconnection Agreement (designated as Service Agreement No. 208 under PNM Electric Tariff, Second Revised Volume No. 4) that includes the provisions for the interconnection facilities necessary to interconnect the FPL Energy New Mexico Wind, LLC (FPLE) proposed 204 MW name plate capacity wind farm generation project, in eastern New Mexico, to PNM's transmission system.

PNM states that copies of the filing have been sent to FPLE, the New Mexico Public Regulation Commission, and the New Mexico Attorney General.

Comment Date: June 25, 2003.

7. American Electric Power Service Corporation

[Docket No. ER03–915–000]

Take notice that on June 4, 2003, the American Electric Power Service Corporation (AEPSC) tendered for filing pursuant to Section 35.15 of the Commission Regulations 18 CFR 35.15, a Notice of Termination of an executed Facilities Agreement between Ohio Power Company and Jackson County Power, L.L.C. designated as Service Agreement No. 348 under American Electric Power Operating Companies' Open Access Transmission Tariff.

AEPSC requests an effective date of June 3, 2003. AEPSC states that a copy of the filing was served upon Jackson County Power, L.L.C. and the Public Utilities Commission of Ohio.

Comment Date: June 25, 2003.

8. PJM Interconnection, L.L.C.

[Docket No. ER03–916–000]

Take notice that on June 4, 2003, PJM Interconnection, L.L.C. (PJM), submitted for filing an interconnection service agreement among PJM, Waymart Wind Farm L.P., and PPL Electric Utilities Corporation. PJM requests a waiver of the Commission's 60-day notice requirement to permit a May 12, 2003 effective date for the agreement.

PJM states that copies of this filing were served upon the parties to the agreement and the state regulatory commissions within the PJM region.

Comment Date: June 25, 2003.

9. Puget Sound Energy, Inc.

[Docket No. ER03–918–000]

Take notice that on June 4, 2003, Puget Sound Energy, Inc. (Puget) tendered for filing Amendatory Agreement No. 1 to the 1997 Pacific Northwest Coordination Agreement (the 1997 PNCA). Puget states that Amendatory Agreement No. 1 amends the 1997 PNCA. A copy of the filing was served upon the parties to the 1997 PNCA.

Comment Date: June 25, 2004.

10. Puget Sound Energy, Inc.

[Docket No. ER03–919–000]

Take notice that on June 4, 2003, Puget Sound Energy, Inc. (Puget) tendered for filing Amendment No. 3 to the Exchange and Transfer Agreement between The City of Seattle, acting by and through its City Light Department (the City) and Puget.

Comment Date: June 25, 2003.

11. Puget Sound Energy, Inc.

[Docket No. ER03–920–000]

Take notice that on June 4, 2003, Puget Sound Energy, Inc. (Puget) tendered for filing Amendatory Agreement No. 6 to the 1964 Pacific Northwest Coordination Agreement (the 1964 PNCA).

Puget states that a copy of the filing was served upon the parties to the 1964 PNCA.

Comment Date: June 25, 2003.

12. Puget Sound Energy, Inc.

[Docket No.ER03–921–000]

Take notice that on June 4, 2003, Puget Sound Energy, Inc. (Puget) tendered for an unsigned Interconnection Argument Amendment between The City of Seattle, acting by and through its City Light Department (the City) and Puget. Puget states that a copy of the filing was served upon the City.

Comment Date: June 25, 2003.

13. Southaven Power, LLC

[Docket No. ER03–922–000]

Take notice that on June 4, 2003, Southaven Power, LLC (Southaven), an electric power developer organized under the laws of Delaware, petitioned the Commission for acceptance of an amendment to its market-based rate tariff, waiver of certain requirements under Subparts B and C of part 35 of the Commission's regulations, and preapproval of transactions under part 34 of the regulations. Southaven is requesting that its existing tariff be amended to permit the sale of ancillary services at market-based rates.

Comment Date: June 25, 2003.

14. Puget Sound Energy, Inc.

[Docket No. ER03–923–000]

Take notice that on June 4, 2003, Puget Sound Energy, Inc. (Puget) tendered for filing Amendatory Agreement No. 5 to the 1964 Pacific Northwest Coordination Agreement (the 1964 PNCA).

Puget states that a copy of the filing was served upon the parties to the 1964 PNCA.

Comment Date: June 25, 2003.

15. Central Hudson Enterprise Corporation

[Docket No. ER03–924–000]

Take notice that on June 4, 2003, Central Hudson Enterprise Corporation filed a Notice of Cancellation of Rate Schedule FERC No. 1 and Supplement

No.1 to Rate Schedule FERC No.1, effective June 26, 1997 in Docket No. ER97–2869–000. Central Hudson requests an effective date of May 31, 2002 for the cancellation.

Comment Date: June 25, 2003.

16. West Penn Power Company

[Docket No.ER03–925–000]

Take notice that on June 4, 2003, Allegheny Energy Service Corporation on behalf of West Penn Power Company (West Penn), tendered for filing pursuant to the Federal Energy Regulatory Commission's regulations, 18 CFR 35.15, a Notice of Cancellation of West Penn Power Company, Rate Schedule FERC No.100 and Rate Schedule FERC No.101, consisting of executed Transition Service Agreements with Allegheny Electric Cooperative and the Borough of Chambersburg. West Penn requests an effective date of November 30, 2002 for the cancellations. Accordingly, West Penn requests waiver of the Commission's regulations.

West Penn states that copies of the filing have been provided to Allegheny Electric Cooperative, the Maryland Public Service Commission, the Pennsylvania Public Utility Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment Date: June 25, 2003.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov* , using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15320 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Jurisdictional Review and Soliciting Comments, Protests and/or Motions To Intervene

June 12, 2003.

Take notice that the following review has been initiated by the Commission:

a. *Review Type:* Jurisdictional Review.

b. *Docket Nos.:* JR02–1–000 and Project No. 11857.

c. *Owner:* Puget Sound Hydro LLC.

d. *Name of Project:* Nooksack Falls Hydroelectric Project.

e. *Location:* The project is located on the North Fork of the Nooksack River, near the town of Glacier, in Whatcom County, Washington (T. 39 N., R. 7 E., T. 40 N., Rs. 7 & 8 E., Willamette Meridian).

f. *Owner Contact:* Michael A. Swiger, Van Ness Feldman, 1050 Thomas Jefferson Street, NW., Washington DC 20007–3877, telephone number (202) 298–1891.

g. *FERC Contact:* Any questions on this notice should be addressed to Henry Ecton (202) 502–8768, or e-mail address: *henry.ecton@ferc.gov*.

h. *Deadline for filing comments, protests, and/or motions to intervene:* [1] July 14, 2003.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and/or interventions may be filed electronically via the Internet in lieu of paper. Any questions, please contact the Secretary's Office. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov*.

Please include the docket numbers (JR02–1–000 and Project No. 11857) on any comments, protests, and/or motions to intervene filed.

i. Pursuant to Section 23(b)(1) of the Federal Power Act (FPA), 16 U.S.C. 817(1), a non-federal hydroelectric project must (unless it has a still-valid pre-1920 federal permit) be licensed if it is located on a navigable water of the United States; occupies lands of the United States; utilizes surplus water or water power from a government dam; or is located on a body of water over which Congress has Commerce Clause jurisdiction, project construction occurred on or after August 26, 1935, and the project affects the interests of interstate or foreign commerce.

j. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

k. Protests, Comments, and/or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests and/or motions to intervene must be received on or before the specified comment date for the particular application.

l. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''PROTESTS'', AND/OR ''MOTIONS TO INTERVENE'', as applicable, and the Docket Numbers of the particular review.

m. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described review. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15425 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

[1] On March 20, 2003, the Commission Secretary issued a Notice of Availability of Draft Navigation Study in new Docket No. JR01–1, inviting comments. This notice established a proceeding, but did not invite motions to intervene. Motions to intervene in Docket No. JR02–1 were nevertheless filed on April 9, 2003, by Welcome Springs and on April 18, 2003, by American Whitewater. The instant Notice of Unlicensed Project Review in essence amends the March 20, 2003 notice to invite motions to intervene by the deadline specified. Although the two motions to intervene were filed before issuance of the notice inviting intervention, they were timely (*see, e.g.*, Halecrest Co., 38 FERC ¶ 61,312 (1987)) and were automatically granted 15 days after they were filed (*see* 18 CFR 385.214(c)).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

June 12, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License (Minor).

b. *Project No.:* 4914–010.

c. *Date filed:* November 20, 2002.

d. *Applicant:* International Paper Company.

e. *Name of Project:* Nicolet Mill Dam Project.

f. *Location:* At the U.S. Army Corps of Engineers' De Pere Dam, on the Fox River, in the City of DePere, Brown County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Thomas Piette, International Paper Company, 200 Main Avenue, De Pere, WI 54115, (920) 336–4211.

i. *FERC Contact:* Peter Leitzke, (202) 502–6059 or *peter.leitzke@ferc.gov*.

Deadline for filing motions to intervene and protests: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link. Please include the project number (P–4914–010) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The existing Nicolet Mill Dam Project consists of the following existing facilities: (1) A 13.6 foot-high, 400-foot-long diversion structure attached to the westerly end of the U.S. Army Corps of Engineers' De Pere Dam; (2) intake works consisting of 28 gates screened with steel racks; (3) a powerhouse containing eight 135-kilowatt (kW) generating units with a total installed capacity of 1,080 kW; and (4) other appurtenances.

m. This copy of the application is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–4914). For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Register online at *http://www.ferc.gov/esubscribenow.htm* to be notified via e-mail of new filings and issuances related to this or other pending projects.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. Procedural schedule and final amendments: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Notice of Application is Ready for Environmental Analysis—August 2003

Notice of the availability of the EA—February 2004

Ready for Commission's decision on the application—April 2004

Unless substantial comments are received in response to the EA, staff intends to prepare a single EA in this case. If substantial comments are received in response to the EA, a final EA will be prepared with the following modifications to the schedule.

Notice of the availability of the final EA—May 2004

Ready for Commission's decision on the application—July 2004

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15427 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice Soliciting Scoping Comments

June 13, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New major license.

b. *Project No.:* P–287–009.

c. *Date filed:* April 8, 2002.

d. *Applicant:* Midwest Hydro Inc.

e. *Name of Project:* Dayton Hydroelectric Project.

f. *Location:* On the Fox River, near the City of Dayton, in La Salle County, Illinois. The project does not affect any federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).

h. *Applicant Contact:* Charles Alsberg, Executive Vice President, North American Hydro, P.O. Box 167, Neshkoro, WI 54960, (920) 293–4628 ext. 11.

i. *FERC Contact:* Tom Dean, (202) 502–6041, *thomas.dean@ferc.gov*.

j. *Deadline for filing scoping comments:* July 25, 2003.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's rules of practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project.

Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Scoping comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

k. This application is not ready for environmental analysis at this time.

l. The existing Dayton Hydroelectric Project consists of: (1) 594-foot-long arch-buttress uncontrolled fixed crest overflow concrete dam; (2) a 200-foot-long earthen embankment on the east side; (3) a 200 acre impoundment with a normal pool elevation of 498.90 msl; (4) a concrete head gate structure with four 15.5-foot-wide and 9.5 foot-high wooden gates located at the west abutment; (5) a 900-foot-long, 135-foot-wide, 10-foot-deep power canal; (6) a powerhouse containing three turbines with a total installed capacity of 3,680 kW; (7) a 150-foot-long, 2.4 kV transmission line; and (8) appurtenant facilities. The average annual generation is 14,200 megawatthours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

n. You may also register online at *http://www.ferc.gov.esubscribenow.htm* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *Scoping Process:* The Commission staff intends to prepare an Environmental Assessment (EA) for the Dayton Hydroelectric Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct any on-site scoping meetings at this time. Instead, we will solicit comments, recommendations, information, and alternatives in the Scoping Document (SD).

Copies of the SD outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of the SD may be viewed on the Web at *http://www.ferc.gov* using the ''FERRIS'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15560 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD03–7–001]

Natural Gas Price Formation; Staff Paper on Price Formation Issues

June 13, 2003.

On May 29, 2003, the Commission issued a ''Notice of Staff Technical Conference & Workshop on Energy Price Discovery & Indices' on issues surrounding price formation and price indices for natural gas and electricity. The conference and workshop will be held, in conjunction with the staff and commissioners from the Commodity Futures Trading Commission and the National Association of Regulatory Utility Commissioners, at FERC headquarters on June 24, 2003.

Introduction and Problem Definition

A crisis of confidence over the reliability of energy price indices and the uncertainty over industry expectations and government regulatory guidelines now inhibits the progress of energy markets. Reports of past attempts at index manipulation and unreliable or non-transparent statistical methods undercut markets that depend on indices.[1] Recently, there have also been concerns about a lack of information about price liquidity, such that market participants base decisions on misperceptions about how many actual transactions were used to set the price. Since index dependencies permeate the energy industry, accurate price discovery must exist for markets to function properly and efficiently.

There are also concerns about changes in the amount of trading, both generally and with certain types of contracts. Gas commodity markets have shifted from primary reliance on a prompt month (bid week) spot market and longer term forward markets to include active next day and balance-of-month markets. Next-day trading appears to be robust, with a majority of next-day trades being executed on electronic exchange platforms. Transactions in the month-ahead market, however, have declined significantly in the wake of a collapse in the marketing segment of the gas industry. Monthly indices, however, apparently remain important reference points for indexed contracts, settlements for swaps, settlements for pipeline imbalances, *etc.* We are interested in exploring the vitality of trading in the month-ahead market and the role it plays in price formation under current conditions.

Another concern is the degree of reliance on index-based contracts as opposed to fixed-price contracts. It appears that natural gas producers often sell ''at index'' and that many local distribution company purchasers buy at index-linked prices in lieu of negotiating fixed prices. Some have alleged that there is over-reliance on index pricing and that it is due to perceptions of what state commissions will consider to be prudent components of a procurement portfolio. Without enough fixed price transactions, there is a real concern that prices will not reflect market conditions.[2] This is another aspect of liquidity concerns' improvements in price reporting, data quality, index methodologies, reporting procedures, and the like still will not produce the desired result if there are not enough fixed price trades to form prices.

On April 24, 2003, Commission staff, with staff from the CFTC, held a technical conference to explore how improvements in price indices could promote confidence in natural gas markets. The conference provided us and participants with useful insights on price indices and their role in price formation, and staff appreciates the contributions of the conference

[1] In 2002 the Western Markets Task Force investigated the role natural gas indices played in the prices charged for electricity in California. The Final Report on Price Manipulation in Western Markets, issued March 2003 in Docket No. PA02–2–000, determined that employees of several companies had reported false information to publishers of price indices in an effort to skew indices in favor of their trading activities positions (short or long) taken in both the physical and financial markets. In addition, the investigation found that other companies had no system in place to ensure the accuracy of the data being reported to the index publishers.

[2] Natural Gas Intelligence (NGI) recently issued an open letter to the Commission and a ''Statement on Natural Gas Price Surveys'' in which it noted the collapse in fixed price trading and the increased use of indices during volatile periods. NGI urged ''buyers and sellers to do less indexing '' and more fixed price trading, particularly in the monthly baseload market.'' *See www.intelligencepress.com/features/ngi_statement.html.*

participants. Many issues raised at the April 24 conference affect energy markets generally. Recognizing this, the Commission has expanded the scope of the upcoming conference to consider the role of price indices in the formation of prices for electricity as well as natural gas.

The June 24 conference and workshop will consider both near-term improvements and long-term solutions to the current price formation process. To assist the industry in reaching consensus where possible, FERC staff outlines below possible criteria for price indices and questions which must be resolved in order to achieve a consensus solution and resolve the uncertainty. The criteria address both implementation issues and characteristics of good price reporting systems. We encourage parties to comment on these criteria and questions in written comments prior to the June 24 conference, and we encourage conference participants to address these issues in their remarks at the conference.

Implementation Criteria

1. *Near-term and long-term effectiveness*. Near-term improvements are needed to bolster confidence in current price indices. Staff encourages consensus among market participants on steps needed immediately to improve price reporting, the process of calculating and publishing indices, and the information needed for the market to gauge liquidity.

2. *Cost considerations*. The current system provides the service to the industry at moderate cost as part of the index providers' businesses. Any changes to the current system or any new approach to price formation that significantly upgrade the process for receiving and processing trade data will carry with it a need to fund the improvements or the new structure. Parties should address the problem of increased costs and the mechanism for funding changes in the current system.

3. *Applicability to electricity as well as gas*. Price discovery is as important for the electric industry as it is for the natural gas industry. Spot and longer-term forward markets exist for electricity. The spot market for electricity has taken two forms. One is the day-ahead and real-time markets administered by FERC-sanctioned RTOs and ISOs. The other is bilateral markets consisting of private transactions between market participants.[3] Published indices report these transactions, in which many of the same problems and concerns have been raised. We request comment on the extent to which the solutions previously discussed in the context of gas indices apply equally for reporting of electricity indices.

4. *Implementation*. The Commission has jurisdiction over natural gas sale-for-resale transactions that are not ''first sales,'' transportation by natural gas pipelines, and wholesale power transactions by public utilities. Also, sales for resale of Canadian gas are exempt from our jurisdiction. We request comment on the steps the Commission could take within its existing authorities, or with reasonably achievable legislative changes, to implement changes. For example, should the Commission condition the grant of market-based rate authority or the use of interstate transportation facilities (gas and electric) on the users' agreements to provide accurate and complete price reporting? Would such requirements be sufficient to assure that indices are representative of the market? Would such requirements guarantee a sufficient number of reported trades to resolve the concern over determining the actual liquidity at various trading hubs and/or the concern that price indices accurately reflect actual market activity? Are there steps the Commission could take to encourage all segments of the market to participate in active negotiation of prices in daily and monthly markets to ensure a statistically significant base of price information upon which to calculate indices?

5. *Providing regulatory certainty*. Some market participants have suspended reporting trade data, partly out of concern over the present uncertainty in price index development. Such participants may be concerned that their reporting practices or errors in information reported could lead to accusations of providing inaccurate or incomplete data. One means of addressing this perceived risk would be adopting standard practices for reporting trade data. We recognize the need to provide as much regulatory certainty as possible for good faith reporting of trade data, while still enabling the Commission to take action against false reporting or attempted manipulation of price indices. We encourage industry consensus on reporting standards to facilitate regulatory certainty.

Price Index Criteria

Comments at the April 24 conference show that the industry is working on criteria for various aspects of reporting and processing trade data and producing better price indices. One group, the Committee of Chief Risk Officers, issued a White Paper proposing ''Best Practices for Energy Price Indices.'' Those practices address desirable attributes for several aspects of determining price indices.[4] We request comment on the following criteria for developing price indices.

1. *Confidential*. An index developer should provide confidentiality agreements to assure entities that commercially sensitive individual transaction data submitted will be held in confidence except to the extent necessary to verify the index and allow for any regulatory oversight

2. *Complete*. Price reporting systems should maximize the amount of useful and appropriate information they collect and disseminate. Complete information would include actual transaction variables such as price, volume, delivery point, duration, date and time, whether the transaction is a purchase or sale, and the counterparties to the transaction. Useful information to disseminate includes price, volume, location, type of contract, time, and liquidity. In particular, there should be some measure that informs customers how many actual transactions led to an index price.[5]

3. *Transparent*. Customers of price reports should be able to know how the information was developed. They should know about index calculation methodologies including relevant formulas and algorithms, treatment of aberrant data, and use of judgments, assessments, or similar subjective adjustments.

4. *Verifiable*. Customers of indices should have faith that the information they rely upon has been verified by a sufficiently thorough and independent audit process. Quality control measures, including a verification and error

[3] The RTO/ISO markets are reliable and transparent. Many bilateral transactions are settled against prices set by the RTO/ISO markets. The newly reactivated NYMEX–PJM West futures contract also uses the daily real time PJM prices for settlement at the end of the contract month. Outside of the organized ISO/RTO markets, the bilateral markets rely on published indices (such as Megawatt Daily's Mass Hub, PJM West, NY Zone-G, Into Cinergy, Into Entergy, etc.) for settlements.

[4] The recommended best practices include reporting full transaction-by-transaction data; publication by the index developer of the methodologies used, including definitions of sample size, treatment of double-counting and outliers, and method for determining a value when there is insufficient data; an error resolution process; strong confidentiality agreements; and periodic process audits for data suppliers and index developers. *See www.ccro.org/bestprac.html.*

[5] We encourage the development of liquidity measures that classify trading points by liquidity and provide specific information about the number of trades or indicate graduated levels of activity.

resolution process that includes buy-sell matching, should apply to the data. An index developer should: Provide adequate security for collected data, including a backup system; have the ability to process large quantities of data quickly and accurately; and possess sufficient market knowledge and statistical expertise to recognize errors in reported data.

5. *Accessible*. All interested customers should have reasonable access to price reports on a timely basis.

Questions

We seek responses to key questions in order to achieve an appropriate solution:

1. Should the Commission have access to the data? Under the current regime of trade publication indices, the Commission and the CFTC have limited ability to investigate allegations of manipulation. Can this regime achieve the goals of verifiability and transparency? Are there near-or long-term changes that could be made to achieve sufficient verifiability and transparency other than allowing for regulatory review?

2. Should the Commission mandate reporting? The volume of transactions reported has declined, as companies have suspended reporting due to uncertainty over reporting standards or to review their procedures and safeguards for reporting accurate information.[6] Developers of price indices have expressed concern that withholding trade information from the market undermines the index process.[7] The reluctance of some companies to report trade information voluntarily raises the question of whether trade reporting should be mandatory. Due to antitrust laws, the industry acting alone could not implement certain means of requiring report, such as stopping trading with non-reporting companies. In other markets where ''self-regulating organizations'' (SROs) exist there have been exemptions to such antitrust laws allowing mandatory reporting. Should the Commission require entities holding blanket market-based rate authority to report specified trade information to one or more index developers whose indices meet specified standards, subject to adequate confidentiality protections? How can sufficient completeness be achieved without some form of mandate to report? How could the Commission implement a mandate under current law? Would legislation allowing the Commission to mandate price reporting help?

3. Should reports include counterparties? The verification process effectiveness increases when the index provider has information on whether a transaction was a purchase or sale, with counterparty company name. Some reporting companies have commented that this information is highly sensitive and that they will not report the data to a third party, or that non-disclosure agreements bar reporting such information. Others, including index providers, argue that without counterparty data they cannot confirm reported trades and thus assure accuracy in the data used to construct indices. Staff recognizes the fundamental tension between the need to ensure accurate indices and to protect commercially sensitive information. Is there a way to achieve sufficient verifiability without a buy/sell indicator and counterparty information? If there were a requirement to report counterparty data, what protections could the Commission or an index developer provide for commercially sensitive information?

4. Should there be an external audit? There appears to be general consensus that some audit process is necessary to achieve verifiability but less agreement on the nature of the audit process. The highest degree of confidence would result from an external process and data audit by a major independent firm, with the results of the audit (and underlying data) provided to the Commission for review. Some index providers argue that review of the information by anyone outside their company would raise liability and impose costs. However, an audit process that only addresses process or that is only internal would provide less transparency and confidence. Staff views auditing and reporting to the Commission as central to restoring confidence in price indices. Parties should comment on the type of audits and reports best suited to achieving verifiability.

5. Should the Commission authorize price reporting entities? How can the Commission implement standards of review, reporting, confidentiality and auditing? Are there minimum standards that the Commission could apply to price reporting entities? How can companies providing transaction data have assurance that they are providing data to *bona fide* price reporting entities?

6. Should the Commission delegate any regulatory functions to an SRO? If so, which one? Depending on the scope of regulatory functions deemed appropriate to oversee price discovery mechanisms, the Commission could delegate many such functions to an SRO. These include standards of conduct, compliance, surveillance, auditing, enforcement, rulemaking, standardization of formats, dispute resolution, adjudication, and membership requirements.

SROs are well-established in certain financial industries, often operating under supervision from agencies that have been granted specific legislative authority.[8] We request comment on the steps that would be necessary for the Commission to sponsor or validate an SRO-type entity for price formation in the energy industry. SROs also raise significant questions of cost, governance and oversight. If the Commission mandated use of an SRO and/or subjected the SRO to government oversight, would the Commission need additional specific legislative authority to create and regulate such an SRO? If the Commission were given authority or direction to supervise price formation mechanisms, could it delegate some price surveillance to an SRO? We request comment on the extent of the Commission's current powers to accomplish an SRO solution.[9]

Advantages of an SRO are centralizing the process of reporting, processing, and disseminating data under conditions which provide for oversight and auditing, creating a high degree of confidence. Disadvantages include the time to select or create the SRO, potential need for legislative authority, and potential disruption in the transition from existing indices to new indices resulting from SRO data or published by the SRO, and the potential for significant costs.

Written Comments

We encourage interested parties to submit written comments on the issues discussed above in advance of the June

[6] Recently, for example, Entergy-Koch Trading announced that it has suspended all price reporting ''until there is further clarity and certainty around industry expectations and the government regulation guidelines.''

[7] For example, in NGI's ''Statement on Natural Gas Price Surveys,'' NGI urged ''companies which have not reported prices in the past or who have let their price reporting lapse to make contributions to our surveys in the interests of a robust market measure.'' *See www.intelligencepress.com/features/ngi_statement.html.*

[8] For instance, the National Futures Association registers and monitoring futures brokers under the oversight of the CFTC and pursuant to legislative provisions; GovPX, Inc. is a private company which benchmarks U.S. Treasury market prices without legislative provisions, but with the approval of the U.S. Treasury and Federal Reserve.

[9] Two examples include the InterContinental Exchange (ICE) which suggests that its existing eConfirm system currently operates as a central processing platform hub, and the University of Houston Global Energy Management Institute (UH-GEM) which proposes to develop a new energy price data hub within six months.

24 conference and workshop. We request that comments be filed by June 20, 2003. Instructions on filing electronically can be found at *http://www.ferc.gov/documents/makeanelectronicfiling/doorbell.htm.*

Magalie R. Salas,

Secretary.

[FR Doc. 03–15558 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Removal of CIPS and RIMS From FERC Web Site

June 12, 2003.

Take notice that on July 11, 2003, the Federal Energy Regulatory Commission (FERC) will remove the Commission Issuance Posting System (CIPS) and the Records Information Management System (RIMS) from its Web site at *http://www.ferc.gov*.

CIPS contains Commission issuances in both WordPerfect and Text format. RIMS contains most documents submitted to or issued by FERC in image format. Both CIPS and RIMS were custom-designed systems with limited enhancement potential and they were increasingly difficult to maintain.

On August 2, 2002, FERC put into production the Federal Energy Regulatory Records Information System (FERRIS). FERRIS was designed to replace both CIPS and RIMS with a system based on current document management, database, and search engine technology.

FERC continued to make both RIMS and CIPS available on its Web site while users became familiar with FERRIS. However, no new documents were added to CIPS or RIMS after FERRIS was put in production. User surveys and web statistics show that usage of both CIPS and RIMS has declined since the introduction of FERRIS.

If you have questions on the termination of RIMS and CIPS, please contact Brooks Carter at (202) 502–8145 or *brooks.carter@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15426 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11901–002]

Town of Bristol, New Hampshire; Notice of Surrender of Preliminary Permit

June 13, 2003.

Take notice that the Town of Bristol, New Hampshire, permittee for the proposed Ayers Island Incremental Capacity Project, has requested that its preliminary permit be terminated. The permit was issued on September 13, 2001, and would have expired on August 31, 2004. The project would have been located on the Pemigewasset River in Grafton and Belknap Counties, New Hampshire.

The permittee filed the request on May 6, 2003, and the preliminary permit for Project No. 11901 shall remain in effect through the 30th day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15561 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11906–001]

Town of Bristol, New Hampshire; Notice of Surrender of Preliminary Permit

June 13, 2003.

Take notice that the Town of Bristol, New Hampshire, permittee for the proposed Franklin Falls Project, has requested that its preliminary permit be terminated. The permit was issued on June 25, 2001, and would have expired on May 31, 2004. The project would have been located on the Pemigewasset River in Merrimack and Belknap Counties, New Hampshire.

The permittee filed the request on May 6, 2003, and the preliminary permit for Project No. 11906 shall remain in effect through the 30th day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15562 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11907–001]

Town of Bristol, New Hampshire; Notice of Surrender of Preliminary Permit

Take notice that the Town of Bristol, New Hampshire, permittee for the proposed Eastman Falls Incremental Project, has requested that its preliminary permit be terminated. The permit was issued on September 13, 2001, and would have expired on August 31, 2004. The project would have been located on the Pemigewasset River in Merrimack and Belknap Counties, New Hampshire.

The permittee filed the request on May 6, 2003, and the preliminary permit for Project No. 11907 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Magalie R. Salas,

Secretary.

[FR Doc. 03–15563 Filed 6–18–03; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0193; FRL–7310–3]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide,

Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by December 16, 2003 or July 21, 2003 for EPA Registration number(s): 000499–00413, 008660–00031, 008660–00045, 008660–49, 008660–00055, 008660–00057, and 071085–00022, orders will be issued canceling these registrations. The Agency will consider withdrawal requests postmarked no later than December 16, 2003 or July 21, 2003 for EPA Registration numbers indicated above.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Information Resources Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5761; e-mail address: *hollins.james@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0193. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

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

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to cancel 45 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1:

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
000056–00071	Jt Eaton A-C Formula 90 Bulk Rodenticide	2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione
000228 OR–94–0036	Riverdale Weedestroy (R) AM 40 Amine Salt	Dimethylamine 2,4-dichlorophenoxyacetate
000241 OR–02–0021	Acrobat 50WP Fungicide	Morpholine, 3-(3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl)
000264 OR–96–0028	Aliette WDG Fungicide	Aluminum tris(O-ethylphosphonate)
000432–01285	Baytex Liquid Concentrate Insecticide	O,O-Dimethyl O-(4-(methylthio)-m-tolyl) phosphorothioate
000432–01290	Baytex Technical Insecticide	O,O-Dimethyl O-(4-(methylthio)-m-tolyl) phosphorothioate
000464–00669	Bronopol Preservative	2-Bromo-2-nitropropane-1,3-diol
000464–00677	Myacide S-1	2-Bromo-2-nitropropane-1,3-diol
000464–00681	Myacide BT	2-Bromo-2-nitropropane-1,3-diol
000499–00413	Whitmire TC 100 Intern	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
000829–00290	SA-50 Dursban 1-E Insecticide	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
001022–00543	Chapcide 4-EC	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
001812 LA–01–0014 001812 MS–01–0028 001812 SC–01–0002	Griffin Boa Herbicide	1,1'-Dimethyl-4,4'-bipyridinium dichloride
004822–00148	Johnson Yard Master Foam Crabgrass Preventer	*N*-Butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product Name	Chemical Name
004822–00153	Johnson Buggy Whip Dual Action Roach Bait	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
004822–00335	Raid Ant Controller	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
004822–00411	Raid Roach Bait III	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
005481 WA–93–0024	Metam Sodium	Sodium *N*-methyldithiocarbamate
008660–00031	Concentrated Balan for Professional Turf	*N*-Butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine
008660–00045	Malathion Grain Protectant (Premium Grade)	O,O-Dimethyl phosphorodithioate of diethyl mercaptosuccinate
008660–00049	55% Malathion Concentrate	O,O-Dimethyl phosphorodithioate of diethyl mercaptosuccinate
008660–00055	Malathion Grain Protectant	O,O-Dimethyl phosphorodithioate of diethyl mercaptosuccinate
008660–00057	Patterson's Greenup 5% Malathion Dust	O,O-Dimethyl phosphorodithioate of diethyl mercaptosuccinate
010163 MO–01–0004 010163 OR–01–0008 010163 TX–01–0010	Sandea Herbicide	3-Chloro-5-(((((4,6-dimethoxy-2-pyrimidinyl)amino)carbonyl)amino)
010182 TX–99–0007	Bravo 720	Tetrachloroisophthalonitrile
010707 AZ–98–0008	Magnacide H Herbicide	2-Propenal
015440–00012	Technical 2-(2,4-Dichlorophenoxy) Propionic Acid	2-(2,4-Dichlorophenoxy)propionic acid
015440–00014	Marks CMPP (Mecoprop) Technical Acid	2-(2-Methyl-4-chlorophenoxy)propionic acid
015440–00017	Technical Mecoprop	2-(2-Methyl-4-chlorophenoxy)propionic acid
028293–00015	Unicorn Phosmet Insecticidal Dust for Dogs	*N*-(Mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate)
051036–00073	Dibrom 8EC	1,2-Dibromo-2,2-dichloroethyl dimethyl phosphate
051036–00216	Micro Flo Chlorpyrifos 4E Wood Treater	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
051036–00247	Chlorpyrifos 2.5G	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
051036–00257	Chlorpyrifos 2E AG	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
051036–00294	Chlorpyrifos 4# Wheat	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
053871–00006	Larvo-BT	Bacillus thuringiensis subsp. kurstaki
053883–00048	Martin's Dursban Insecticide Granules	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
053883–00052	Martin's Dursban 2 1/2% Insecticide Granules	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate
064428 WA–90–0024 065135 WA–98–0007	Vinco Formaldehyde Solution	Formaldehyde
071085–00022	Griffin Propanil 60 DF	3',4'-Dichloropropionanilide

Unless a request is withdrawn by the registrant within 180 days (30 days where indicated) of publication of this notice, orders will be issued canceling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly during the indicated comment period.

Table 2 of this unit includes the names and addresses of record for all

registrants of the products in Table 1 of this unit, in sequence by EPA company number:

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
000056	Eaton JT and Co. Inc. 1393 E. Highland Rd. Twinsburg, OH 44087
000228	Nufarm Americas Inc. D/b/a Riverdale - A Nufarm Co. 1333 Burr Ridge Parkway Suite 125a Burr Ridge, IL 60527
000241	BASF Corp. P.O. Box 13528 Research Triangle Park, NC 27709
000264	Bayer Cropscience LP 2 T.W. Alexander Drive Research Triangle Park, NC 27709
000432	Bayer Environmental Science, A Business Group of Bayer Cropscience LP 95 Chestnut Ridge Rd. Montvale, NJ 07645
000464	Dow Chemical Co. 1803 Building Midland, MI 48674 Attn: Rhonda Vance-Moeser
000499	Whitmire Micro-Gen Research Laboratories Inc. 3568 Tree Ct Industrial Blvd. St Louis, MO 63122
000829	Southern Agricultural Insecticides, Inc. P.O. Box 218 Palmetto, FL 34220
001022	IBC Mfg. Co. c/o Gail Early 416 E. Brooks Rd. Memphis, TN 38109
001812	Griffin L.L.C. P.O. Box 1847 Valdosta, GA 31603
004822	S.C. Johnson and Son Inc. 1525 Howe Street Racine, WI 53403
005481	AMVAC Chemical Corp. 4695 Macarthur Ct. Suite 1250 Newport Beach, CA 92660 Attn: Jon C. Wood

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA Company No.	Company Name and Address
008660	Sylorr Plant Corp. P.O. Box 142642 St. Louis, MO 63114
010163	Gowan Co. P.O. Box 5569 Yuma, AZ 85366
010182	Zeneca Ag Products, Inc. P.O. Box 18300 Greensboro, NC 27419
010707	Baker Petrolite Corp. 12645 W. Airport Blvd. Sugarland, TX 77478
015440	Registration and Regulatory Services Agent For: A H Marks and Co Ltd., PMB 239 7474 Creedmoor Rd. Raleigh, NC 27613
028293	Unicorn Laboratories 12385 Automobile Blvd. Clearwater, FL 33762
051036	Micro-Flo Co. LLC P.O. Box 772099 Memphis, TN 38117
053871	Troy Biosciences Inc. c/o SHB Scientific Enterprises P.O. Box 7012 Chandler, AZ 85246
053883	Control Solutions, Inc. 5903 Genoa-Red Bluff Pasadena, TX 77507
064428	Washington Bulb Co. Inc. 16031 Beaver Marsh Rd. Mount Vernon, WA 98273
065135	Lefeber Bulb Co. Inc. 15379 State Route 536 Mount Vernon, WA 98273
071085	Riceco LLC 5100 Poplar Avenue Suite 2428 Memphis, TN 38137

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**, postmarked before December 16, 2003 or July 21, 2003 for EPA Registration numbers listed under **DATES**. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in the **Federal Register** of June 26, 1991 (56 FR 29362) (FRL–3846–4). Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a Data Call-In. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product. Exception to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in a Special Review action, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 3, 2003.

Arnold E. Layne,

Director, Information Resources Services Division, Office of Pesticide Programs.

[FR Doc. 03–15517 Filed 6–18–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7515–1]

Clean Water Act Section 303(d): Availability of List Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and opportunity to comment.

SUMMARY: This notice announces the availability of EPA's decision identifying water quality limited segments and associated pollutants in Wisconsin to be listed pursuant to the Clean Water Act section 303(d)(2), and requests public comment. Section 303(d)(2) requires that states submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On May 19, 2003, EPA partially approved and partially disapproved Wisconsin's submittal. Specifically, EPA approved Wisconsin's listing of 596 waters, associated pollutants, and associated priority rankings. EPA disapproved Wisconsin's decision not to list ten water quality limited segments and associated pollutants. EPA identified these additional water bodies and pollutants along with priority rankings for inclusion on the 2002 section 303(d) list.

EPA is providing the public the opportunity to review its decision to add waters and pollutants to Wisconsin's 2002 section 303(d) list, as required by EPA's Public Participation regulations. EPA will consider public comments in reaching its final decision on the additional water bodies and pollutants identified for inclusion on Wisconsin's final list.

DATES: Comments on this document must be received in writing by July 21, 2003.

ADDRESSES: Written comments on today's notice may be submitted to Jo Lynn Traub, Director, Water Division, Attn: Wisconsin 303(d) list, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. As an alternative, EPA will accept comments electronically. Comments should be sent to the following Internet Email Address: *keclik.donna@epa.gov*.

FOR FURTHER INFORMATION CONTACT: Donna Keclik, Watersheds and Wetlands Branch, at the EPA address noted above or by telephone at (312) 886–6766.

SUPPLEMENTARY INFORMATION: Section 303(d) of the Clean Water Act (CWA) requires that each state identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish TMDLs according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of section 303(d) of the CWA (40 CFR 130.7). The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The lists of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7). On March 31, 2000 EPA promulgated a revision to this regulation that waived the requirement for states to submit section 303(d) lists in 2000 except in cases where a court order, consent decree, or settlement agreement required EPA to take action on a list in 2000 (65 FR 17170).

Consistent with EPA's regulations, Wisconsin submitted to EPA its listing decision under section 303(d)(2) on November 4, 2002. On May 19, 2003, EPA approved Wisconsin's listing of 596 waters and associated priority rankings. EPA disapproved Wisconsin's decision not to list ten water quality limited segments and associated pollutants. EPA identified these additional waters and pollutants along with priority rankings for inclusion on the 2002 section 303(d) list. EPA solicits public comment on its identification of ten additional waters and associated pollutants for inclusion on Wisconsin's 2002 section 303(d) list.

Dated: June 12, 2003.

Timothy C. Henry,

Acting Director, Water Division, EPA Region 5.

[FR Doc. 03–15516 Filed 6–18–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Issuance of Technical Bulletin 2003–1

Board Action: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB rules of procedure, as amended in October, 1999, notice is hereby given that the Federal Accounting Standards Advisory Board has issued Technical Bulletin 2003–1, *Certain Questions and Answers Related to The Homeland Security Act of 2002.*

The primary effects of the Technical Bulletin are that:

a. Legacy entities will segregate the net costs of continuing and transferred operations, and recognize a transfer-out for assets and liabilities transferred. Segregation of the net cost is required for both current and prior period net cost.

b. Transferred entities will segregate the net costs of continuing and transferred operation for components of the transferred entity that (1) were not transferred from the legacy entity or (2) subsequent to the creation of the Department of Homeland Security were no longer included in the transferred entity's operations. Transferred entities will recognize a transfer-out for assets and liabilities transferred. Segregation of the net cost is required for both current and prior period net cost.

c. Department of Homeland Security and other receiving entities will recognize assets and liabilities received at book value and recognize a ''transfer-in.'' Financial statements based on the transfers and actual operations subsequent to the transfer will be presented.

The Technical Bulletin is available on the FASAB Web site at *www.fasab.gov* or by calling 202–512–7350.

FOR FURTHER INFORMATION CONTACT: Wendy Comes, Executive Director, 441 G St., NW., Mail Stop 6K17V, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. 92–463.

Dated: June 13, 2003.

Wendy M. Comes,

Executive Director.

[FR Doc. 03–15510 Filed 6–18–03; 8:45 am]

BILLING CODE 1610–01—P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 11, 2003.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit PRA comments August 18, 2003. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, 445 12th Street, SW., Room 1–C804, Washington, DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judy B. Herman at (202) 418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0681.

Title: Toll-Free Service Access Codes—CC Docket No. 95–155, 47 CFR Part 52, Subpart D, Sections 52.101—52.111.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit, not-for-profit institutions.

Number of Respondents: 2,520.

Estimated Time Per Response: 1 hour.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Total Annual Burden: 2,520 hours.

Annual Reporting and Recordkeeping Cost Burden: N/A.

Needs and Uses: Responsible organizations (RespOrgs) who wish to make a specific toll-free number unavailable must submit written requests to Database Services Management Inc. (DMSI), the toll-free data administrator. The request shall include the appropriate documentation of the reason for the request. DMSI, and if necessary, the Commission will use the information collected to determine if a particular toll-free number can be placed in ''unavailable'' status. This will prevent the fraudulent use of toll free numbers.

OMB Control No.: 3060–0723.

Title: Public Disclosure of Network Information by Bell Operating Companies (BOCs).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 7.

Estimated Time Per Response: 50 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Total Annual Burden: 350 hours.

Annual Reporting and Recordkeeping Cost Burden: N/A.

Needs and Uses: Bell Operating Companies (BOCs) must make public disclosure of network information. This will prevent them from designing new network services or changing network technical specifications to the advantage of their own payphones. The information required by the BOCs must be provided to third parties. All of the requirements would be used to ensure that BOCs comply with their obligations under the 1996 Act.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–15491 Filed 6–18–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 12, 2003.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written PRA comments should be submitted on or before July 21, 2003. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments regarding this Paperwork Reduction Act submission to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at (202) 418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1014.

Title: Ku-Band NGSO FSS.

Form No: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 5 respondents; 45 responses.

Estimated Time Per Response: 1–4 hours.

Frequency of Response: On occasion, annual, and other reporting requirements.

Total Annual Burden: 104 hours.

Total Annual Cost: $176,000.

Needs and Uses: On April 29, 2003, the Commission released ET Docket No. 98–206, FCC 03–97, Fourth Memorandum Opinion and Order in the matter of Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range. Among other decisions, the Commission amended its rules for demonstrating that licensees meet limits on equivalent power flux density (PFD), designed to protect broadcast satellite service operations. The licensees' demonstration of compliance with PFD limits is a new information collection requirement for which the Commission seeks OMB approval.

OMB Control No.: 3060–0410.

Title: Forecast of Investment Usage Report and Actual Usage of Investment Report.

Form No: FCC Reports 495–A and 495–B.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 83 respondents; 166 responses.

Estimated Time Per Response: 40 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 6,640 hours.

Total Annual Cost: N/A.

Needs and Uses: The revision of the ARMIS Annual Summary Report, instructed carriers who have no network investment jointly used for regulated and non-regulated functions not to file FCC Reports 495–A and 495–B. Such respondents are directed to file a letter signed by the company's responsible officer, certifying that there is no date to report.

The information contained in these two reports provides the necessary detail to enable the Commission to fulfill its regulatory responsibilities. Automated reporting of these data greatly enhances the Commission's ability to process and analyze the extensive amount of data that are needed to administer its rules. These reports ensure that the regulated operation of the carriers do not subsidize the non-regulated operations of those same carriers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–15493 Filed 6–18–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 10, 2003.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a current valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 18, 2003. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *Leslie.Smith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Les Smith at 202–418–0217 or via the Internet at *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0341

Title: Section 73.1680, Emergency antennas

Form Number: N/A

Type of Review: Extension of currently approved collection

Respondents: Business or other for-profit entities

Number of Respondents: 142

Estimated Time per Response: 0.5 hours

Frequency of Response: On occasion reporting requirements

Total Annual Burden: 71 hours

Total Annual Costs: $28,400

Needs and Uses: 47 CFR Section 73.1680 requires that licensees of AM, FM, or TV stations submit an informal request to the FCC (within 24 hours of commencement of use) to continue operation with an emergency antenna. An emergency antenna is one that is erected for temporary use after the authorized main and auxiliary antennas are damaged and cannot be used. FCC staff use the data to ensure that interference is not caused to other existing stations.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–15494 Filed 6–18–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 10, 2003.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to

minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 21, 2003. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1031.

Title: Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems—Petition of the City of Richardson, TX, Order on Reconsideration II.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, state, local or tribal government.

Number of Respondents: 1,158.

Estimated Time Per Response: 2–4 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement.

Total Annual Burden: 6,576 hours.

Total Annual Cost: N/A.

Needs and Uses: The Commission seeks OMB approval of this information collection associated with the Commission's initiative to implement enhanced 911 (E911) emergency services. The Commission previously obtained emergency authorization from OMB for this information collection under this OMB Control Number (3060–1031). That emergency authorization expires on 7/31/03. Accordingly, the Commission is now seeking the full three year OMB approval for the information collection with no changes.

OMB Control No.: 3060–0809.

Title: Communications Assistance for Law Enforcement (CALEA); Report and Order, Order on Reconsideration, and Second Order on Reconsideration.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, state, local and tribal government.

Number of Respondents: 5,000.

Estimated Time Per Response: 1–5 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Total Annual Burden: 36,000 hours.

Total Annual Cost: N/A.

Needs and Uses: The Commission seeks a three year extension of the current OMB approval for this information collection. The Communications Assistance for Law Enforcement Act (CALEA) requires the Commission to create rules that regulate the conduct and recordkeeping of lawful electronic surveillance. CALEA was enacted in October 1994 to respond to rapid advances in telecommunications technology and eliminate obstacles faced by law enforcement personnel in conducting electronic surveillance. Section 105 of CALEA requires telecommunications carriers to protect against the unlawful interception of communications passing through their systems. Law enforcement officials use the information maintained by telecommunications carriers to determine the accountability and accuracy of telecommunications carriers' compliance with lawful electronic surveillance orders.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–15495 Filed 6–18–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96–45; DA 03–1894]

Advantage Cellular Systems, Inc. Petition for Designation as an Eligible Telecommunications Carrier Throughout Its Licensed Service Area in the State of Tennessee

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: In this document, the Wireline Competition Bureau sought comment on the Advantage Cellular petition. Advantage Cellular Systems, Inc. (Advantage Cellular) is seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered throughout its licensed service area in the state of Tennessee.

DATES: Comments are due on or before June 30, 2003. Reply comments are due on or before July 7, 2003.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. *See* **SUPPLEMENTARY INFORMATION** for further filing instructions.

FOR FURTHER INFORMATION CONTACT: Thomas Buckley, Attorney, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the of the Commission's Public Notice, CC Docket No. 96–45, released June 5, 2003. On May 9, 2003, Advantage Cellular filed with the Commission a petition pursuant to section 214(e)(6) of the Communications Act of 1934, as amended, seeking designation as an ETC to receive federal universal service support for service offered throughout its licensed service area in the state of Tennessee, including rural and non-rural areas. Specifically, Advantage Cellular contends that: the Tennessee Regulatory Authority has provided an affirmative statement that it does not regulate commercial mobile radio service (CMRS) carriers; Advantage Cellular meets all the statutory and regulatory prerequisites for ETC designation; and designating Advantage Cellular as an ETC will serve the public interest.

Pursuant to section 54.207(c) of the Commission's rules, Advantage Cellular also requests that the Commission designate Advantage Cellular as an ETC in service areas defined along boundaries that differ from rural LEC study area boundaries. The service areas requested by Advantage Cellular for ETC designation only partially cover the rural study areas of Ben Lomand Rural Telephone Cooperative, Inc., Bledsoe Telephone Cooperative, Inc., Delkab Telephone Cooperative, Inc. d/b/a DTC Communications, Citizens Telecommunications Company of Tennessee d/b/a Frontier Communications, North Central Telephone Cooperative, Inc., and Twin Lakes Telephone Cooperative Corporation. Advantage Cellular maintains that the proposed redefinition of these service areas is consistent with the factors to be considered when redefining a rural telephone company service area, as enumerated by the Federal-State Joint Board on Universal Service.

The petitioner must provide copies of its petition to the Tennessee Regulatory Authority. The Commission will also send a copy of this Public Notice to the Tennessee Regulatory Authority by

overnight express mail to ensure that the Tennessee Regulatory Authority is notified of the notice and comment period.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments as follows: comments are due on or before June 30, 2003, and reply comments are due on or before July 7, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998.

Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html.* Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW., Room 5–B540, Washington, DC 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20054.

Pursuant to § 1.1206 of the Commission's rules, 47 CFR 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure.

Federal Communications Commission.

Paul Garnett,

Acting Assistant Division Chief, Wireline Competition Bureau Telecommunications Access Policy Division.

[FR Doc. 03–15492 Filed 6–18–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the first of the Technological Advisory Council (''Council'') under its new charter.

DATES: July 7, 2003 beginning at 10 a.m. and concluding at 3 p.m.

ADDRESSES: Federal Communications Commission, 445 12th St. SW., Room TW–C305 Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp, (202) 418–1096.

SUPPLEMENTARY INFORMATION: Continuously accelerating technological changes in telecommunications design, manufacturing, and deployment require that the Commission be promptly informed of those changes to fulfill its statutory mandate effectively. The Council was established by the Federal Communications Commission to provide a means by which a diverse array of recognized technical experts from different areas such as manufacturing, academia, communications services providers, the research community, etc., can provide advice to the FCC on innovation in the communications industry. At this second meeting under the Council's new charter, the Council will discuss techniques for making environmental radio noise measurements and spectrum occupancy measurements. Members of the public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many persons as possible. Admittance, however, will be limited to the seating available. Unless so requested by the Council's Chair, there will be no public oral participation, but the public may submit written comments to Jeffery Goldthorp, the Federal Communications Commission's Designated Federal Officer for the Technological Advisory Council, before the meeting. Mr. Goldthorp's e-mail address is *Jeffery.Goldthorp@fcc.gov.* Mail delivery address is: Federal Communications Commission, 445 12th Street, SW., Room 7–A325, Washington, DC 20554.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–15411 Filed 6–18–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the

BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 3, 2003.

A. Federal Reserve Bank of Minneapolis (Richard M. Todd, Vice President and Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. HMC Holding Company, Sioux Falls, South Dakota; to engage *de novo* in lending activities, pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, June 13, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–15418 Filed 6–18–03; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

[File No. 011 0197]

SPA Health Organization, d/b/a/ Southwest Physician Associates; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 8, 2003.

ADDRESSES: Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments filed in electronic form should be directed to: *consentagreement@ftc.gov,* as prescribed in the Supplementary Information section.

FOR FURTHER INFORMATION CONTACT: Barbara Anthony or Michael Bloom, FTC, Northeast Regional Office, One Bowling Green, Suite 318, New York, N.Y. 10004, (212) 607–2829.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and Section 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 9, 2003), on the World Wide Web, at *''http://www.ftc.gov/os/2003/06/index.htm.''* A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If a comment contains nonpublic information, it must be filed in paper form, and the first page of the document must be clearly labeled ''confidential.'' Comments that do not contain any nonpublic information may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to email messages directed to the following email box: *consentagreement@ftc.gov.* Such comments will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 CFR 4.9(b)(6)(ii)).

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a proposed consent order with SPA Health Organization, doing business as Southwest Physician Associates (''Respondent'' or ''SPA''). The agreement settles charges that Respondent violated Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, by facilitating and implementing agreements among SPA members on price and other competitively significant terms; refusing to deal with payors except on collectively agreed-upon terms; and negotiating fees and other competitively significant terms in payor contracts and refusing to submit to members payor offers that do not conform to Respondent's standards for contracts.

The proposed consent order has been placed on the public record for 30 days to receive comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make the proposed order final. The purpose of this analysis is to facilitate public comment on the proposed order. The analysis is not intended to constitute an official interpretation of the agreement and proposed order, or to modify their terms in any way. Further, the proposed consent order has been entered into for settlement purposes only and does not constitute an admission by Respondent that it violated the law or that the facts alleged in the complaint (other than jurisdictional facts) are true. The allegations in the Commission's proposed complaint are summarized below.

The Complaint

Respondent SPA is a nonprofit corporation that contracts with third-party payors for the provision of medical services on behalf of its approximately 1,000 participating physicians. Respondent is organized and operated to further the pecuniary interests of those physicians, who are licensed to practice medicine in the State of Texas and who are engaged in the business of providing medical services to patients in the eastern part of the Dallas-Fort Worth metropolitan area (hereinafter ''Dallas area'').

Physicians often contract with third-party payors, such as insurance companies and preferred provider organizations. The contracts typically establish the price and other terms under which the physicians will render services to the payors' subscribers. Contracting physicians often agree to accept lower-than-customary compensation from these third-party payors to gain access to additional patients through the payor. Thus, these contracts may reduce payor costs, and may result in lower medical care costs to the payor's subscribers.

Absent agreements among competing physicians, each competing physician decides for himself or herself whether, and on what price and other terms, the physician will contract with third-party payors to provide medical services to the payors' subscribers. To be competitively marketable in the Dallas area, a payor must include in its physician network a large number of

primary care physicians (''PCPs'') and specialists who practice in the Dallas area. Many of the PCPs and specialists who practice in the Dallas area are members of SPA. Accordingly, many payors concluded that they could not establish a viable physician network in areas in which SPA physicians are concentrated, without including a large number of SPA physicians in that network.

Respondent actively bargained with third-party payors, often proposing and counter-proposing fee schedules to be applied, among other terms. To maintain its bargaining power, SPA has discouraged its participating physicians from entering into unilateral agreements with third-party payors, and it has communicated to its participating physicians SPA's determinations that specific fees and other contract terms offered by third-party payors may be inadequate. Many of SPA's participating physicians have been unwilling to negotiate with third-party payors apart from SPA, and have communicated that fact to third-party payors seeking to resist SPA's collective demands.

Sometimes a network of competing physicians uses an agent to convey to payors information, obtained from each of its participating physicians individually, about fees and other significant contract terms that the physicians are willing to accept. In other instances, the agent may convey all payor contract offers to network physicians, with each physician then unilaterally deciding whether to accept or reject each offer. These ''messenger model'' arrangements, which are described in the 1996 Statements of Antitrust Enforcement Policy in Health Care jointly issued by the Federal Trade Commission and U.S. Department of Justice (*see http://www.ftc.gov/reports/hlth3s.htm*), can facilitate contracting between physicians and payors without fostering agreements among competing physicians on fees and other competitively sensitive terms. Such agreements are likely, however, if the messenger negotiates fees and other competitively significant terms on behalf of the participating physicians, or facilitates the physicians' coordinated responses to contract offers by, for example, electing not to convey a payor's offer to the physicians based on the messenger's opinion of the acceptability or appropriateness of the offer.

Rather than acting simply as a ''messenger,'' Respondent facilitated and implemented agreements among its members on price and other competitively significant contract terms. It actively sought higher prices for its members and often did not convey to its participating physicians third-party payor offers that SPA deemed deficient, including offers that provided for fees that did not satisfy SPA's Board of Directors. SPA instead demanded, and often received, more favorable fee and other contract terms—terms that third-party payors would not have offered to SPA's participating physicians had those physicians engaged in unilateral, rather than collective, negotiations with the payors. Only after the third-party payor acceded to fee and other contract terms acceptable to SPA, would SPA convey the payor's proposed contract to SPA's participating physicians for their consideration.

Since July of 1999, SPA and its members have entered only into fee-for-service agreements with payors, pursuant to which SPA and its members did not undertake financial risk-sharing. Further, SPA members have not integrated their practices to create significant potential efficiencies. Respondent's joint negotiation of fees and other competitively significant terms has not been, and is not, reasonably related to any efficiency-enhancing integration. Instead, the Respondent's acts and practices have restrained trade unreasonably and hindered competition in the provision of physician services in the Dallas area in the following ways, among others: prices and other forms of competition among Respondent's members were unreasonably restrained; prices for physician services were increased; and health plans, employers, and individual consumers were deprived of the benefits of competition among physicians. Thus, Respondent's conduct has harmed patients and other purchasers of medical services by restricting choice of physicians and increasing the prices of medical services.

The Proposed Consent Order

The proposed consent order is designed to prevent recurrence of the illegal concerted actions alleged in the complaint while allowing Respondent and member-physicians to engage in legitimate joint conduct.

Paragraph II.A prohibits Respondent from entering into or facilitating agreements among physicians: (1) To negotiate on behalf of any physician with any payor; (2) to deal, refuse to deal, or threaten to refuse to deal with any payor; (3) regarding any term upon which any physicians deal, or are willing to deal, with any payor; and (4) not to deal individually with any payor or through any arrangement other than SPA.

Paragraph II.B prohibits Respondent from exchanging or facilitating the transfer of information among physicians concerning any physician's willingness to deal with a payor, or the terms or conditions, including price terms, on which the physician is willing to deal.

Paragraph II.C prohibits Respondent from attempting to engage in any action prohibited by Paragraph II.A or II.B. Paragraph II.D prohibits Respondent from encouraging, pressuring, or attempting to induce any person to engage in any action that would be prohibited by Paragraphs II.A through II.C.

Paragraph II contains a proviso that allows Respondent to engage in conduct that is reasonably necessary to the formation or operation of a ''qualified risk-sharing joint arrangement'' or a ''qualified clinically-integrated joint arrangement,'' so long as the arrangement does not restrict the ability, or facilitate the refusal, of participating physicians to deal with payors on an individual basis or through any other arrangement. To be a ''qualified risk-sharing joint arrangement,'' an arrangement must satisfy two conditions. First, all participating physicians must share substantial financial risk through the arrangement and thereby create incentives for the participants jointly to control costs and improve quality by managing the provision of services. Second, any agreement concerning reimbursement or other terms or conditions of dealing must be reasonably necessary to obtain significant efficiencies through the joint arrangement. To be a ''qualified clinically-integrated joint arrangement,'' an arrangement must also satisfy two conditions. First, all participants must join in active and ongoing programs to evaluate and modify their clinical practice patterns, creating a high degree of interdependence and cooperation among physicians to control costs and ensure the quality of services provided. Second, any agreement concerning reimbursement or other terms or conditions of dealing must be reasonably necessary to obtain significant efficiencies through the joint arrangement. Both definitions reflect the analyses contained in the 1996 FTC/DOJ Statements of Antitrust Enforcement Policy in Health Care.

As explained previously, the order would bar SPA from encouraging or facilitating agreements among or on behalf of otherwise competing physicians as to the terms under which the physicians would provide medical services. SPA's negotiating with a third-party payor of contract terms applicable

only to SPA's own proposed performance ordinarily would not encourage or facilitate an agreement among its participating physicians as to the terms under which the physicians would provide medical services. Therefore, a SPA-payor negotiation of terms applicable only to SPA's own proposed performance ordinarily would not be affected by the order. SPA's conduct in such a negotiation may not, however, encourage, facilitate, or conceal an agreement by or on behalf of participating physicians as to the terms upon which they would provide medical services. Thus, for example, the order would not ordinarily preclude SPA's negotiating with third-party payors as to whether, and on what terms, SPA itself would engage in delegated credentialing of physicians on behalf of the payor, undertake specified contract administration activities, maintain specified insurance coverages, or indemnify the payor.

Similarly, the order ordinarily would not affect SPA's communicating to its participating physicians accurate, factual, and objective analyses of proposed third-party payor contract terms, so long as such communication does not encourage, facilitate or conceal a prohibited agreement. SPA may not, however, do so in a manner that directly or by implication suggests that physicians should or should not accept the contract offers or particular terms thereof upon which they would provide medical services. Further, the order ordinarily would not preclude SPA's sharing with a third-party payor SPA's objective analysis of the proposed contract terms prior to communicating that analysis to its participating physicians, provided that SPA informs the payor that SPA will promptly messenger the contract proposal to its participating physicians upon the payor's request, that SPA promptly complies with each such request, and that any such communications by SPA to the payor do not directly or by implication encourage, facilitate, or conceal a prohibited agreement.

Paragraphs III.A and III.B require SPA to distribute the complaint and order to its members, payors with which it previously contracted, and specified others. Paragraph III.C requires SPA to terminate, without penalty, payor contracts that it had entered into during the collusive period, at any such payor's request. This provision is intended to eliminate the effects of Respondent's joint price setting. Paragraph III.C also contains a proviso to preserve payor contract provisions defining post-termination obligations relating to continuity of care during a previously begun course of treatment.

The remaining provisions of the proposed order impose complaint and order distribution, reporting, and other compliance-related provisions. For example, Paragraph III.D requires SPA to distribute copies of the complaint and order to incoming SPA physicians, payors that contract with SPA for the provision of physician services, and incoming SPA officers, directors, and employees. Further, Paragraph III.F requires SPA to file periodic reports with the Commission detailing how SPA has complied with the order. Paragraph V. authorizes Commission staff to obtain access to Respondent's records and officers, directors, and employees for the purpose of determining or securing compliance with the order. The proposed order will expire in 20 years.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 03–15499 Filed 6–18–03; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 022 3036]

Unither Pharma, Inc., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 14, 2003.

ADDRESSES: Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments filed in electronic form should be directed to: *consentagreement@ftc.gov*, as prescribed in the Supplementary Information section.

FOR FURTHER INFORMATION CONTACT: Mary Engle or Matthew Daynard, FTC, Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–3161 or 326–3291.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and Section 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 12, 2003), on the World Wide Web, at ''*http://www.ftc.gov/os/2003/06/index.htm.*'' A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If a comment contains nonpublic information, it must be filed in paper form, and the first page of the document must be clearly labeled ''confidential.'' Comments that do not contain any nonpublic information may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to email messages directed to the following email box: *consentagreement@ftc.gov.* Such comments will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from Unither Pharma, Inc. and its parent company, United Therapeutics Corporation (collectively ''Unither'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should

withdraw from the agreement or make final the agreement's proposed order.

This matter involves allegedly misleading representations about Unither's HeartBar products, chewy food bars and powders enriched with L-Arginine, vitamins, and minerals. HeartBar's labeling describes the product as the only ''medical food'' for the dietary management of heart and vascular disease.

According to the FTC complaint, Unither failed to have substantiation for the claims that HeartBar: (1) Substantially decreases leg pain for people with cardiovascular disease; (2) reverses damage or disease to the heart caused by high cholesterol, smoking, diabetes, or estrogen deficiency; (3) prevents age-related vascular problems, including ''hardening of the arteries'' and plaque formation, and reduces the risk of developing cardiovascular disease; (4) reduces or eliminates the need for surgery, such as a coronary bypass or angioplasty, and medications, such as nitroglycerin, in patients with cardiovascular disease; and (5) improves endurance and energy for the general population. Among other reasons, several of the representations are not supported by any clinical studies on humans. Other representations are based on results reported in studies that suffer from various flaws, including the failure to account for the placebo effect and extremely small sample sizes, such that the experience of a single or a few subjects account for the benefits purportedly experienced by the active group as a whole.

The complaint further alleges that, contrary to Unither's claims, clinical studies, research, and/or trials do not show that HeartBar: (1) Decreases angina pain, including by as much as 70% within two weeks; (2) decreases leg pain while walking or exercising, including by as much as 66% within two weeks, for people with peripheral artery disease; (3) reverses the effects of high cholesterol, smoking, diabetes, and estrogen deficiency on the heart; or (4) improves endurance and energy for the general population.

The proposed consent order contains provisions designed to prevent the Unither from engaging in similar acts and practices in the future.

Part I of the order prohibits claims that HeartBar (HeartBar, HeartBar Plus, or HeartBar Sport), or any other L-Arginine product used in or marketed for the treatment, cure, or prevention of cardiovascular disease, or the improvement of cardiovascular or vascular function: (1) Substantially decreases leg pain for people with cardiovascular disease; (2) reverses damage or disease to the heart caused by high cholesterol, smoking, diabetes, estrogen deficiency, or any other medical condition or health risk; (3) prevents age-related vascular problems, including ''hardening of the arteries'' and plaque formation, or reduces the risk of developing cardiovascular disease; (4) reduces or eliminates the need for surgery, such as a coronary bypass or angioplasty, or for medications, such as nitroglycerin, in patients with cardiovascular disease; or (5) improves endurance, circulation, and energy for the general population, unless the claims are substantiated by competent and reliable scientific evidence.

Part II of the order requires that Unither possess competent and reliable scientific evidence to support any future claims about the health benefits, performance, or efficacy of any food, medical food, or dietary supplement used in or marketed for: (1) The treatment, cure, or prevention of cardiovascular disease, or (2) the improvement of cardiovascular or vascular function. For the same products covered in Part II, Part III of the order prohibits Unither from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Parts IV and V of the order permit drug claims permitted in labeling under any tentative final or final standard promulgated by the FDA, or under any new drug application approved by the FDA, and any representation for any product permitted in labeling by the FDA pursuant to the Nutrition Labeling and Education Act of 1990.

Part VI of the order mandates that the respondents notify their distributors as to the claims the Commission has challenged and report to the Commission any distributors who continue to make claims that the Commission's order prohibits.

Parts VII, VIII, IX, and X of the order require Unither to keep copies of relevant advertisements and materials substantiating claims made in the advertisements, to provide copies of the order to certain of its personnel, to notify the Commission of changes in corporate structure, and to file compliance reports with the Commission. Part XI provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 03–15500 Filed 6–18–03; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

Notice of the Availability of the Record of Decision for Badger Army Ammunition Plant Disposal

AGENCY: General Services Administration, New England Region.

ACTION: Notice of a Record of Decision.

SUMMARY: The General Services Administration (GSA) announces the availability of the Record of Decision (ROD) for the Environmental Impact Statement (EIS) for the disposal of Badger Army Ammunition Plant (Badger AAP), Sauk County, Wisconsin.

Background Information

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Council of Environmental Quality Regulations (40 CFR Parts 1500–1508), and GSA Orders ADM 1095.1F and ADM 1020.1, GSA has prepared an EIS for the disposal of approximately 7,354 acres of Badger AAP, located in Sauk County, Wisconsin. GSA's action is the administrative act of transferring ownership of this property through one, or a combination of, disposal mechanisms as dictated by Section 203 of the Federal Property and Administrative Services Act of 1949 (49 Act), as amended (40 U.S.C. 484).[i] Disposal mechanisms available to GSA include: Transferring property to other Federal agencies; conveying property to state or local governments and institutions; and conveying property to private entities.

Project Information

The Badger AAP was declared excess to the United States Army's (U.S. Army) mission in 1998. Government properties that are declared excess must be disposed of in accordance with Section 203 of the 49 Act, as amended.

[i] Subsequent to publication of the Draft EIS, Public Law 107–217 was enacted to revise and codify without substantive change certain laws related to public buildings, property, and works. GSA's real property policies were transferred from the Federal Property Management Regulations (FPMR) to the Federal Management Regulations (FMR) in Title 40 of the U.S.C. Reference to the conversion tables are provided in House Report 107–479, pp. 136–278, and are available at *http://thomas.loc.gov.* The ROD and Final EIS will reference the FPMR in conformity with the Draft EIS.

Currently, the U.S. Army maintains Badger AAP.

Disposal of Badger AAP by GSA would remove the property from Federal ownership, except for any parcel that may be accepted for transfer to another Federal agency. Whether transferred in its entirety or over time in separate parcels to one or more entities, the land removed from Federal ownership subsequently (and only after transfer) may become subject to Merrimac or Sumpter Township's and Sauk County's land use decisions and taxing authority. All future development or reuse would be determined by subsequent owners and may be subject to local zoning, permitting, and land use controls. In addition, GSA has facilitated the development of a Memorandum of Understanding and an Intergovernmental Agreement among the stakeholders to provide for the coordination of the operation and management of these lands after disposal takes place. These agreements are pending final execution by all parties thereto. GSA has evaluated two alternatives as part of the EIS including the No-Action Alternative and the Disposal Alternative (Proposed Action and Preferred Alternative).

GSA issued a Draft EIS in June 2002 with publication of the Notice of Availability (NOA) in the **Federal Register** on July 5, 2002. The NOA provided a start date for the 45-day public comment period that was originally scheduled to end on August 19, 2002 but was extended by 42 days to end on September 30, 2002. The notice of extension for the public review period was published in the **Federal Register** on August 23, 2002. During the public comment period a public hearing for the Draft EIS was held in Baraboo, Wisconsin on July 24, 2002.

The Final EIS addressed comments received on the Draft EIS and was released on March 13, 2003 with publication of the NOA in the **Federal Register** on March 21, 2003 for final comment. The 30-day public comment period was originally scheduled to end on April 21, 2003, but was extended 7 days to close on April 28, 2003. The notice of extension was published in the **Federal Register** on April 18, 2003. A total of seven comments were received during the public review period on the Final EIS. Six of these comments are similar to comments received on the Draft EIS and were considered in the decision presented in this ROD. The seventh comment was received from the Environmental Protection Agency (EPA), which concluded: ''provided that the recommendation concerning open burning activities is complied with, our Agency will not object to the implementation of the project as described in the Final EIS.'' EPA's recommendations, in actuality, related to actions of the Holding Agency, Army—BAAP, and are separate and apart from GSA's Proposed Action, but the Holding Agency's actions are indeed wholly in compliance with EPA's recommendation. An eighth comment was received late from Department of the Interior, dated after the close of the comment period.

GSA provided written notices of the availability of the Draft EIS and Final EIS in the **Federal Register**, local newspapers, and through local libraries. GSA distributed approximately 250 copies of the two volume Draft EIS and 300 copies of the Final EIS to Federal agencies, tribal, state and local governments, elected officials, interested organizations, and individuals.

Availability of Record of Decision (ROD)

The ROD and other information regarding this project are available upon request. To obtain a copy directly, please go to the web site *http://www.badgeraap.org* and follow the links under ''What's New.''

FOR FURTHER INFORMATION CONTACT: Mr. Mark N. Lundgren, General Services Administration, at (312) 353–0302.

Dated: June 3, 2003.

Glenn C. Rotondo,

Deputy Regional Administrator, New England Region, General Services Administration.

[FR Doc. 03–15446 Filed 6–18–03; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Request for Nominations of Members to the Advisory Committee on Blood Safety and Availability

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Office of the Secretary requests nomination of individuals to serve on the Advisory Committee on Blood Safety and Availability in accordance with its charter. Appointments will be made for a term of four years. Individuals nominated after June 1, 2000, will remain under consideration for these appointments.

DATES: All nominations must be received at the address below no later than 4 p.m. e.d.t. July 18, 2003.

ADDRESSES: All nominations shall be submitted to CAPT Lawrence C. McMurtry, Acting Executive Secretary, Advisory Committee on Blood Safety and Availability, Office of Public Health and Science, Department of Health and Human Services, 1101 Wootton Parkway—Suite 250, Rockville, MD 20852. Phone (301) 443–2331.

FOR FURTHER INFORMATION CONTACT: CAPT Lawrence C. McMurtry, Acting Executive Secretary, Advisory Committee on Blood Safety and Availability, Office of Public Health and Science, Department of Health and Human Services, 1101 Wootton Parkway—Suite 250, Rockville, MD 20852. Phone (301) 443–2331.

SUPPLEMENTARY INFORMATION:

Nominations: In accordance with the charter of the committee, persons nominated for membership should be from among authorities knowledgeable in blood banking, transfusion medicine, bioethics and/or related disciplines. Members shall be selected from State and local organizations, advocacy groups, consumer advocates, provider organizations, academic researchers, ethicists, private physicians, scientists, consumer advocates, legal organizations and from among communities of persons who are frequent recipients of blood and blood products.

Information Required: Each nomination shall consist of a package that, at a minimum, includes:

A. The name, return address, daytime telephone number and affiliation(s) of the individual being nominated, the basis for the individual's nomination, the category for which the individual is nominated, and a statement bearing an original signature of the nominated individual that if appointed he or she is willing to serve as a member of the committee;

B. The name, return address, daytime telephone number at which the nominator may be contacted. Organizational nominators must identify a principal contact person in addition to the contact information; and

C. A copy of the nominee's curriculum vitae.

The Department of Health and Human Services has a strong interest in ensuring that women, minority groups, and physically challenged individuals are adequately represented on the Committee and, therefore, encourages nomination of qualified candidates from these groups. The Department also encourages geographic diversity in the composition of the Committee.

Individuals should feel free to nominate themselves. All nomination information for a nominee must be

provided in a complete single package. Incomplete nominations will not be processed. Nomination materials must bear original signatures, and facsimile transmissions or copies are not acceptable.

Dated: June 4, 2003.

CAPT Lawrence C. McMurtry,

Acting Executive Secretary, Advisory Committee on Blood Safety and Availability.

[FR Doc. 03–15512 Filed 6–18–03; 8:45 am]

BILLING CODE 4150–28–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Anticipated Availability of Funds for Family Planning Clinical Specialty Training Projects

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Population Affairs.

ACTION: Notice.

Authority: Section 1003 of the Public Health Service (PHS) Act.

Executive Summary: The Office of Population Affairs (OPA) requests applications for a grant to establish and operate a clinical specialty training program for health care practitioners and registered professional nurses who provide family planning and related clinical preventive health services in title X family planning services projects in Public Health Service Regions VI–X.

DATES: To receive consideration, applications must be received by the Office of Public Health and Science (OPHS) Grants Management Office no later than August 8, 2003.

ADDRESSES: Application kits may be requested from, and applications submitted to: the Office of Public Health and Science (OPHS) Grants Management Office, 1101 Wootton Parkway, Suite 550, Rockville, MD 20852, 301–594–0758. Application kits are also available online at the Office of Population Affairs Web site at *http://opa.osophs.dhhs.gov* or by FAX at 301–594–9399.

CFDA: A description of the title X Family Planning Training Program can be found at OMB Catalog of Federal Domestic Assistance 93.260. A description of title X Family Planning Services Program can be found at OMB Catalog of Federal Domestic Assistance 93.217

SUPPLEMENTARY INFORMATION: Title X of the PHS Act, 42 U.S.C. 300, *et seq.*, authorizes grants for projects to provide family planning services to persons from low-income families and others. Section 1001 of the Act, as amended, authorizes grants ''to assist in the establishment and operation of voluntary family planning projects which shall offer a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents).'' Section 1003 of the Act, as amended, authorizes the Secretary of Health and Human Services to award grants to entities to provide the training for personnel to carry out family planning service programs. Section 1008 of the Act, as amended, stipulates that ''none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.''

The regulations set out at 42 CFR part 59, subpart C, govern grants to provide training for family planning service providers. Prospective applicants should refer to the regulations in their entirety. Training provided must be in accordance with the requirements regarding the provision of family planning services under title X. These requirements can be found in the title X statute, the implementing regulations which govern project grants for family planning services (42 CFR part 59, subpart A), and the ''Program Guidelines for Project Grants for Family Planning Services,'' issued in January 2001. Copies of the title X statute, regulations, and Program Guidelines may be obtained by contacting the OPHS Grants Management Office or may be downloaded from the Office of Population Affairs Web site at *http://opa.osophs.dhhs.gov.*

A copy of the legislation and regulations governing this program will be included as part of the application kit package. Applicants should use the legislation, regulations and other information included in this announcement to guide them in developing their applications.

Definitions: For the purposes of this announcement, the following definitions apply:

Advanced practice nurse—a registered professional nurse who has graduated from an educational program beyond basic nursing preparation, and is currently recognized to practice as an advanced practice nurse in at least one state, including current licensure as a registered nurse in that state.

Application—a request for financial support of a project submitted to OPA on specified forms and in accordance with instructions provided.

Evidence-based—relevant scientific evidence that has undergone comprehensive review and rigorous analysis.

Family planning training—job-specific skill development, the purpose of which is to promote and improve the delivery of family planning services. According to section 1001 of the Act, as amended, family planning services include offering ''a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents).'' The title X Regulations, 42 CFR 59.1, further stipulate that ''These projects shall consist of the educational, comprehensive medical, and social services necessary to aid individuals to determine freely the number and spacing of their children.'' Section 1008 states that ''None of the funds appropriated under this title shall be used in programs where abortion is al method of family planning.''

Family planning clinical specialty training—specialized, evidence-based family planning training, the purpose of which is to promote and improve the knowledge, skills, and abilities of persons delivering clinical family planning services.

Grant—financial assistance in the form of money, awarded by the Federal government to an eligible recipient (a *grantee* or *recipient* is the entity that receives a Federal grant and assumes the legal and financial responsibility and accountability for the awarded funds and performance of activities approved for funding).

Health care practitioner—an advanced practice nurse, physician's assistant, Doctor of Medicine or Doctor of Osteopathy who is recognized by a state to practice within the scope of the applicable state practice act or law.

Project—those activities described in the grant application and supported under the approved budget.

Registered professional nurse—a nurse who has graduated from a state-approved nursing education program and is currently licensed to practice as a registered nurse in at least one state.

I. Funding Opportunity Description

This announcement seeks proposals from public and private non-profit entities to establish and operate a clinical specialty training program for health care practitioners and registered professional nurses who provide family planning and related clinical preventive health services in title X family planning services projects in Public Health Service Regions VI–X.

Background

From the early 1970s through the year 2000, the Office of Family Planning in the Office of Population Affairs funded certificate family planning/women's health nurse practitioner training programs to prepare registered professional nurses to serve the clinical needs of clients in title X family planning services projects. Changes in state practice requirements and the health care system, as well as the increasing availability of more broadly prepared providers, under-utilization of the title X-supported nurse practitioner training programs, and the growing diversity of populations served in title X family planning services projects (including an increasing number of males) prompted a reassessment of the need for the certificate nurse practitioner training program. This reassessment prompted the transition depicted in the March 23, 1999, **Federal Register** notice (64 FR 14080) requesting applications for Family Planning Nurse Practitioner and Specialty Training grants. This announcement phased-out full-course certificate nurse practitioner training, and replaced it with targeted specialty training in family planning and reproductive health for credentialed advanced practice nurses, physician's assistants, and physicians. These projects have been in operation for three years.

Title X family planning services project grantees, training providers, and Federal title X staff have recently identified a need to also provide continuing education training for registered professional nurses working in family planning projects who are not advanced practice nurses. This component has been incorporated into this solicitation for applications, but may not include training for procedures or practices that are beyond the scope of nursing practice, as delineated by the Nurse Practice Act for a specific state.

Purpose of the Grant

The purpose of the clinical specialty training program is to ensure that health care practitioners and registered professional nurses working in Title X family planning services projects have the knowledge, skills, and abilities necessary to provide effective, high quality clinical family planning services.

The training program funded under this announcement will be responsible for design and delivery of specialty training for health care practitioners and registered professional nurses which will enhance knowledge, skills, and abilities in the provision of family planning and related clinical preventive health services in title X-funded projects. The grantee funded under this announcement will be expected to conduct two types of training activities: (1) Clinical specialty training course(s) specific to the provision of clinical family planning and related clinical preventive health services specifically designed for health care practitioners in title X family planning services projects; and (2) continuing education content relevant to the provision of family planning and related clinical preventive health services. This continuing education content may be offered to either registered professional nurses or health care practitioners working in title X family planning services projects. Training provided with these grant funds is not intended to substitute for formal nurse practitioner education, but rather to enhance the ability of multiple levels of clinical providers to deliver quality family planning and related clinical preventive health services within the scope of applicable State practice acts or laws. Training content and design should be adjusted to the skill and practice role of the target audience as well as the scope of practice as delineated in applicable State practice acts or laws.

Content of specialty training may vary depending on the needs of the service providers in the applicable regions. However, all course offerings should promote and improve family planning and related preventive health knowledge and clinical skills as they relate to the provision of family planning services in title X-funded projects. Clinical specialty training course(s) are available only to health care practitioners as defined in this announcement. Registered professional nurses, as defined in this announcement, may participate only in continuing education offerings that are not intended to train on procedures or practices that are appropriate to the role of the health care practitioner. Continuing education credits must be available for all training activities provided under this announcement.

The content and number of offerings should be based on an assessment of the need of the title X family planning service providers in the applicable regions. Offerings should be designed and delivered in a manner appropriate to the content and professional preparation of the participants. The on-site didactic and supervised clinical components of specialty course offerings for health care practitioners should provide adequate time for instruction and interaction with faculty, but should not exceed a total of three weeks per course. Distance learning components should provide an opportunity for interaction with faculty if needed, and reasonable time for completion of the offering(s).

II. Award Information

OPA intends to make available approximately $200,000–$300,000 per year for up to two years to support one clinical specialty training program to provide specialty training to health care practitioners and registered professional nurses working in title X family planning services projects in PHS Regions VI–X. The area to be served by this training program includes: Region VI (Arkansas, Louisiana, New Mexico, Texas and Oklahoma); Region VII (Iowa, Kansas, Missouri and Nebraska); Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming); Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Federated States of Micronesia, Republic of Marshall Islands, Commonwealth of Northern Mariana Islands, Republic of Palau and Guam); Region X (Alaska, Idaho, Oregon and Washington). The grant will be funded in annual increments (budget periods) and may be approved for a project period of up to two years. A match of non-Federal funds will not be required. Funding for all budget periods beyond the first year of the grant is contingent upon the availability of funds, satisfactory progress on the project, and adequate stewardship of Federal funds.

III. Eligibility Information

Any public or nonprofit private entity located in a State (which includes one of the 50 United States, the District of Columbia, Commonwealth of Puerto Rico, U.S. Virgin Islands, Commonwealth of the Northern Mariana Islands, American Samoa, Guam, Republic of Palau, Federated States of Micronesia, and the Republic of the Marshall Islands) is eligible to apply for a grant under this announcement. Faith-based organizations are eligible to apply for these title X family planning clinical specialty training grants.

If the successful applicant is not physically located within one of the applicable regions, a major training facility of the organization must be located within the cluster of regions the applicant will serve.

An award will be made only to that organization or agency which has met all applicable requirements and which demonstrates the capability of providing the proposed services.

IV. Application and Submission Requirements

Applications must be submitted on the Form OPHS–1 (Revised 6/01) and in the manner prescribed in the application kits. Applications should be limited to 50 double-spaced pages, not including appendices. Appendices may provide curriculum vitae, curriculum, or examples of organizational capabilities, or other supplemental information which supports the application.

Applicants are required to submit an original and two copies of the application. The original application must be signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award.

Applications must include a one-page abstract of the proposed project. The abstract will be used to provide reviewers with an overview of the application, and will form the basis for the application summary in grants management documents.

Applications will be considered as meeting the deadline if they are postmarked on or before the deadline listed in the **DATES** section of this announcement, and received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Hand-delivered applications must be received by the OPHS Grants Management Office not later than 4:30 p.m. eastern standard time on the application due date. Applications which are delivered to the OPHS Grants Management Office after the deadline date will not be accepted for review.

Applicants that meet the requirements of this program announcement will be notified by the Office of Grants Management. Applications which do not conform to the requirements of this program announcement or which do not meet the applicable parts of 42 CFR part 59, subpart C, will not be accepted for review, and will be returned to the applicant.

Applications sent via facsimile or electronic mail will not be accepted for review.

Review Under Executive Order 12372

Applications under this announcement are subject to the review requirements of Executive Order 12372, as implemented by 45 CFR part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' As soon as possible, the applicant should discuss the project with the State Single Point of Contact (SPOC) for each State in the area to be served. The application kit contains the currently available listing of the SPOC's which have elected to be informed of the submission of applications. For those states not represented on the listing, further inquiries should be made by applicant regarding the submission to the relevant SPOC. The SPOC should forward any comment(s) to the OPHS Grants Management Office, 1101 Wootton Parkway, Suite 550, Rockville, MD 20852. The SPOC has 50 days from the closing date of this announcement to submit any comments.

Program Requirements/Application Content

The application must include the proposed curriculum outline for the specialty training course for health care practitioners, other projected continuing education offerings and subject areas, admissions criteria, training plan, and course schedule for the first year of the training project. Training content described in the application should include the following topics: (1) Abstinence education and counseling; (2) HIV/AIDS and sexually transmitted disease (STD) education and counseling; and (3) intimate partner violence and compliance with state reporting laws regarding child abuse, child molestation, sexual abuse, rape or incest. Education regarding the prevention of HIV/AIDS should incorporate the ''ABC'' message. That is, for adolescents and unmarried individuals, the message is ''A'' for abstinence; for married or individuals in committed relationships, the message is ''B'' for being faithful; and, for individuals who engage in behavior that puts them at risk for HIV, the message is ''C'' for condom use.

The successful specialty training application will include, at a minimum, a description of how the following components will be implemented in the training program:

- Training specific to provision of clinical family planning and related clinical preventive health services in title X-funded projects, including training on abstinence education and counseling, HIV/AIDS education and counseling, which incorporates the ''ABC'' message, and STD prevention education and counseling;
- Face-to-face didactic and supervised clinical courses for increasing knowledge and enhancing clinical skills of health care practitioners in selected content areas (*e.g.*, women's reproductive health, men's reproductive health, IUD insertion, etc.);
- Methodology for evaluating the knowledge, competence and skill level of health care practitioners and registered professional nurses after completion of training as compared with their knowledge, competence and skill level prior to completion of training;
- Availability of continuing education credit through on-site and/or distance learning for registered professional nurses and health care practitioners;
- Clinical mentor/preceptorship arrangements for health care practitioners returning to clinical practice settings;
- Training in identifying and providing appropriate counseling and referral in cases of intimate partner violence;
- Training in identifying cases of child abuse, child molestation, sexual abuse, rape, or incest, and in complying with applicable state reporting laws.

In order to assure integration into practice of the knowledge and skills learned in the on-site component of specialty course offerings, the successful applicant will include a strategy for incorporating a clinical mentorship/preceptorship component for health care practitioners returning to their clinical practice settings. The successful applicant will demonstrate the ability to maximize available resources to achieve the objectives of the program.

The successful applicant will be responsible for all costs associated with training program administration and management, and for training costs directly associated with the on-site portion of title X-sponsored trainee preparation (*e.g.*, educational materials, classroom and clinical training sites, etc.). The training project is not expected to be responsible for transportation, housing and other personal expenses incurred by trainees. However, the training project should be prepared to assist trainees with making necessary arrangements at a reasonable cost.

OPA is currently funding a clinical specialty training project which serves Public Health Service Regions I–V. Each training project is intended to provide training primarily for title X family planning services projects located in the applicable Regions. However, it is expected that the applicant funded under this announcement will work with the currently funded project to enable potential students to apply for admission to the alternate program on a

space-available basis and to access offerings unique to that program.

The successful applicant will be responsible for the overall management of training activities within the scope of the approved training plan. This responsibility includes:

1. Meeting national or State recognition requirements as a provider of continuing nursing education through a national nursing organization or one of its constituents;

2. Facilitating the award of continuing education units (CEUs) and/or continuing medical education hours (CMEs) for all courses to program participants;

3. Considering for admission trainees from title X-funded services projects before accepting privately-funded students. Cost of training for non-title X participants may not be covered by this grant. Revenues generated by training non-title X participants is considered grant-related income and is subject the requirements of such;

4. Conducting an annual assessment of the need for family planning and related clinical preventive health services training for title X clinical service providers in the applicable regions;

5. Maintaining data on training activities and trainees sufficient to allow evaluation by accrediting bodies, licensing bodies, and OPA;

6. Developing and implementing an evaluation plan which assesses all aspects of the training program and is consistent with the scope of the training program. Evaluation should include not only the content of the clinical specialty training, the delivery mechanisms, and how well the offerings met the needs of the trainee and sponsoring agency, but also a description of how the training program will be evaluated in terms of improving the quality of care provided;

7. Submitting to OPA, as part of the annual progress report, the following data regarding trainees and training activities:

a. *Trainees:* State; sponsoring agency including funding source (*i.e.*, title X or non-title X); race/ethnicity; professional classification (*e.g.*, registered professional nurse, type of health care practitioner); courses/offerings attended; course completion data; and number of CEUs/CMEs awarded.

b. *Training activities:* Title of course/offering; location; hours on site (didactic and clinical)/hours distance learning; course content; number of CEUs/CMEs offered; number and professional classification of attendees; faculty data; outcome information.

The successful applicant will be required to work closely with title X Family Planning Central and Regional Office staffs and a network of agencies which include title X service providers and training advisory committees. Working in collaboration with the Regional Training Centers for Family Planning and the existing clinical specialty training program for Regions I–V is strongly encouraged. The grantee will be expected to make available, at cost, all materials developed with title X funds as requested by other title X projects. The grantee will be required to participate in at least one meeting with the Office of Family Planning/OPA each year.

Funding Restrictions

The cost to the grant per title X-supported health care practitioner student for a comprehensive 3-week on-site specialty course may not exceed $3,000. The maximum cost to the grant for CEUs or CMEs for shorter course offerings must be specified in the application, but may not exceed $20 per contact hour. The maximum funding level for any submission is $200,000–$300,000. Funding level will depend upon the scope of the proposed program. There should be no charge to individual students from title X agencies for attendance at Specialty Training offerings supported by this grant.

Indirect costs are limited to eight percent of modified total direct cost as a flat amount for reimbursement under training grants (Grants Policy Directive Part 3.01: Post-Award-Indirect Cost and Other Cost Policies, HHS Transmittal 98.01).

V. Application Review Information

Eligible grant applications will be reviewed by a panel of independent reviewers and assessed according to the following criteria:

1. The degree to which the project plan adequately provides for the requirements set forth in 42 CFR 59.205 (20 points);

2. The extent to which the proposed clinical specialty training program will increase the delivery of services to people, particularly low-income groups, with a high percentage of unmet need for family planning services (20 points);

3. The extent to which the training program promises to fulfill the family planning services delivery needs of the area to be served, which may include, among other things:

(i) Development of clinical family planning and related clinical preventive health care knowledge and expertise within family planning services projects to provide orientation and in-service training to their own staffs;

(ii) Improvement of the family planning services delivery skills of registered professional nurses and health care practitioners;

(iii) Improvement in the utilization and career development of clinical providers in family planning services projects;

(iv) Expansion of family planning services, particularly in rural areas, through new or improved approaches to program planning and deployment of resources;(20 points total for this section);

4. The competence of the project staff in relation to the services to be provided (15 points);

5. The administrative and management capability and competence of the applicant (15 points); and

6. The capacity of the applicant to make rapid and effective use of the grant assistance, including evidence of flexibility in the utilization of resources and training plan design (10 points).

The design of the specialty training program, including the curricula, must be consistent with title X statute and regulations. The application should demonstrate the applicant's expertise and ability to develop, implement, manage and evaluate clinical training in family planning and related clinical preventive health services.

Final grant award decisions will be made by the Deputy Assistant Secretary for Population Affairs. In making these decisions, the Deputy Assistant Secretary for Population Affairs will take into consideration: recommendations of the review panel; reviews for programmatic and grants management compliance; available funding; and, geographic characteristics of the applicant organization in relation to the area to be served. An award will be made only to an organization which has demonstrated the capability of providing the proposed services and which has met all applicable requirements.

VI. Award Administration Information

OPA does not release information about individual applications during the review process until final funding decisions have been made. When these decisions have been made, applicants will be notified by letter regarding the outcome of their applications. The official document notifying an applicant that a project application has been approved for funding is the Notice of Grant Award, which specifies to the grantee the amount of money awarded, the purposes of the grant, the length of the project period, and terms and conditions of the grant award.

Within 60 days of the Notice of Grant Award, a finalized specialty training course curriculum outline(s), admissions criteria, training plan, course schedule, and other continuing education course offerings will be negotiated with the Office of Family Planning (OFP). In the succeeding year, the training plan, course schedule, and continuing education courses will be a part of the continuation application. Any changes to the curriculum outline or admissions criteria after the first year must also be submitted as part of the continuation application.

VII. Agency Contacts

For assistance on administrative and budgetary requirements, Karen Campbell, OPHS Grants Management Office, 301–594–0758; for assistance with questions regarding program requirements, Kathleen Woodall, Office of Family Planning, Office of Population Affairs, 301–594–4008.

Dated: June 13, 2003.

Alma L. Golden,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 03–15513 Filed 6–18–03; 8:45 am]

BILLING CODE 4150–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Anticipated Availability of Funds for Family Planning Services Grants

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Population Affairs.

ACTION: Notice.

Authority: Section 1001 of the Public Health Service (PHS) Act.

Executive Summary: The Office of Population Affairs (OPA) announces the anticipated availability of funds for Fiscal Year (FY) 2004 family planning services grants under the authority of title X of the Public Health Service Act and solicits applications for competing grant awards to serve the areas and/or populations listed in Table I. Only applications which propose to serve the populations and/or areas listed in Table I will be accepted for review and possible funding.

DATES: Application and funding dates vary. *See* **SUPPLEMENTARY INFORMATION** below.

ADDRESSES: Application kits may be requested from, and applications submitted to the Office of Public Health and Science (OPHS) Grants Management Office, 1101 Wootton Parkway, Suite 550, Rockville, MD 20852, 301–594–0758. Application kits are also available online at the Office of Population Affairs Web site at *http://opa.osophs.dhhs.gov*, or by FAX at 301–594–9399.

CFDA: A description of title X Family Planning Services Program can be found at OMB Catalog of Federal Domestic Assistance 93.217.

SUPPLEMENTARY INFORMATION: Title X of the Public Health Service Act, 42 U.S.C. 300, *et seq.*, authorizes the Secretary of Health and Human Services (HHS) to award grants for projects to provide family planning services to persons from low-income families and others. Section 1001 of the Act, as amended, authorizes grants ''to assist in the establishment and operation of voluntary family planning projects which shall offer a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents).'' The title X Regulations, 42 CFR 59.1, further stipulate that ''These projects shall consist of the educational, comprehensive medical, and social services necessary to aid individuals to determine freely the number and spacing of their children.'' The broad range of services should include education to encourage abstinence outside a mutually monogamous marriage or union. Section 1001 of the statute also requires that, to the extent practicable, title X service providers shall encourage family participation in family planning services projects.

Section 1008 of the Act, as amended, stipulates that ''none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.''

I. Funding Opportunity Description

This announcement seeks applications from public and non-profit private entities to establish and operate voluntary family planning services projects, which shall provide family planning services to all persons desiring such services. Family planning services include clinical family planning and related preventive health services; information, education, and counseling related to family planning, including abstinence education; and referral services as indicated. Requirements regarding the provision of family planning services under title X can be found in the title X statute, the implementing regulations which govern project grants for family planning services (42 CFR part 59, subpart A), and the ''Program Guidelines for Project Grants for Family Planning Services,'' published in January 2001. Copies of the title X statute, regulations, and Program Guidelines may be obtained by contacting the Office of Public Health and Science (OPHS) Grants Management Office, or downloaded from the Office of Population Affairs Web site at *http://opa.osophs.dhhs.gov.* All title X requirements—including those derived from the statute, the regulations, and the Program Guidelines—apply to all activities funded under this announcement. For example, projects must meet the regulatory requirements set out at 42 CFR 59.5 regarding charges to clients, and the funding criteria set out at 42 CFR 59.7 apply to all applicants under this announcement.

II. Award Information

The anticipated FY 2004 appropriation for the title X Family Planning program is approximately $265 million. Of this amount, OPA intends to make available approximately $49 million for competing grant awards in approximately 24 states, populations, and/or areas. (*See* Table I for competing areas and approximate amount of awards). The remaining funds will be used for continued support of grants and activities which are not competitive in FY 2004. This program announcement is subject to the appropriation of funds and is a contingency action taken to ensure that, should funds become available for this purpose, applications can be processed in an orderly manner, and funds can be awarded in a timely fashion. Grants will be funded in annual increments (budget periods) and are generally approved for a project period of three to five years. Funding for all approved budget periods beyond the first year of the grant is contingent upon the availability of funds, satisfactory progress of the project, and adequate stewardship of Federal funds.

Cost Sharing: Program regulations at 42 CFR 59.7(b) state that ''No grant may be made for less than 90 percent of the project's costs, as so estimated, unless the grant is to be made for a project that was supported, under section 1001, for less than 90 percent of its costs in fiscal year 1975. In that case, the grant shall not be for less than the percentage of costs covered by the grant in fiscal year 1975.'' Furthermore, § 59.7(c) stipulates that ''No grant may be made for an amount equal to 100 percent for the project's estimated costs.''

III. Eligibility Information

Any public or nonprofit private entity located in a State (which includes one

of the 50 United States, the District of Columbia, Commonwealth of Puerto Rico, U.S. Virgin Islands, Commonwealth of the Northern Mariana Islands, American Samoa, Guam, Republic of Palau, Federated States of Micronesia, and the Republic of the Marshall Islands) is eligible to apply for a grant under this announcement. Faith-based organizations are eligible to apply for these title X family planning services grants.

Awards will be made only to those organizations or agencies which have met all applicable requirements and which demonstrate the capability of providing the proposed services.

IV. Application and Submission Information

Content and Form of Application Submission

Applications must be submitted on the Form OPHS–1 (Revised 6/01) and in the manner prescribed in the application kit. Applications should be limited to 60 double-spaced pages, not including appendices, using an easily readable serif typeface, such as Times Roman, Courier, or GC Times. All pages, charts, figures and tables should be numbered. Appendices may provide curriculum vitae, organizational structure, examples of organizational capabilities, or other supplemental information which supports the application. However, appendices are for supportive information only. All information that is critical to the proposed project should be included in the body of the application. Appendices should be clearly labeled.

Applications must include a one-page abstract of the proposed project. The abstract will be used to provide reviewers with an overview of the application, and will form the basis for the application summary in grants management documents.

Applicants are required to submit an original and two copies of the application. The original application must be signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award.

Submission Dates

Competing grant applications are invited for the following areas (please note, in order to maximize access to family planning services, one or more grants may be awarded for each area listed):

TABLE I

States/Populations/Areas to be served	Approximate funding available	Application due date	Approx. grant funding date
Region I:			
Massachusetts-Central/Southeast	$1,468,500	09–01–03	01–01–04
Connecticut	1,793,300	09–01–03	01–01–04
Vermont	655,1000	09–01–03	01–01–04
Maine	1,368,300	09–01–03	01–01–04
Region II: Virgin Islands	719,300	05–30–04	09–30–04
Region III: No competitive grants in 2004			
Region IV:			
Florida, Miami, Dade County and Florida Keys	525,300	05–30–04	09–30–04
Florida, Greater Orlando area (including Orange, Seminole, Osceola and Lake Counties)	525,300	05–30–04	09–30–04
Region V:			
Illinois	7,599,000	09–01–03	01–01–04
Wisconsin	3,233,900	11–01–03	03–01–04
Michigan	6,916,100	12–01–03	04–01–04
Ohio	2,056,500	12–01–03	04–01–04
Illinois—Chicago Area	200,250	05–30–04	09–30–04
Region VI:			
Texas	11,074,000	12–01–03	04–01–04
Region VII: No competitive grants in 2004			
Region VIII:			
Colorado	2,887,200	09–01–03	01–01–04
North Dakota	807,000	03–01–04	07–01–04
Utah	1,084,000	03–01–04	07–01–04
Region IX:			
Northern Mariana Islands	115,400	09–01–03	01–01–04
Arizona, Navajo Nation	638,300	03–01–04	07–01–04
Samoa	145,600	03–01–04	07–01–04
Nevada (excluding Washoe and Clark Counties)	600,350	03–01–04	07–01–04
Republic of the Marshall Islands	146,400	03–01–04	07–01–04
Region X:			
Washington	3,616,000	09–01–03	01–01–04
Alaska, Municipality of Anchorage, Sitka Borough, Kenai Peninsula	665,500	03–01–04	07–01–04
Washington, Seattle area	158,450	07–01–03	10–01–03

Applications will be considered as meeting the deadline if they are postmarked on or before the application due date listed in Table I of this section and received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Hand-delivered applications must be received by the OPHS Grants Management Office not later than 4:30 p.m. eastern standard time on the application due date. Applications which are delivered to the OPHS Grants Management Office after the deadline date will not be accepted for review.

Applicants that meet the requirements of this program announcement will be notified by the Office of Grants Management. Applications which do not conform to the requirements of this program announcement or which do not meet the applicable parts of 42 CFR part 59, subpart A, will not be accepted for review, and will be returned to the applicant.

Applications sent via facsimile or electronic mail will not be accepted for review.

Review Under Executive Order 12372

Applicants under this announcement are subject to the review requirements of Executive Order 12372, as implemented by 45 CFR part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' As soon as possible, the applicant should discuss the project with the State Single Point of Contact (SPOC) for each State to be served. The application kit contains the currently available listing of the SPOCs which have elected to be informed of the submission of applications. For those States not listed, further inquiries regarding the review process designed by their State should be made to the Governor's office of the pertinent State. The SPOC should forward any comment(s) to the Office of Public Health and Science Grants Management Office, 1101 Wootton Parkway, 5th Floor, Rockville, MD 20852. The SPOC has 60 days from the applicable due date as listed in Table I of this announcement to submit any comments.

Program Requirements and Application Content

Program Priorities

The following priorities represent the overarching goals for the title X program. In developing a proposal, each applicant should describe how the proposed project will address each priority.

1. Assuring continued high quality clinical family planning and related preventive health services that will improve the overall health of individuals;

2. Assuring access to a broad range of high quality clinical family planning and related preventive health services that include the following: provision of highly effective contraceptive methods; breast and cervical cancer screening and prevention; STD and HIV prevention education, counseling, and testing; extramarital abstinence education and counseling; and other preventive health services. The broad range of services does not include abortion as a method of family planning;

3. Encouraging family participation in the decision of minors to seek family planning services, including activities that promote positive family relationships;

4. Improving the health of individuals and communities by partnering with community-based organizations (CBOs), faith-based organizations (FBOs), and other public health providers that work with vulnerable or at-risk populations;

5. Promoting individual and community health by emphasizing clinical family planning and related preventive health services for hard-to-reach populations, such as uninsured or underinsured individuals, males, persons with limited English proficiency, adolescents, and other vulnerable or at-risk populations.

Legislative Mandates

The following legislative mandates have been part of the title X appropriations for each of the last several years. In developing a proposal, each applicant should describe how the proposed project will address each of these legislative mandates.

- ''None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities;'' and
- ''Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.''

Other Key Issues

In addition to the Program Priorities and Legislative Mandates, the following Key Issues have implications for title X services projects and should be acknowledged in the program plan:

1. The increasing cost of providing family planning services;

2. The U.S. Department of Health and Human Service priorities, initiatives, and Healthy People 2010 objectives as they relate to family planning and reproductive health (*http://www.health.gov/healthypeople*);

3. Departmental initiatives and legislative mandates such as the Health Insurance Portability and Accountability Act (HIPAA); Infant Adoption Awareness Program; providing adolescents with information, skills and support to encourage delay of sexual activity; serving persons with limited English proficiency;

4. Integration of HIV/AIDS services in Family Planning, specifically, HIV/AIDS education, counseling and testing either on-site or by referral should be provided in all title X funded programs. Education regarding the prevention of HIV/AIDS should incorporate the ''ABC'' message. That is, for adolescents and unmarried individuals, the message is ''A'' for abstinence; for married or individuals in committed relationships, the message is ''B'' for being faithful; and, for individuals who engage in behavior that puts them at risk for HIV, the message is ''C'' for condom use.

5. Utilization of electronic technologies such as e-Grants, the OPA electronic grants management system (Training for grantees will be provided as needed);

6. Data collection and reporting which is responsive to the Family Planning Annual Report and other information needs for monitoring and improving family planning services;

7. Service delivery improvement through utilization of research outcomes focusing on family planning and related population issues; and

8. Utilizing practice guidelines and recommendations developed by recognized professional organizations and other Federal agencies in the provision of evidence-based title X clinical services.

Characteristics of a Successful Proposal

As mentioned above, proposed projects must adhere to all requirements of the title X statute, regulations, and program guidelines. Successful proposals will fully describe how the project will address the requirements, and should include the following:

1. A clear description of the need for the services proposed;

2. A description of the geographic area and population to be served;

3. Evidence that the applicant organization has experience in providing clinical health services and the capacity to undertake the clinical family planning and related preventive health services required;

4. Evidence that the proposed services are consistent with the requirements of title X. Use of title X funds is prohibited in programs where abortion is a method of family planning;

5. A project plan which describes the services to be provided, the location(s) and hours of clinic operations, and projected numbers of clients to be served;

6. A staffing plan which is reasonable and adheres to the title X regulatory requirement that family planning medical services will be performed under the direction of a physician with special training or experience in family planning. Staff providing clinical services should be licensed and function within the applicable professional practice acts for the State;

7. Goal statement(s) and related outcome objectives that are specific, measurable, achievable, realistic and time-framed (S.M.A.R.T.);

8. Description of how the applicant will address title X Program Priorities and Key Issues.

9. Evidence of formal agreements for referral services (*e.g.*, required clinical services, if not provided by the applicant), and collaborative agreements with other service providers in the community, where appropriate;

10. Evidence of the capability of providing the required program data for the title X annual data collection system;

11. Evidence of a system for assuring quality family planning services, including adherence to program requirements;

12. A budget and budget justification narrative for year one of the project that is detailed, reasonable, adequate, cost efficient, and that is derived from proposed activities. Budget projections for each of the continuing years should be included. *Funding Restrictions:* In order to claim indirect costs as part of a budget request, an applicant organization must have an indirect cost rate which has been negotiated with the Federal government. The Health and Human Services Division of Cost Allocation (DCA) Regional Office that is applicable to your State can provide information on how to receive such a rate. A list of DCA Regional Offices is included in the application kit for this announcement.

V. Application Review Information

Each regional office is responsible for evaluating applications and setting funding levels according to criteria in 42 CFR 59.7. Eligible applications will be reviewed by a panel of independent reviewers and will be evaluated based on the following criteria (42 CFR 59.7(a)):

(1) The degree to which the project plan adequately provides for the requirements set forth in the title X regulations at 42 CFR part 59, subpart A (20 points);

(2) The extent to which family planning services are needed locally (20 points);

(3) The number of patients, and, in particular, the number of low-income patients to be served (15 points);

(4) The adequacy of the applicant's facilities and staff (15 points);

(5) The capacity of the applicant to make rapid and effective use of the Federal assistance (10 points);

(6) The relative availability of non-Federal resources within the community to be served and the degree to which those resources are committed to the project (10 points); and

(7) The relative need of the applicant (10 points).

In addition to the independent review panel, there will be staff reviews of each application for programmatic and grants management compliance.

Final grant award decisions will be made by the Regional Health Administrator (RHA) for the applicable PHS Region. In making grant award decisions, the RHA will fund those projects which will, in his/her judgement, best promote the purposes of section 1001 of the Act, within the limits of funds available for such projects.

VI. Award Administration Information

Award Notices

The OPA does not release information about individual applications during the review process. When final funding decisions have been made, each applicant will be notified by letter of the outcome. The official document notifying an applicant that a project application has been approved for funding is the Notice of Grant Award. This document specifies to the grantee the amount of money awarded, the purposes of the grant, the length of the project period, terms and conditions of the grant award, and the amount of funding, if any, to be contributed by the grantee to project costs.

Administrative Requirements

The successful applicant will be responsible for the overall management of activities within the scope of the approved project plan. The Office of Public Health and Science (OPHS) requires all grant recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products. This is consistent with the OPHS mission to protect and advance the physical and mental health of the American people.

Reporting

Each grantee is required to submit a Family Planning Annual Report (FPAR) each year. The information collections (reporting requirements) and format for this report have been approved by the Office of Management and Budget and assigned OMB No. 0990–0221. The FPAR contains a brief organizational profile and seven tables to report data on users, service use, and revenue for the reporting year.

VII. Agency Contacts

Administrative and Budgetary Requirements

For information related to administrative and budgetary requirements, contact the OPHS Grants Management Office, 1101 Wootton Parkway, 5th Floor, Rockville, MD 20852, 301–594–0758.

Program Requirements

For information related to family planning program requirements, contact the Regional Program Consultant for Family Planning in the applicable Regional Office listed below:

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)—Suzanne Theroux, 617–565–1063;

Region II (New Jersey, New York, Puerto Rico, Virgin Islands)-Robin Lane, 212–264–3935;

Region III (Delaware, Washington, DC, Maryland, Pennsylvania, Virginia, West Virginia)—Louis Belmonte, 215–861–4641;

Region IV (Kentucky, Mississippi, North Carolina, Tennessee, Alabama, Florida, Georgia, South Carolina)—Cristino Rodriguez, 404–562–7900;

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)—Janice Ely, 312–886–3864;

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)—Evelyn Glass, 214–767–3088;

Region VII (Iowa, Kansas, Missouri, Nebraska)—Elizabeth Curtis, 816–426–2924;

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)— Jill Leslie, 303–844–7856;

Region IX (Arizona, California, Hawaii, Nevada, Commonwealth of the Northern Mariana Islands, American Samoa, Guam, Republic of Palau, Federal States of Micronesia, Republic of the Marshall Islands)—Nadine Simons, 415–437–7984;

Region X (Alaska, Idaho, Oregon, Washington)—Janet Wildeboor, 206–615–2776.

Dated: June 13, 2003.

Alma L. Golden,

Deputy Assistant Secretary for Population Affairs.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Assistant Secretary for Administration and Management; Statement of Organization, Functions, and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) is being amended as follows: ''Chapter AJ, Office of the Assistant Secretary for Administration and Management,'' as last amended at 66 FR 55666–55678, dated October 26, 2001. This reorganization is to accurately reflect the realignment of functions within the Office of the Assistant Secretary for Administration and Management (OASAM). The changes are as follows:

I. Under Part A, Chapter AJ, delete in its entirety and replace with the following:

Section AJ.00 Mission. The Office of the Assistant Secretary for Administration and Management (OASAM) performs for the Secretary the administrative management functions (exclusive of financial and information resources management) of the Department. Manages the human resources, equal employment opportunity, acquisition, grants, and general management activities of the Department. Provides leadership and oversight direction to the activities of the Program Support Center. Provides resource management and equal opportunity services to the Office of the Secretary (OS) and is the head of the OS as an Operating Division.

Section AJ.10 Organization. The Office of the Assistant Secretary for Administration and Management is under the direction of the Assistant Secretary for Administration and Management, who reports to the Secretary and consists of the following components.

- Immediate Office of the Assistant Secretary for Administration and Management (AJ).
- SW Complex Security Team (AJ1).
- Office of Competitive Sourcing (AJ2).
- Office of Human Resources (AJA).
- Office of Grants Management and Policy (AJB).
- OS Executive Office (AJC).
- Office of Facilities Management and Policy (AJE).
- Office of Acquisition Management and Policy (AJG).
- Program Support Center (P).

Section AJ.20 Functions

A. *Immediate Office of the Assistant Secretary for Administration and Management (AJ).* Provides leadership, policy, guidance and supervision, as well as coordinating long and short range planning for the Office of the Assistant Secretary for Administration and Management. Provides leadership and direction for the Program Support Center (P) and the head of the Program Support Center.

B. *SW Complex Security Team (AJ1).* Provides physical security for employees and visitors and facility protection in the HHS Building and other SW Complex facilities; oversees the OS and Southwest complex occupational safety and health programs; oversees the fire prevention program; manages HHS Building parking facilities and HHS parking in other SW Complex lots; issues and controls employee identification badges; and manages the HHS Building visitor program and special events admittance support.

C. *Office of Competitive Sourcing (AJ2).* The Office of Competitive Sourcing (OCS) is headed by a Director who reports directly to the Assistant Secretary for Administration and Management. (1) OCS provides Department-wide leadership, centralized oversight and coordination of competitive sourcing activities; (2) develops policy and issues guidelines relating to competitive sourcing; and (3) represents the Department in dealings with OMB, GAO and other Federal agencies in the area of competitive outsourcing.

C. Office of Human Resources (AJA)

Section ADA.00 Mission. The Office of Human Resources (OHR) provides leadership in the planning and development of personnel policies and human resource programs that support and enhance the Department's mission. Provides technical assistance to the Operating Divisions (OPDIVs) in building the capacity to evaluate the effectiveness of their human resource programs and policies. Serves as the Departmental liaison to central management agencies on topics relating to EEO and human resources matters. Provides Department wide leadership for reorganization and delegation of authority, and other management programs.

Section AJA.10 Organization. The Office of Human Resources (OHR), headed by a Deputy Assistant Secretary for Human Resources who reports to the Assistant Secretary for Management and Administration, and consists of the following components:

- Immediate Office (AJA)
- Personnel Programs Group (AJA1)
- Equal Employment Opportunity Programs Group (AJA2)

Section AJA.20 Functions

1. The Immediate Office of Human Resources (AJA), provides leadership to the development and assessment of the Department's human resources programs and policies. In coordination with the Operating Divisions, designs human resource programs that support and enhance the HHS missions. Provides technical assistance to the OPDIVs in building the capacity to evaluate the effectiveness of their human resource programs and policies, including the development of performance standards. On behalf of the Department's Director of Equal Employment Opportunity, adjudicate complaints of discrimination. Serves as Departmental liaison to central management agencies exercising jurisdiction over human resources and EEO matters.

2. *Personnel Programs Group (AJA1).* Provides leadership to the planning and development of personnel policies and programs that support and enhance the Department's mission. In coordination with the OPDIVs, formulates HHS policies pertaining to employment, compensation, position classification, employee benefits, performance management, employee development, and employee and labor relations. Provides technical assistance to the OPDIVs in the proper application of Federal personnel law, regulations, and policies. Provides strategic advice to the Deputy Assistant Secretary for Human Resources, the Assistant Secretary for Administration and Management, and the Secretary on those initiatives having major workforce implications. Analyzes workforce data and trends to support strategic workforce planning and restructuring efforts, at both the Departmental and OPDIV levels. Promotes and supports OPDIV capacity building efforts, including innovative approaches to personnel program management. Serves as the Department's focal point for liaison on personnel and labor relations issues with the Office of Personnel Management, the General Accounting Office, the Merit Systems Protection Board, and the Federal Labor Relations Authority.

Serves as the principal source of advice on all aspects of Department-wide organizational analysis including: planning for new organizational elements; evaluating current

organizational structures for effectiveness; and conducting the review process for reorganization proposals; manages the reorganization process for the Office of the Secretary (OS) requiring the Secretary's signature and the Assistant Secretary for Administration and Management; administers the Department's system for review, approval and documentation of delegations of authority; develops Department-wide policy and provides technical assistance on the use and application of delegations of authority; advises senior officials within the Department of delegations of authority, coordinates review of proposed delegations requiring the Secretary's or other senior officials' approval; analyzes and makes recommendations related to legislative proposals with potential impact upon the Department's organizational structure or managerial procedures; manages the Departmental Standard Administrative Code (SAC) system, providing oversight, advice, and assistance to ensure codes are in accord with the current approved organization; and provides special management review services for selected activities.

3. Equal Employment Opportunity Programs Group (AJA2). Provides leadership to the planning and development of affirmative employment policies and programs that recognize and value the diversity of the Department workforce and promote a work place free of discrimination. Provides technical assistance and enabling tools to the OPDIVs in the design of innovative, effective affirmative employment programs. Keeps top HHS officials apprised of workforce demographics and recommends positive interventions as needed. Prepares, for the Director of Equal Employment Opportunity, final Departmental decisions on the merits of complaints of discrimination, and prepares proposed dispositions of complaints presenting conflicts of interest for OPDIV and STAFFDIV officials. Serves as the Department's focal point for liaison with the Office of Personnel Management, the Equal Employment Opportunity Commission, and the General Accounting Office on issues pertaining to affirmative employment and discrimination complaints.

D. Office of Grants Management and Policy (AJB)

Section AJB.00 Mission. The Office of Grants Management and Policy (OGMP) provides functional management direction in the areas of grants policy, grants management, electronic grants, and grants streamlining. Provides Department-wide leadership in these areas through policy development, oversight and training. Provides Departmental and government-wide leadership on PL106–107 implementation, Electronic Grants, and other HHS-led initiatives. Represents the Department in dealings with OMB, GSA and other Federal agencies and Congress in the areas of mandatory and discretionary grants, and electronic grants. Foster creativity, collaboration, consolidated, and innovation in the administration of grants functions throughout the Department.

Section AJB.10 Organization. The Office of Grants Management and Policy (OGMP), headed by a Director for Grants Management and Policy who reports to the Assistant Secretary for Administration and Management, consists of the following components:

- Immediate Office (AJB)
- Division of Grants Policy (AJB1)
- Division of Grants Oversight and Review (AJB2)

Section AJB.20—Functions

1. *Immediate Office of the Director for Grants Management and Policy (AJB).* The Immediate Office of the Director for grants management and Policy provides leadership, policy, guidance and supervision, as well as coordinating long and short-range planning to constituent organizations. The office supports the government-wide electronics grants initiative, including the outreach to grantors and grantees efforts, and interface with OMB, Federal CIO Council, and HHS leadership on the *http://www.Grants.gov* systems. Also, provides technical assistance to the Operating Divisions and evaluates effectiveness of their grant programs, including the development of performance standards.

2. *Division of Grants Policy (AJB1).* The Division of Grants Policy provides leadership in the area of grants through policy development, oversight and training. The Division is responsible for the following:

a. Formulates Department-wide grants policies governing the management of grants throughout the Department.

b. Provides advice and technical assistance on grants policy to the Department's Operating Divisions.

c. Monitors the adoption of grants policies by the Department's Operating Divisions to ensure consistent policy interpretation and application.

d. Develops, participates in and evaluates grants training programs for Department staff. Establishes and manages training and certification programs for grants management professionals throughout the Department.

e. Researches, analyzes and tests innovative ideas, techniques and policies in the area of grants. Make studies of problems requiring creation of new policies or revision of current policies, including the application of Departmental policies and best practices related to the Department's grant activities; resolves issues arising from implementation of those policies; maintains relationships and associations with grantor and grantee organizations.

f. Serves as the Department's liaison in the area of grants and maintains working relationships with OMB, GSA and other Federal agencies to coordinate and assist in the development of policy.

g. Makes studies of problems requiring creation of new policies or revision of current policies.

h. Formulates Department-wide grant policies governing the award and administration of grant activities. Publishes these in regulations and other directives.

i. Leads government-wide and Departmental design and implementation of PL106–107 streamlining initiatives. Identifies ways to streamline grants processes and implements policies that foster streamlining and other best practices.

3. *Division of Grants Oversight and Review (AJB2).* The Division of Grants Oversight and review provides leadership in the area of mandatory and discretionary grants through oversight and review. The Division has functional responsibility for reviewing grants for compliance with Department-wide grants policies and grant regulations. In addition, the Division is responsible for oversight of the HHS grants management operations and the following:

a. Manages oversight of the award and administration of mandatory and discretionary grants and other forms of Federal financial assistance through the Department.

b. Monitors the adoption of grant policies as they affect grant management procedures by the Department's Operating and Staff Divisions to ensure consistent implementation and operations.

c. Provides advice and technical assistance to the Department's Operating and Staff Divisions and to the general public on matters relating to the administration of grants and other forms of Federal financial assistance.

d. Conducts special studies of grants management issues to identify and implement improvements in the way the Department awards and administers grants and other forms of Federal

financial assistance; and designs and assists in execution of demonstrations, experimentation and tests of innovative approaches to grants management.

e. Develops, analyzes and tests innovative ideas, techniques, and implementations in grants management. Fosters creativity in the administration of grants.

f. Establishes and manages improved grants management information and monitoring systems.

g. Conducts performance measurements of the Department's Grants System and operates the Department-wide grants reporting systems.

h. Provides advice and technical assistance on grants implementation and processes to the Department's Operating Divisions.

i. Oversees the implementation of grants functions throughout the Department.

E. Office of the Secretary (OS) Executive Office (AJC)

The Office of the Secretary Executive Office (OSEO): (1) Works closely with the Office of Budget, Technology, and Finance (OBTF) to provide budget and other financial services to Office of the Secretary Staff Divisions; (2) in conjunction with the OBTF oversees all aspects of budget formulation and execution for the Office of the Assistant Secretary for Administration and Management; (3) maintains funds controls and coordination of billing and accounts related to the Secretary's dining room and the Immediate Office of the Secretary; (4) plans and directs the provision of centralized purchasing and contracting services for administrative supplies, technical, and research requirements for the OS; (5) provides staff assistance and guidance to OS staff on purchasing and contracting related to purchase order, credit card (MACC), etc.; (6) coordinate with PSC contracts sponsored by the OS; and (7) coordinates with the Program Support Center on requests for personnel actions, departure closeout processing, and payroll liaison; as well as other human resources management support activity matters on behalf of the Staff Divisions.

Assists the ASAM in carrying out the delegated authority to establish and maintain equal employment opportunity programs within the Office of the Secretary. The Office is responsible for ensuring that all OS employment policies and actions are based on merit, without regard to race, color, religion, national origin, sex, age, or physical/mental disability. Major functions include: pre-complaint counseling; formal complaint processing; affirmative employment planning and implementation; technical guidance and policy development. The functions of the office also include program efforts which focus on the Federal Women's Program, the Hispanic Employment Program, and the Program for People with Disabilities. Works closely with the Deputy Assistant Secretary for Facilities to develop guidance for the OS on aspects of the HHS annual RENT budget, as it relates to the SW Complex. Coordinates preparation among OPDIVs and STAFFDIVs in the SW Complex RENT budgets, consistent with OMB and GSA guidance. Establishes information and reporting standards for all above listed programs. Collects, assembles, and analyzes required information for mandated reports to Congress, OMB, GSA and other Federal agencies.

F. Office for Facilities Management and Policy (AJE)

Section AJE.00 Mission. The Office for Facilities Management and Policy (OFMP): (1) Plans, oversees and directs facilities master planning, design, programming and construction; (2) oversees and coordinates the following facilities activities: the operations and maintenance of HHS facilities; property management of leased facilities; land and space management; disposal of real property; environmental quality and compliance; facilities energy management; historic preservation; physical security of space occupied by HHS employees; and the requirements contained in the Occupational Safety and Health Act; and (3) and provides administrative and operations support to the Department's Capital Investment Review Board and has oversight responsibilities for multibillion facilities master plan that calls for construction of numerous state-of-the-art laboratories, office buildings and other support facilities.

Section AJE.10 Organization. The Office of Facilities Management and Policy (OFMP) is headed by a Deputy Assistant Secretary, who reports directly to the Assistant Secretary for Administration and Management, and consists of the following components:

- Division of Planning and Construction (AJE1)
- Division of Operations and Maintenance (AJE2)
- Division of Real Property (AJE3)

Section ADE.20 Functions

1. Division of Planning and Construction (AJE1)—The Division of Planning and Construction (DPC): (1) Supports the HHS Capital Investment Review Board; (2) leads programming of facilities projects for the HHS annual budget submission and responds to inquiries from external organizations such as GSA, OMB and Congress; (3) facilitates and oversees construction program implementation from preproject planning through facility activation and it fosters application of construction best practices, energy conservation, workforce training and competencies, and the use of different contract acquisition methods; and develops and oversees implementation of policies such as those for sustainable design and preproject planning.

2. *Division of Operations and Maintenance (AJE2)*—The Division of Operations and Maintenance (DOM): (1) Oversees HHS and the OPDIVs activities in maintaining and managing capital facility assets and providing for comfort and cleanliness, (2) oversees expenditure levels, facility condition and condition assessments, deferred maintenance amounts and calculations, and computerized maintenance management systems; (3) fosters application of best practices for energy conservation, workforce training and competencies, and acquisition; (4) develops and oversees implementation of policies such as those for building commissioning, design for maintainability; (5) manages the operations and maintenance activities in the Hubert H. Humphrey Building in Washington, D.C.; and (6) establishes, maintains and promulgates HHS policy and guidelines for the SW Complex real property program.

3. *Division of Real Property (AJE3)*—The Division of Real Property (DRP): (1) Establishes, maintains and promulgates HHS policy for the real property and management programs, serving as the principal source of advice on these Department-wide programs; (2) establishes the HHS real property program, writes guidelines and procedures to acquire and manage owned and leased real property; reviews and as necessary, manages disposal actions; monitors and analyzes utilization of all space; implements the GSA Delegations program; (3) manage facilities programs, which include: Occupational safety and health, environmental quality, physical security, historic preservation, energy conservation and fitness and childcare centers; (4) provides oversight of OPDIV performance, technical assistance and training on a Department-wide basis; (a) reviews OPDIVs compliance with program requirements and sets Departmental standards, as required; (b) interrupt GSA guidelines, facilities related legislation, Executive Orders,

applicable regulations, and other guidelines; (c) establishes reporting standards for all facilities related programs; and (d) collects, assembles and analyzes required information for mandated reports to Congress, OMB, GSA and other Federal agencies.

H. Office of Acquisition Management and Policy (AJG)

Section AJG.00 Mission. The Office of Acquisition Management and Policy (OAMP) provides management direction of the acquisition system including logistics and small business policy. Provides Department-wide leadership in these areas through policy development, performance measurement and training. Represents the Department in dealings with OMB, GAO and other Federal agencies and Congress in the areas of procurement, logistics and small business utilization. Fosters creativity and innovation in the administration of these functions throughout the Department.

Section AJG.10 Organization. The Office of Acquisition Management and Policy (OAMP), headed by a Director for Acquisition Management and Policy, who is the Senior Procurement Executive appointed pursuant to 41 U.S.C. 414(3) section 16(3), reports to the Assistant Secretary for Administration and Management, consists of the following components:

- Immediate Office (AJG)
- Division of Acquisition Policy (AJGI)
- Logistics Policy Staff (AJG2)
- Office of Small and Disadvantaged Business Utilization (AJGA)

Section AJG.20 Functions

1. *Office of the Director for Acquisition Management and Policy (AJG).* The Office of the Director for Acquisition Management and Policy provides leadership, policy, guidance and supervision, as well as coordinating long and short-range planning to constituent organizations. Also, provides technical assistance to the Operating Divisions and evaluates effectiveness of their acquisition, logistics, and small business programs, including the development of performance standards. Manages special departmental procurement initiatives and procurement operations of the Program Support Center.

2. *Division of Acquisition Policy (AJGI).* The Office of Acquisition Policy provides leadership in the area of acquisition through policy development, performance measurement and training. The office is responsible for the following:

a. Formulates Department-wide acquisition policies governing procurement activities. Publishes these in regulations and manuals. Recommends and participates in development of government-wide acquisition policy.

b. Provides advice and technical assistance on matters related to HHS acquisition programs including those operating under the Federal Acquisition Regulation, the Medicare and Medicaid provisions of Title 42 of the U.S. Code, those under Public Law 93–638 and other special authorities.

c. Manages workforce development issues for the department's acquisition workforce including certification and warranting of contracting officers.

d. Monitors the adoption of acquisition policies by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application. Provides standards for departmental staff assigned contract management responsibilities.

e. Conducts Performance Measurement of the Department's procurement system to ensure compliance with procurement laws and policies and efficient acquisition of the Department's program needs.

f. Makes studies of problems requiring creation of new policies or revision of current policies, including the application of Departmental management controls and reports related to the Department's procurement activities; resolves issues arising from implementation of those policies; maintains similar relationships and associations with public and private contractor organizations.

h. Serves as the Department's liaison in the area of acquisitions and maintains working relationships with OMB, GSA, GAO, and other Federal agencies to coordinate and assist in the development of policy and to participate in government-wide tests of procurement innovations.

i. Conducts special projects to develop improved mechanisms for Department-wide management and procurement. Researches, analyzes and tests innovative ideas, techniques and policies in the area of acquisition. Establishes and directs ad hoc teams to work on special projects to develop creative approaches to problems in the area of acquisition.

3. *Logistics Policy Staff (AJG2).* Serves as the Department's focal point and liaison with the Operating and Staff Divisions for policy development, technical assistance, oversight and workforce development in the area of logistics. The Staff is responsible for the following:

a. Formulates Department-wide logistics policies governing the management of personal property throughout the Department.

b. Formulas Department-wide travel policies governing travel activities; publishes travel regulations and manuals; and recommends and participates in development of government-wide travel.

b. Provides advice and technical assistance on logistics activities and policy matters to the Department's Operating Divisions.

c. Monitors the adoption of logistics policies by the Department's Operating Divisions to ensure consistent policy interpretation and application.

d. Oversees the implementation of logistics functions throughout the Department.

e. Develops, participates in and evaluates logistics training programs for Department staff.

f. Researches, analyzes and tests innovative ideas, techniques and policies in the area of logistics.

g. Serves as the Department's liaison in the area of logistics and maintains working relationships with OMB, GAO and other Federal agencies to coordinate and assist in the development of policy.

4. *Office of Small and Disadvantaged Business Utilization (AJGA3).*

a. Has responsibility within the Department for policy, plans, and oversight of execution of the functions under section 8 and 15 of the Small Business Act as amended and Executive Orders 12073 and 12138, relating to preference programs for small businesses, disadvantaged businesses, HubZones, and women-owned businesses, etc. Under provision of Public Law 95–507, the Director reports directly to the Deputy Secretary with the day-to-day operational support provided by the Office of Acquisition Management and Policy.

b. Acts as the advocate for the Secretary and Deputy Secretary within the Department for matters relating to Sections 8 and 15 of Small Business Act and Executive Orders 12073 and 12138 and represents the Department in dealing with other Federal agencies on those matters.

c. Acts as focal point and advocate for the small business, disadvantaged business, HubZones, and women-owned business firms, etc. in their dealings with the Department.

d. Formulates, recommends and monitors implementation of policies for the Department's small business, Small Business Innovation Research, disadvantaged business, HubZone, veteran, and women-owned business programs and other initiative programs.

e. Coordinates and prepares the Department's goals for assigned programs, recommends Secretarial approval of such goals and subsequent to Secretarial approval, negotiates, establishes and reports on goals for the assigned programs with the cognizant Federal agencies.

f. Encourages the awarding of contracts and subcontracts to small business, disadvantaged business, labor surplus area, and women-owned business firms by providing information and assistance to all of the Department's organizational units.

g. Prepares documentation and reports to the Executive Office of the President, the Congress, Office of Management and Budget, the Small Business Administration, and other agencies, as required.

h. Provides input for coordinated Departmental positions on proposed legislation and Government regulations on matters affecting cognizant socioeconomic programs and maintain liaison with Congress through established Departmental channels.

i. Manages the Department's Small Business Innovation Research Program (SBIR) established under Public Law 97–219 and provides liaison between the Department and the Small Business Administration on SBIR matters.

j. Oversees and monitors the Departmental review and screening of planned procurement by programs and procurement offices to ensure that preference programs are given thorough consideration throughout the decision making process.

II. *Continuation of Policy.* Except as inconsistent with this reorganization, all statements of policy and interpretations with respect to the Office of the Secretary, the HHS Assistant Secretary for Administration and Management and the Program Support Center heretofore issued and in effect to the date of this reorganization are continued in full force and effect.

III. *Delegations of Authority.* All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, provided they are consistent with this reorganization.

IV. *Funds, Personnel and Equipment:* Transfer of organizations and functions affected by this reorganization shall be accompanied in each instance by direct and support funds, positions, personnel, records, equipment, supplies and other resources.

Dated: June 12, 2003.

Ed Sontag,

Assistant Secretary for Administration and Management.

[FR Doc. 03–15515 Filed 6–18–03; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–03–74]

Proposed Data Collections Submitted for Public Comment and Recommendations; Correction

A notice announcing the proposed data collection under the Paperwork Reduction Act was published in the **Federal Register** on June 12, 2003, (68 FR 35228). This notice is corrected as follows:

On page 35228, in the third column, second sentence under Proposed Project, this sentence is replaced with: The proposed survey is designed to collect data to address objectives in Chapter 23, Public Health Infrastructure.

On page 35228, bottom of the page, the table is replaced by the following table:

Respondents	Number of respondents	Number of responses/ respondent	Average burden/ response (in hours)	Total burden (in hours)
State/territorial Health Agencies	50	1	20/60	17
Local Health Agencies	1300	1	20/60	434
Tribal Agencies	250	1	20/60	84
Total				535

All other information and requirements of the June 12, 2003 notice remain the same.

Dated: June 13, 2003.

Thomas A. Bartenfeld,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 03–15455 Filed 6–18–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 03074]

Environmental and Health Effect Tracking; Notice of Availability of Funds

Application Deadline: July 29, 2003.

A. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301 of the Public Health Service Act, (42 U.S.C. 241), as amended. The Catalog of Federal Domestic Assistance number is 93.283.

B. Purpose

The Centers for Disease Control and Prevention (CDC) announce the availability of fiscal year (FY) 2003 funds for a cooperative agreement program to support development of the National Environmental Public Health Tracking (Surveillance) Network. This program addresses the ''Healthy People 2010'' focus areas of Environmental Health, Cancer, Maternal, Infant, and Child Health, and Public Health Infrastructure.

The purpose of this program is to demonstrate and evaluate methods for linking data from ongoing, existing health effects surveillance systems with data from existing surveillance/ monitoring systems for human exposure and environmental hazards. Data systems used can be for a defined geographic region within the state, state-

wide, regional or national. The activities in this program announcement are intended to improve existing surveillance and monitoring systems by enhancing epidemiologic, analytic and technological capacity at the local, state, and regional level. Methods, tools, and best practices developed through this program will be used in advancing the development of a standards-based, coordinated, and integrated environmental public health tracking (surveillance) network at the state, regional, and national level. See Appendix I for background information about environmental public health tracking (surveillance). Appendix II contains definitions of the terminology used in this program announcement to ensure applicants fully understand the purpose and intent of this announcement. All appendices referenced in this announcement are posted with the announcement on the CDC Web site, Internet address: *http://www.cdc.gov.* Click on ''Funding,'' then ''Grants and Cooperative Agreements.''

Environmental Public Health Tracking deals specifically with chronic diseases, birth defects, developmental disabilities, and other non-infectious health effects that may be related to exposure to chemicals, physical agents, biomechanical stressors, or biologic toxins in the environment. Appendix I further describes the health effects and environmental factors eligible for inclusion in the overall tracking program. This program announcement focuses on specific health effects which include birth defects, developmental disabilities, cancer, asthma and other respiratory disease, autoimmune diseases, neurological/immunologic diseases, heavy metal poisoning, and pesticide poisoning. The need for an environmental public health tracking (surveillance) network in which health effect, exposure, and hazard data can be linked on an ongoing basis was well documented by the Pew Environmental Health Commission in its report ''America's Environmental Health Gap: Why the Country Needs a Nationwide Health Tracking Network.'' The Internet address of this report is available in Appendix III.

Both the CDC and the Environmental Protection Agency (EPA) have large ongoing efforts to develop, standardize, and promote electronic reporting of data and to improve collaboration across categorical programs. Work being done to create the Environmental Public Health Tracking Network falls under a larger effort at CDC and ATSDR to integrate data that is referred to as the Public Health Information Network (PHIN). PHIN covers all ongoing CDC and ATSDR surveillance activities including the National Electronic Disease Surveillance System (NEDSS) and bioterrorism surveillance and provides architectural and technical standards and specifications as a starting point for all system design activities. For reference, Appendix III contains the Internet addresses for NEDSS and PHIN, which include information about the Public Health Information Technology Functions and Specifications. The EPA's National Environmental Information Exchange Network is also contained in this appendix.

This program announcement focuses on the use and enhancement (for example, by adding geo-coded data items) of existing surveillance/monitoring systems at the local, state or regional level rather than development of new systems. Existing Birth Defects surveillance systems should include at least 35,000 live births per year. Cancer registry surveillance systems should be limited to those registries that have obtained certification from the North American Association of Central Cancer Registries (NAACCR). Additionally, these existing systems should contain data of sufficient completeness, timeliness, and quality to allow reporting of valid estimates of health effect prevalence, incidence, or mortality for a population; and they should be readily available to health department staff for analysis and dissemination of information to guide public health action.

Measurable outcomes of the program will be in alignment with the following performance goals: National Center for Environmental Health (NCEH)—Increase the capacity of state and local health departments to deliver environmental health services in their communities; National Center for Chronic Disease Promotion and Health Promotion (NCCDPHP—Improve the quality of state-based cancer registries; National Center for Birth Defects and Developmental Disability (NCBDDD)—Prevent birth defects and developmental disabilities; National Center for Health Statistics (NCHS)—Monitor trends in the nation's health through high-quality data systems addressing issues relevant to decision makers.

Agency for Toxic Substances and Disease Registry (ATSDR)—Ascertain the relationship between exposure to toxic substances and disease.

Linkage projects initiated under this program announcement should support ongoing, integrated and systematic surveillance/monitoring efforts. Projects should focus on existing surveillance/monitoring systems that are either statewide or regional and should develop sustainable models for linking environmental exposure and/or hazard data with one or more of the following health effects:

(1) Major structural birth defects

(2) Developmental disabilities such as Autism, mental retardation, and other developmental disabilities.

(3) Cancers, especially those for which there are shorter latency periods, such as hematopoietic, central nervous system and childhood cancers

(4) Asthma and other chronic obstructive respiratory diseases

(5) Neurological diseases, including Alzheimer's disease, amyotrophic lateral sclerosis (ALS), multiple sclerosis (MS), and Parkinson's

(6) Autoimmune diseases such as Hashimoto's thyroiditis, rheumatoid arthritis, scleroderma, and systemic lupus erythematosus

(7) Pesticide Poisoning

(8) Heavy Metal Poisoning (*e.g.* lead, mercury)

C. Eligible Applicants

Applications may be submitted by:

- State health departments or their bona fide agents (this includes the District of Columbia, Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau)
- The local health departments of Chicago IL, Philadelphia PA, Los Angeles County, Houston TX, and New York City NY (in consultation with states).

Due to limited resources, competition is limited to only the listed applicants. This accommodates legislative appropriations language which began the Tracking initiative in FY 2002 and which specified capacity development of environmental health at state and local health departments. The cities listed are the five largest incorporated metropolitan areas in the United States.

An important component of this announcement is to build partnerships between and within environmental and health agencies/departments/staff; therefore, applicants must demonstrate that their program will be a collaborative effort by including the following with their application:

1. A letter of collaboration signed by both the state (or local) Secretary/Director of Health or equivalent and the state (or local) Secretary/Director of Environmental Quality/Protection/Natural Resources or the equivalent agency/department confirming that partnerships exist or will be developed:

a. Across Health and Environmental Agencies/Departments. (Evidence of a

partnership may be a confirmation of an existing memorandum of understanding (MOU) between Health and Environment that covers activities related to this program announcement).

b. Between appropriate organizational units within each Agency/Department (Within the Health Department this may include birth defect programs, cancer registries, environmental epidemiology, the state laboratory, chronic disease directors, and others).

c. If Health and Environment are organized under one state/local agency/department, a letter of intent from the Secretary/Director or equivalent of that agency/department confirming that partnerships exist or will be developed across appropriate organizational units within the Agency/Department is required.

2. Designation of public health liaison within the environmental agency/department and an environmental liaison within the health agency/department.

3. Eligible local health departments must provide assurances that activities related to this program will be coordinated with the State Health Department.

4. If the applicant is a bona fide agent of the state/local health department, a letter from the state/local health department designating the applicant as such must be provided.

These documents should be placed directly behind the face page (first page) of your application. Applications that fail to submit documentation requested above will be considered non-responsive and returned to the applicant without review.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

D. Funding

Availability of Funds

Approximately $6,000,000 is available in FY 2003 to fund approximately 12 awards. It is expected that the average award will be $350,000 ranging from $200,000 to $500,000. It is expected that the awards will begin on or about September 15, 2003, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Applicants may use funds for those activities that increase technical, analytic, and epidemiologic capacity and must ensure that resources will be shared between collaborating agencies and between collaborating programs within each agency. Applicants should hire an environmental epidemiologist if that expertise is currently unavailable.

Funding Preference

Special consideration will be given applications that encourage and embody partnerships across various agencies and programs regardless of funding sources.

Recipient Financial Participation

Matching funds are not required for this program.

E. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities listed in 1. Recipient Activities and CDC (working collaboratively with ATSDR) will be responsible for the activities listed in 2. CDC and ATSDR Activities.

1. Recipient Activities

a. Develop and implement a work plan including a detailed timeline to address each recipient activity.

b. Develop mechanisms for establishing ongoing collaboration, communication, and coordination of activities between and within members of relevant health and environmental agencies. One example of such a mechanism could be a coordinating committee that includes representatives of existing state health effects surveillance programs such as Birth Defects, Developmental Disabilities, and Cancer Registries and Asthma and Lead Poisoning surveillance programs; representatives of the state environmental epidemiology program or environmental public health tracking programs (currently funded through CDC or ATSDR); representatives of existing capacity-building programs in chronic disease surveillance (*e.g.* SLE, MS, ALS); representatives of air, water, pesticide or other environmental monitoring programs, representatives of state health and environmental laboratories; and state health and environmental informatics officers/staff. (See Web sites in Appendix III to identify those states currently receiving CDC funding for Environmental Public Health Tracking, Birth Defects, Developmental Disabilities, Asthma, the National Program of Cancer Registries, laboratory biomonitoring capacity, and capacity-building programs in SLE, MS, and ALS surveillance.

c. Establish an advisory group consisting of technical experts, local health and environmental agency staff, community members, academic researchers, and other key stakeholders who can provide substantive recommendations on planning, implementing, and communicating information from this project. This group should meet at least quarterly.

d. Implement a project(s) that links existing health effect surveillance data with exposure and/or hazard data as part of an ongoing surveillance activities and a sustainable effort to build capacity. This project should include at a minimum: one or more of the health effects with a possible relationship to the environment that were listed in Section B, one or more measures of human exposure, and/or one or more types of environmental hazard (as defined in Section A and Appendices I and II). Selection of health effects/exposures/hazards from those specified in this program announcement should be in line with state/local priorities.

e. Demonstrate the utility of this linked data in guiding public health policy and practice (including triaging, assessing and responding to public concerns about clusters). The project should include the analysis and dissemination of data in a timely manner for use in public health practice or environmental protection programs and should include a feedback mechanism that identifies linkage challenges and plans to resolve those challenges. When applicable, the project should address linkage or comparability to national level data.

f. Develop strategies for communicating information generated by this project to diverse audiences including health care providers and the public. This should include strategies for responding to public inquiries and informing audiences (including community members) about the incidence, prevalence, or mortality of selected health effects and risk factors.

g. Conduct a comprehensive evaluation of this project. Refer to the Morbidity and Mortality Weekly Report titled ''Framework for Program Evaluation in Public Health'' (See Appendix II for Web site.)

h. Based on the evaluation, develop a written report outlining lessons learned from this project that includes but is not limited to the following:

i. Specific methodology and tools used to link data.

ii. Potential uses of the linked data and its limitations, including its utility

in responding to public concerns about disease clusters.

iii. Barriers to implementing the linkage project such as limitations in data available including issues related to data quality (that includes a special focus on geo-coded data), timeliness and data collection practices; availability and use of data standards; compatibility of data and information technology standards and specifications across health and environmental systems; limitations of analytic methods, limits in legislative/regulatory authorities for state health/environmental agencies.

iv. Feasibility, utility and sustainability of incorporating linkage methods and tools into ongoing surveillance activities and into an integrated environmental public health tracking network.

v. Assessment of compatibility of data systems utilized with those being developed or enhanced under the CDC Public Health Information Network (includes Environmental Public Health Tracking, NEDSS, Bioterrorism-related surveillance activities at CDC, and the national vital statistics system) and EPA's National Environmental Information Exchange Network. (See Appendix III for the Internet addresses.)

vi. Effectiveness of communications strategies and messages, including an assessment of the program's ability to respond to public inquiries and to provide information to health department officials, health care providers, and the public regarding reported clusters.

vii. Recommendations for improvements in data collection, reporting, geo-coded linkages, and quality; development of new methodology; improvement in interoperability of databases; legislative/regulatory changes; improvements in data dissemination/communication strategies; and training needs of state and local staff on carry out data linkage and to effectively utilize data.

i. Participate in quarterly conference calls with other programs funded under this program announcement and with other Environmental Public Health Tracking Program partners including CDC state and local Tracking programs; CDC Centers of Excellence in Environmental Public Health Tracking (see Appendix IV); participating Centers, Institutes, and Offices at CDC such as the National Center for Birth Defects and Developmental Disabilities (NCBDDD); the National Center for Chronic Disease Prevention and Health Promotion; the National Center for Environmental Health; and the National Center for Health Statistics; and the Agency for Toxic Substances and Disease Registry (ATSDR).

j. Attend workgroups and meetings with other Environmental Public Health Tracking (surveillance) Program partners to share lessons learned and participate in activities related to improving data system interoperability such as CDC's annual PHIN meeting.

2. CDC and ATSDR Activities

a. Provide technical assistance in work plan development, and the design and implementation of program activities, including analysis and dissemination of data. This will include individual consultation to funded programs via site visits, e-mail, and telephone and the provision of written guidance materials and references. Experts from the appropriate CDC Center will provide health effects technical assistance.

b. Provide coordination between and among recipient organizations by assisting in the sharing of information through the CDC Web sites (*e.g.* the National Birth Defects Prevention Network), the National Environmental Public Health Tracking Program web board, related stakeholders meetings, and direct interactions.

c. Coordinate activities at the national level among Centers, Institutes and Offices at CDC and the Agency for Toxic Substances and Disease Registry and with other Federal Agencies such as the Environmental Protection Agency.

d. Ensure involvement of other key governmental and non-governmental partners as needed. These may include the Council of State and Territorial Epidemiologists, the Environmental Council of States, the Association of Public Health Laboratories, the Association of State and Territorial Health Officials, the National Association of City and County Health Officers, the National Association of Health Data Organizations, the American Lung Association, the American Medical Association, the American Water Works Association, Chronic Disease Directors, the March of Dimes, American Academy of Pediatrics, the North American Association of Central Cancer Registries, the American Cancer Society, the National Birth Defects Prevention Network, and others.

e. Convene workgroups to discuss data system interoperability and develop enhancements to the PHIN architecture, standards, and conceptual and logical data models.

F. Content

Pre-application Conference Call

Two pre-application conference calls are scheduled for interested applicants. These will occur July 1, 2003, from 1 to 3 p.m. (eastern standard time (EST)) and July 2, 2003, from 3 to 5 p.m. (EST). The purpose of these calls is to discuss program requirements and to respond to any questions regarding the program announcement. Two calls are scheduled in order to provide all applicants the opportunity to gather information and ask questions. It is not necessary to participate in both calls, though applicants are welcome to do so if they desire. To confirm your intent to participate and receive a meeting agenda and call-in instructions, applicants should send an e-mail or write Toni Fleming at *thf2@cdc.gov* or 1600 Clifton Rd., NE., MS E19, Atlanta, GA 30333.

Letter of Intent (LOI)

A LOI is requested for this program. The Program Announcement title and number must appear in the LOI. The narrative should be no more than two pages, double-spaced, printed on one side, with one-inch margins, and unreduced 12-point fonts. Your letter of intent will be used to enable CDC to determine level of interest in the announcement and estimate potential review workload, and should include the following information:

a. Number and title of the announcement.

b. Name, organization, address, telephone number, fax number, and e-mail address of the Principal Investigator(s).

c. A brief description of the data linkage project(s) being proposed, including which surveillance/monitoring systems are to be linked.

Failure to submit a LOI will not preclude an applicant from submitting an application.

Applications

The program announcement title and number must appear in the application. Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 35 pages, double-spaced, printed on one side, with one-inch margins, and unreduced 12-point fonts.

Applicants should also submit appendices including abbreviated curriculum vitas, letters of support,

organizational charts, and other similar supporting information. The total appendices should not exceed 25 pages, printed on one side.

All pages in the application should be clearly numbered and a complete index to the application and any appendices included. All materials should be provided unbound, one-sided, with one-inch margins, suitable for photocopying.

The applicant should provide a detailed description of first-year objectives and activities and should also describe future-year objectives and activities. A project timeline should be included. The application should contain the following:

1. Executive Summary (2 pages, double-spaced)

Provide a clear concise summary of the application.

2. The Narrative

The narrative should consist of:

a. Understanding of the purpose of data linkage as a tool for capacity building

b. Existing resources

c. Collaborative relationships

d. Operational plan and methods

e. Organizational and program personnel capability

The narrative should specifically address the ''Program Requirements''.

3. Budget and Justification

a. Provide a detailed budget and line item justification of all proposed operating expenses consistent with the program activities described in this announcement, including how resources will be shared between collaborating agencies/programs.

b. The annual budget should include funding for two staff members to make two three-day trips to Atlanta for stakeholders/workgroup meetings, one two-day trip to Atlanta for a reverse site visit, and funding for one person to travel to Atlanta to attend the 6th National Environmental Health Conference December 3–5, 2003 and the annual PHIN meeting in May, 2004. (Review the CDC/NCEH web site for additional information about the 6th National Environmental Health Conference: *http://www.cdc.gov/nceh/default.htm)*

c. If applicable, applicant's proposed contracts should include the name of the person or firm to be contracted, a description of services to be performed, an itemized and detailed budget including justification, the period of performance and the method of selection.

d. Funding levels for years two and three should be estimated.

G. Submission and Deadline

Letter of Intent (LOI) Submission

On or before July 3, 2003, submit the LOI to the Project Officer identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application Forms

Submit the signed original and two copies of PHS 5161–1 (OMB number 0920–0428). Forms are available at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO-TIM) at 770–488–2700. Application forms can be mailed to you.

Application forms must be submitted in the following order:

Cover Letter
Table of Contents
Application
Budget Information Form
Budget Justification
Checklist
Assurances
Certifications
Disclosure Form
HIV Assurance Form (if applicable)
Human Subjects Certification (if applicable)
Indirect Cost Rate Agreement (if applicable)
Executive Summary
Narrative
Appendices

Submission Date, Time, and Address

Applications must be received by 4 p.m. EST, July 29, 2003. Submit the application to: Technical Information Management Section, PA#03074, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341–4146.

Applications may not be submitted electronically.

CDC Acknowledgement of Application Receipt

A postcard will be mailed by PGO-TIM, notifying you that CDC has received your application.

Deadline

Letters of intent and applications shall be considered as meeting the deadline if they are received before 4 p.m. EST on the deadline date. Any applicant who sends their application by the United States Postal Service or commercial delivery services must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If an application is received after closing due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, CDC will upon receipt of proper documentation, consider the application as having been received by the deadline.

Any application that does not meet the above criteria will not be eligible for competition, and will be discarded. The applicant will be notified of their failure to meet the submission requirements.

H. Evaluation Criteria

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the purpose section of this announcement. Measures must be objective and quantitative and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

An independent review group appointed by CDC will evaluate each application individually against the following criteria:

1. Operational plan and methods (30 points)

The extent to which the applicant has clearly described a proposed approach to carrying out the activities listed under Section E. ''Program Requirements.'' This includes: (1) Descriptions of project objectives that are specific, measurable and realistic; (2) inclusion of an implementation schedule/timeline that is reasonable and appropriately reflects major steps in recipient activities; (3) a protocol for conducting the data linkage project that is methodologically sound, includes key stakeholders, and provides adequate justification for selection of the specific hazard/exposure/health effect data to be linked; (4) a plan for providing and enhancing geo-coded data items in existing surveillance/monitoring systems; (5) steps for developing a communications/use of data strategy; (6) a plan for evaluating the linkage project and data dissemination/communication efforts; and (7) a demonstration of the project's potential for improving the capacity of both health effects and environmental exposure/hazard monitoring data systems and promoting sustained ability to link health, exposure, and environmental hazard data on an ongoing basis.

Research projects involving human subjects also need to address the

following: Does the application adequately address the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research? This includes:

a. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

b. The proposed justification when representation is limited or absent.

c. A statement as to whether the design of the study is adequate to measure differences when warranted.

d. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

2. Existing Resources (25 Points)

The extent to which the applicant has described (1) existing surveillance and monitoring systems that will be used to conduct the linkage project including an estimate of the population/live births covered by the health effects surveillance system, timeliness of the data and other data system evaluation information, previous data analyses and publications, and examples of how the data from these existing systems previously has been used to take public health or environmental regulatory action; (2) the level of coordination with programs responsible for these surveillance/monitoring systems and the commitment of technical expertise from these programs for carrying out this project; (3) the adequacy of computer hardware and software available to carry out the project; (4) the actions that will be taken to ensure data security and privacy of individuals in both conducting linkages and disseminating results.

3. Collaborative Relationships (20 Points)

The extent to which the applicant describes past, current and proposed collaborations and experiences (for example in conducting surveillance, data linkage, and/or health investigations or other research studies) with relevant organizations and agencies within the state/local government (if applicable) and provides evidence that these organizations/agencies are willing and capable to support and be actively involved in carrying out the project. The extent to which the applicant describes past, current and proposed collaborations with other relevant external organizations such as state medical associations, national organizations, and the Federal Government that may be required to conduct program activities. Significant collaboration with those programs directly involved with the surveillance/monitoring systems being utilized (such as the state cancer or birth defects registry, the air monitoring program, the state health and environmental laboratories, and others) and with any existing CDC-funded Environmental Public Health Tracking Program within the state/locale. Evidence of collaboration includes letters from program directors outlining their support and involvement in the data linkage project and a budget plan that describes resource sharing among collaborating agencies/programs.

4. Understanding of the Purpose of the Data Linkage as a Tool for Capacity Building (15 Points)

The extent to which the applicant has a clear, concise understanding of the requirements, objectives, and purpose of the cooperative agreement. The extent to which the application reflects an understanding of purpose and use of surveillance data and realistic expectations of data linkage activities. The extent to which the application reflects the potential integration of data linkage activities into ongoing environmental public health tracking/surveillance/monitoring rather than it's use for special studies.

5. Organizational and Program Personnel Capability (10 Points)

The extent to which the proposed staffing, organizational structure, staff experience and background, and job descriptions indicate that the applicant is capable of carrying out this program, including past experiences relevant to the proposed project. The resumes/curricula vita of key personnel should be included in the application. The applicant should document commitment of staff and resources from both environment and health to the project. The resource documentation may be in the form of percent time dedicated to the project, in kind resources, travel, etc.

6. Budget and Justification (Not Scored)

The extent to which the proposal demonstrates appropriateness and justification of the requested budget relative to the activities proposed, including resource sharing among collaborating agencies/programs.

7. Performance Goals (Reviewed, But Not Scored)

8. Human Subjects Review (Not Scored)

Does the application adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects? Not scored; however, an application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.

Other Requirements

Technical Reporting Requirements

Provide CDC with the original plus two copies of:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Detailed Line-Item Budget and Justification.

e. Additional Requested Information.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Additional Requirements

The following additional requirements are applicable to this program. For a complete description of each, see Appendix V of the program announcement, as posted on the CDC Web site.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–7 Executive Order 12372 Review
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–22 Research Integrity

J. Where To Obtain Additional Information

This and other CDC announcements, applications, and associated forms can be found on the CDC web site, Internet address: *http://www.cdc.gov.*

Click on ''Funding'' then ''Grants and Cooperative Agreements.''

For general questions about this announcement, contact: Technical Information Management, CDC

Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: 770–488–2700.

For business management and budget assistance, contact: Sharon Orum, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: 770–488–2716, Email address: *spo2@cdc.gov.*

For program technical assistance, contact: Phillip Finley, Project Officer, National Center for Environmental Health, Centers for Disease Control and Prevention, 1600 Clifton Rd. NE, MS–E19, Atlanta, GA 30338, Telephone: 404–498–1449, Email address: *pjf2@cdc.gov.*

Dated: June 13, 2003.

Edward Schultz,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 03–15453 Filed 6–18–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 03071]

Training Program for Violence Prevention Leaders and Practitioners; Notice of Availability of Funds

Application Deadline: July 24, 2003.

A. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 317(k)(D) of the Public Health Service Act, (42 U.S.C. 247b(k)(1)(D)), as amended. The Catalog of Federal Domestic Assistance number is 93.136.

B. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2003 funds for a cooperative agreement for a Training Program for Violence Prevention Leaders and Practitioners. The initial focus of the training program will be the prevention of youth violence, suicide and violence against women including intimate partner violence and sexual violence. Applicants should address all three of these focus areas in the year one application. This program addresses the ''Healthy People 2010'' focus area of Injury and Violence Prevention.

The purpose of this program is to support the development or enhancement of a violence prevention training program within an organization that currently provides trainings. This program will build the capacity of practitioners working to prevent violence at the state, local and/or community levels including CDC-funded grantees. More specifically, the training program will build the leadership, knowledge and skills necessary for practitioners to plan, implement and evaluate violence prevention programs using public health principles such as:

- Evidence-based program planning and development (*i.e.,* using data to drive program decisions).
- Ecological framework or other multi-level approaches to prevention.
- Programs designed with a focus on primary prevention.
- Population-based strategies.
- Program evaluation.
- Feedback process from practice to research (*i.e.,* using findings ''from the field'' to shape future research activities).

The program consists of two parts:

Part I: Conduct and evaluate trainings that include the development and implementation of various training modules based on prevention strategies using public health principles. Trainings should be grounded in research and theory.

Part II: Provide consultation that supplements the knowledge and skills gained through the training sessions. Consultation should be provided to training participants, as well as to other CDC-funded grantees.

At this time, the training program's focus will be on the prevention of violence against women, youth violence and suicide. Potential audiences include representatives from state and territorial health departments, state domestic violence, suicide, sexual violence or youth violence prevention coalitions, sexual and domestic violence programs, coordinated community response teams (CCRs), rape crisis centers and other nonprofit organizations such as youth member and faith-based organizations. The audience for the youth violence and suicide training should be representatives from community-based and not school-based organizations.

Long-term objectives of the cooperative agreement are to:

1. Develop a network of practitioners as leaders who can effectively develop, implement, and evaluate violence prevention programs at the state and local levels.

2. Enhance the leadership skills of training participants to effectively promote the use of public health principles in the prevention of violence.

Measurable outcomes of the program will be in alignment with the following performance goal for the National Center for Injury Prevention and Control (NCIPC): Increase the capacity of injury prevention and control programs to address the prevention of injuries and violence.

C. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations such as universities, colleges, research institutions, faith-based organizations, and community-based organizations.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

D. Funding

Availability of Funds

Approximately $950,000 is available to fund one award. The project period will be up to four years. In FY 2003 only, $400,000 of this amount will be available for topic specific training in the prevention of youth violence, suicide and violence against women. Funding estimates may change each fiscal year within a range of $550,000–$950,000. It is expected that the award will begin on or about September 15, 2003 and will be made for a 12-month budget period.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

These funds are intended for an organization that currently provides trainings and has the capacity to implement a violence prevention training program grounded in public health principles. Funds shall not be used to create a new infrastructure. Additionally, funds shall not be used to support (1) victim services or criminal justice and law enforcement approaches to prevent violence against women and (2) school-based approaches to prevent youth violence or suicide. CDC-funded grantees should not be charged a registration fee to participate in the training program.

Funding Preference

Given differences in the state of the field for violence against women, youth violence, and suicide prevention the following is provided as a preference for each area. For violence against women

the funding should include a balance between intimate partner/domestic violence and sexual violence. For youth violence, the funding should support wide spread dissemination of evidence-based strategies and should include but not be limited to a satellite broadcast showcasing such strategies. For suicide prevention the funding should support community based capacity building including, at a minimum, a training effort related to working with the media or developing communications campaigns.

Recipient Financial Participation

Matching funds are not required for this program.

E. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities listed in 1. Recipient Activities, and CDC will be responsible for the activities listed in 2. CDC Activities. In addition, the recipient must integrate the initial focus areas identified in the program purpose. For year 01 these include youth violence, violence against women and suicide prevention.

1. Recipient Activities (a Thru l)

The recipient, in collaboration with CDC, will be responsible for the development and subsequent implementation of a comprehensive training program for violence prevention practitioners at the state, local and community level. The recipient activities are designated as core and topic specific

Core Recipient Activities (a thru g)

(a) Establish a Steering Committee

Establish a steering committee comprised of national, state and local experts, leaders and CDC-funded grantees. Committee members should represent multiple disciplines including public health, social work, psychology, anthropology and behavioral sciences. Examples of steering committee members may include practitioners, researchers, faculty, clinicians and advocates. The role of the committee will be to:(1) Provide expertise in the needs of the field and how the various training modules can be responsive to those needs, (2) recommend experts in the areas of violence prevention and experts in public health and other disciplines that work to prevent violence for additional consultation in the development of the various training modules, (3) help identify training tools, resources, and materials that could be useful to this effort and (4) ensure that the training program is practical, relevant and considerate of the needs and resources in the field.

(b) Provide a Training Facility

Provide a handicapped-accessible facility for any onsite training. The meeting facility should be near adequate housing, dining, and recreation for the participants. The site chosen should enhance the interactive nature of the training experience.

(c) Provide Support for Training Program

Provide logistical and administrative support for the training program.

(d) Conduct Trainings

Conduct the trainings. The initial training module must be developed within the first six months and conducted within the first nine months of the Year-1 budget period.

(e) Provide Additional Consultation

After each training, provide additional consultation to participants, as well as other CDC-funded grantees on public health principles such as: evidence-based program planning and development (*i.e.,* using data to drive program decisions); the ecological framework or other multi-level approaches to prevention; designing programs with a focus on primary prevention; population-based strategies; program evaluation; and the feedback process from practice to research (*i.e.,* using findings ''from the field'' to shape future research activities). Consultations may take various forms including, but not limited to: In-person, telephone or Internet/e-mail based consultations and the dissemination of written tools that supplement the content of training modules.

(f) Develop and Disseminate Tools

Develop and disseminate written tools and other usable products such as CD–ROMS or web-based tools to support the implementation of new knowledge and skills taught through the training modules. Methods for disseminating information and resources may include but are not limited to listservs, newsletters and web-based broadcasts.

(g) Provide Feedback to CDC

Provide feedback to CDC after each training module regarding (1) the needs and challenges expressed by the participants and (2) successes and lessons learned in developing, implementing and evaluating the training. The participants' needs and challenges should become apparent to the recipient as they interact with participants in the plan, implementation and evaluation of training modules, as well as during additional follow-up activities. The information gathered will enable CDC to promote research and programmatic activities that are more responsive to the field of practitioners.

Topic Specific Recipient Activities (h Thru l)

(h) Develop a Training Plan

In collaboration with the steering committee and CDC, the recipient will develop and refine the plan for the training program specific to the specified topic areas. The recipient, steering committee and CDC should reach agreement on the topics for the various training modules.

(i) Identify Training Faculty

Identify appropriate faculty for each topic specific training module. Potential faculty could include individuals from the private sector, professional and voluntary organizations, academic institutions, and governmental agencies. The list of potential faculty should have proven training and content expertise in prevention strategies or specific violence prevention expertise. Additionally, faculty should have experience providing trainings to practitioners in the field. The faculty should be available to confer with the participants for specified periods of time as the trainings occur, as well as offer additional consultation to participants after the trainings and other CDC-funded grantees.

(j) Develop Curriculum and Delivery Modes

Develop a curriculum in consultation with training faculty as well as CDC and the steering committee. Each training module should include: The proposed agenda, training materials, the mode of delivery, and written tools supporting implementation after the training is complete. Modes of delivering trainings may include but are not limited to half-day to week-long workshops, seminars at conferences and Internet, satellite or audio conference-based series. Trainings should be in-depth, participatory and skill building opportunities with a combination of didactic and interactive exercises. Each module should be applicable to specific violence prevention topics, while still adhering to core principles of public health. In year one, the recipient should offer a satellite broadcast to community-based youth violence prevention practitioners.

(k) Select Training Participants

In collaboration with CDC, develop a process or criteria by which training participants are invited to take part in

the training modules. The training program is intended to provide CDC grantees with specialized training in public health principles and consultation that supplements their knowledge and skills. CDC-funded grantees should have priority in participating in the training modules. However, trainings will be open to other public health or community-based violence prevention practitioners as well. In addition, the recipient should develop a method that allows participants to apply for scholarships to assist in travel costs if travel is required to training location.

(l) Develop Training Objectives and Evaluation Plan

Develop training objectives and an evaluation plan to determine the effectiveness of each training module in enhancing the skills of the participants. It is anticipated that the evaluation plan will contain short- and long-term objectives. The short-term evaluation component may address issues such as the quality of the instruction, the adequacy of the materials and training site, the degree to which participant's learning objectives were met, whether the instructional objectives were achieved, whether participants feel confident in their ability to apply the skills learned and whether their community would be able and willing to use the techniques. After implementation of each training module, the recipient will refine the training module based on the participants' evaluations. The long-term evaluation component will assess the long-term impact of the training, and will focus on issues such as: (1) Have participants' skills in planning, implementing and evaluating violence prevention programs using public health principles improved as a result of participation in the training program? (2) Have participants been able to effectively use public health principles in their work as a result of the training?

2. CDC Activities

(a) Provide annual guidance on priority training topics.

(b) Provide technical assistance and consultation in all phases of planning, implementation and evaluation of the training program.

(c) Assist in the identification of state and local experts, leaders and CDC-funded grantees to represent the field on a steering committee.

(d) Provide assistance in identifying potential faculty members to be recruited from the private sector, professional and voluntary organizations, academic institutions, and governmental agencies.

(e) Collaborate in the development of a curriculum for each training modules including the agenda, training materials, mode of delivery, and tools.

(f) Assist in the identification of participants for the training modules.

(g) Collaborate in the development of objectives for the training program as well as assist in the development of the short- and long-term evaluation plans.

(h) Assist in the design, development and dissemination of violence prevention tools and educational materials to maximize their use for CDC-funded grantees, violence prevention leaders and public health practitioners.

(i) Provide technical consultation on relevant current and emerging research.

(j) Participate in meetings and conference calls.

F. Content

Applications

The Program Announcement title and number must appear in the application. Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative and attachments should be double-spaced, printed on one side, with one-inch margins, unreduced 12-point font, and printed on 8.5 x 11 inch paper. The narrative should be no more than 25 pages, numbered consecutively. The application should not be bound.

The narrative should consist of at a minimum:

1. Abstract (one-page summary of the application).
2. Applicant's Relevant Expertise and Experience.
3. Plan to Develop and Implement the Training Program.
4. Plan to Integrate Public Health Principles and Theory into the Training Program.
5. Applicant's Capacity and Staffing.
6. Collaboration.
7. Measures of Effectiveness.
8. Proposed Budget and Justification (The proposed budget should specify core activities and detail those costs associated with topic specific trainings).

G. Submission and Deadline

Application Forms

Submit the signed original and two copies of PHS 5161–1 (OMB Number 0920–0428). Forms are available at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) at: (770) 488–2700. Application forms can be mailed to you.

Submission Date, Time, and Address

The application must be received by 4 p.m. Eastern Time July 24, 2003. Submit the application to: Technical Information Management-PA#03071, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146.

Applications may not be submitted electronically.

CDC Acknowledgement of Application Receipt

A postcard will be mailed by PGO-TIM, notifying you that CDC has received your application.

Deadline

Applications shall be considered as meeting the deadline if they are received before 4 p.m. Eastern Time on the deadline date. Any applicant who sends their application by the United States Postal Service or commercial delivery services must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If an application is received after closing due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, CDC will upon receipt of proper documentation, consider the application as having been received by the deadline.

Any application that does not meet the above criteria will not be eligible for competition, and will be discarded. The applicant will be notified of their failure to meet the submission requirements.

H. Evaluation Criteria

Application

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. (*See* Evaluation Criteria number six for more specific details.)

An independent review group appointed by CDC will evaluate each application against the following criteria:

1. Applicant's Relevant Expertise and Experience—(25 Points)

(a) The extent to which the applicant understands and has applied public

health principles to past trainings with practitioners.

(b) The extent to which the applicant has experience in planning, implementing and evaluating training programs. The applicant has included, as attachment A, a sample curriculum from a past training.

(c) The extent to which the applicant has experience in providing trainings or other related activities on the prevention of violence.

(d) The extent to which the applicant has experience providing consultation to supplement the knowledge and skills taught through the training modules.

(e) The extent to which the applicant has experience developing and disseminating written tools and other products, such as CD-roms or web-based tools, on public health principles.

(f) The extent to which the applicant documents the ability to provide CEU or CME credit.

2. Plan To Develop and Implement the Training Program—(25 Points)

(a) The extent to which the applicant has provided a plan that responds to the funding preferences indicated and includes (1) a clear description of the role and involvement of the steering committee; (2) the recruitment of expert faculty; (3) the steps to develop and implement individual training modules; (4) the process of selecting participants with priority given to CDC-funded grantees, (5) the overall objectives and evaluation plan of the project and (6) an adequate description of how it will provide logistical and administrative support for trainings including plans for conference facilities, staffing, travel arrangements and technical arrangements such as conference call lines and satellite and web capabilities.

(b) The extent to which the applicant provides a realistic plan given the available resources. The plan should include an estimated number of trainings the applicant can provide per year and the number of participants the applicant can serve through the various modes of delivery including but not limited to half-day to week-long workshops, seminars at conferences and Internet or audio conference-based series.

(c) The extent to which the applicant demonstrates creativity, flexibility and responsiveness to participant needs and CDC in planning the training modules. The applicant presents a training plan that is practical, relevant and considerate of the needs and resources in the field.

(d) The extent to which the applicant adequately addresses methods to be employed to provide feedback to CDC on (1) needs and challenges expressed by the participants and (2) successes and lessons learned in developing, implementing and evaluating training modules.

(e) The extent to which the applicant adequately addresses methods to be employed to provide consultation to participants on the implementation of strategies that promote evidence based practice.

(f) The extent to which the applicant fully and adequately describes how it will develop and disseminate written tools and other useable products such as CD-roms or web-based tools to the field.

(g) The extent to which the applicant includes a plan that covers the three-year project period with a detailed timeline for year one. The timeline for year one should include plans for the development of the first training module in the first six months and implementation in the first nine months.

(h) The extent to which the applicant describes how it will incorporate public health principles with the prevention of violence against women, youth violence and suicide in the development and implementation of the training modules.

3. Plan To Integrate Public Health Principles and Theory into the Training Program—(25 Points)

(a) The extent to which the applicant has provided a training plan that reflects a clear understanding of public health principles, such as: Evidence-based program planning and development (*i.e.*, using data to drive program decisions); the ecological framework or other multi-level approaches to prevention; designing programs with a focus on primary prevention; population-based approaches; program evaluation; and the feedback process from practice to research (*i.e.*, using findings ''from the field'' to shape future research activities).

(b) The extent to which the applicant's training plan demonstrates a clear theoretical framework that guides the use of public health principles. Various theoretical models that can guide the training include but are not limited to diffusion of innovation, stages of change or social justice.

(c) The extent to which the applicant provides a clear description on how they will integrate public health principles and a theoretical framework to the development of the training program.

(d) The extent to which the applicant has provided a plan that: (1) Demonstrates an understanding of the principles of adult learning and skill mastery/adoption; and (2) applies these principles to the development of the training modules.

4. Applicant's Capacity and Staffing—(15 Points)

(a) The extent to which the applicant demonstrates an existing capacity and infrastructure (including institutional experience, evidence of leadership, and current activities in the field) to manage the training program and carry out the required activities in the cooperative agreement. The applicant has included an organizational chart as Attachment B.

(b) The extent to which the applicant provides evidence that personnel assigned to key roles and having direct contact with participants have a proven track record of successfully conducting trainings for practitioners. The applicant has included, as Attachment C, curriculum vitae (CV) for each of the professional staff and faculty who will be involved in the project. This document should minimally include the person's name, educational background, work experience, relevant publications and awards, and percentage of time devoted to the project. Additionally, the applicant has included, as Attachment D, letters of support from faculty and consultants that the applicant has indicated will be utilized during the duration of the project. CVs and letter of support should also include if the person has expertise in prevention of violence against women, youth violence or suicide.

(c) The extent to which the applicant provides evidence that other assigned staff have appropriate technical and logistical skills to support the completion of the trainings and the continuation of training support. The applicant has included, as Attachment E, names and CVs of other staff who will be assigned to the project.

5. Collaboration—(10 Points)

(a) The extent to which the applicant demonstrates a willingness to collaborate with CDC in the planning, implementation and evaluation of the training program, and the development of training tools.

(b) The extent to which the applicant demonstrates experience in collaborating effectively with other organizations at the national, state, and local levels. Additionally, the applicant has included, as Attachment F, letters of commitment from organizations collaborating with the applicant on the activities in the cooperative agreement.

(c) The extent to which the applicant demonstrates an understanding of the impediments and facilitators of effective collaboration between organizations.

6. Measures of Effectiveness (Not Scored)

Measures of effectiveness must relate to the performance goal stated in the purpose: Increase the capacity of injury prevention and control programs to address the prevention of injuries and violence. Also, measures of effectiveness must reflect the recipient activities section of this announcement. Measures must be objective and quantitative and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

7. Budget (Not Scored)

The applicant should provide a detailed budget with complete line-item justification of all proposed costs consistent with the stated activities in the program announcement. Details must include a breakdown in the categories of personnel (with time allocations for each), staff travel, communications and postage, equipment, supplies, and any other costs. The budget projection must also include a narrative justification for all requested costs. Any sources of additional funding beyond the amount stipulated in this cooperative agreement should be indicated, including donated time or services. For each expense category, the budget should indicate the CDC share, the applicant share and any other support. These funds should not be used to supplant existing efforts.

I. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Detailed Line-Item Budget and Justification.

e. Additional Requested Information.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Additional Requirements

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the program announcement, as posted on the CDC Web site.

AR–10 Smoke Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–13 Prohibition of Use of CDC Funds for Certain Gun Control Activities
AR–15 Proof of Non-Profit Status

Executive Order 12372 does not apply to this program.

J. Where To Obtain Additional Information

This and other CDC announcements, the necessary applications, and associated forms can be found on the CDC Web site, Internet address: *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements''.

Pre-Application Conference Call

For interested applicants, one pre-application technical assistance call will be conducted. The call will be held June 30, 2003, at 2 p.m. Eastern Time for one hour. The conference call name is *Training Program for Violence Prevention* and the bridge number for the conference call is 404–639–3277, and the conference pass code is #123976.

For general questions about this announcement, contact: Technical Information Management, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: (770) 488–2700.

For business management and budget assistance, contact: Jim Masone, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: (770) 488–2736, e-mail address: *zft2@cdc.gov.*

For program technical assistance, contact: Rita K. Noonan, Ph.D., National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 4770 Buford Highway, NE., Mailstop K60, Atlanta, GA 30341, Telephone (770) 488–1532, *rnoonan@cdc.gov.*

Dated: June 13, 2003.

Edward Schultz,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 03–15454 Filed 6–18–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: 45 CFR part 95, section F.

OMB No.: 0992–0005.

Description: The advance planning document (APD) process, established in the rules at 45 CFR part 95, subpart F, is the procedure by which States request and obtain approval for Federal financial participation in their cost of acquiring automatic data processing (ADP) equipment and services. The State Agency's submitted APD provides the Department of Health and Human Services (HHS) with the following information necessary to determine the State's need to acquire the requested ADP equipment and/or services:

1. A statement of need;
2. A requirements analysis and feasibility study;
3. A cost benefit analysis;
4. A proposed activity schedule; and,
5. A proposed budget.

DHHS' determination of a State agency's need to acquire requested ADP equipment or services is authorized at sections 402(a)(5), 452(a)(1), 1902(a)(4) and 1102 of the Social Security Act.

Respondents

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Advance Planning Document	50	1.84	60	5,520
RFP and Contract	50	1.54	1.5	115.5
Emergency Funding Request	27	1	1	27

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Service Agreements	14	1	1	14
Biennial Reports	50	1	1.5	75
Estimated Total Annual Burden Hours				5,751.5

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *rsargis@acf.hhs.gov*.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF, E-mail address: *lauren_wittenberg@omb.eop.gov*

Dated: June 16, 2003.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 03–15503 Filed 6–18–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Elder Health Care Initiative

AGENCY: Indian Health Service, HHS.

ACTION: Notice of availability of funds for competitive grants for development of long-term care infrastructure for American Indian and Alaska Native (AI/AN) elders.

SUMMARY: The Indian Health Service (IHS) announces the availability of approximately $650,000 for competitive grants established under the authority of section 301(a) of the Public Health Service Act, as amended, to Tribal, Urban and non-profit Indian organizations to support projects that target the development of reimbursable long-term care services for American Indian and Alaska Native elders. There will be only one funding cycle during Fiscal Year (FY) 2003 (see Fund Availability and Period of Support). This program is described at 93.933 in the Catalog of Federal Domestic Assistance. Executive Order 12372 requiring intergovernmental review is not applicable to this program.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2010. A copy may be obtained by calling the National Center for Health Statistics, telephone (301) 443–8500 or at *http://www.healthypeople.gov/document.*

Smoke Free Workplace: The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Due Date: An original and two (2) copies of the completed grant application must be submitted with all required documentation to the Grants Management Branch, IHS, 801 Thompson Avenue, Suite 120, Rockville, MD 20852, by close of business August 1, 2003.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by close of business 5 p.m.; or (2) postmarked on or before the deadline date and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted as proof of timely mailing. Private metered postmarks will not be accepted as proof of timely mailing. Applications received after the announced closing date will be returned to the applicant and will not be considered for funding.

Additional Dates:

A. *Application Review Date:* August 11—September 2, 2003.

B. *Applicants Notified of Results (approved, approved unfunded, or disapproved):* September 15, 2003.

C. *Anticipated Start Date:* September 15, 2003.

Contacts for Assistance: For program information, contact Bruce Finke; M.D., Coordinator, IHS Elder Care Initiative, PO Box 467, Zuni, NM 87327, (505) 782–7357, *bfinke@abq.ihs.gov.*

Techinical Assistance for applicants will be available from the NICOA Long Term Care Technical Support Center (Dave Baldridge, Program Director, (505) 292–2001 or *dave@nicoa.org*).

For grant application and business information, contact Martha Redhouse, Grants Management Officer, Grants Management Branch, IHS, 801 Thompson Avenue, Suite 120, Rockville, MD 20852, (301) 443–5204. (The telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program goal, eligibility and documentation requirements, programmatic activities, funding availability and period of support, and application procedures.

General Program Goals: The American Indian and Alaska Native elder population is rapidly growing and the AI/AN population as a whole is aging. The prevalence of chronic disease in this population continues to increase, contributing to a frail elder population with increasing long-term care needs.

The goal of this grant program is to assist Tribes and urban communities to develop reimbursable or self-financing long-term care services for their frail elders. The need for these services should be clearly established based on demographics and the assessment of rates of functional impairment in the population. The services should be acceptable to elders and their families and consistent with community values in their implementation. The services should be part of an overall vision and plan for a long-term care system to support elders and their families.

Long-term care can be understood as an array of social and health care services that support an individual who has needs for assistance in activities of daily living over a prolonged period. While families continue to be the backbone of long-term care for AI/AN

elders, there is an urgent need to develop both services and systems of care to support families as they care for their elders. The way systems are developed and implemented can have significant impact on the cultural and spiritual health of the community. Home and community based services have been demonstrated to be the most cost efficient approach to long-term care, have the potential for meeting the needs of the vast majority of elders requiring long-term care services, and support the key roles of the family in the care of the elders and the elder in the care of the family and community.

Tribes and communities have very different histories, capabilities, and resources with regard to long-term care program development. Thus, each tribe or community will have different priorities in building an infrastructure of long term care. The focus of long term care planning and service delivery is at the tribal and urban community level. An efficient and effective system of long term care would make use of all available resources, integrating and coordinating services to assist families in the care of their elders. A necessary step in that process is to develop tribally administered and delivered long term care services.

Applicants are required to demonstrate the sustainability through ongoing reimbursement or other funding of projects initiated with grant funds. Applicants are also required to demonstrate how the grant-funded program integrates into a long-term care for the Tribe and community. A variety of resources are available to fund Tribal or urban AI/AN long-term care services. While currently funded IHS services comprise parts of a long-term care system, the degree to which these resources are applied to the needs of elders depends both on the local health care priorities and on the degree of organization of the system to care for elders. Programs funded through the Administration on Aging (including the recently funded National Family Caregiver Support Program) have been key elements in the long-term care infrastructure in Indian communities. Other resources are available to provide long-term care services on a reimbursable basis to eligible AI/AN elders. The majority of long-term care services in this country are funded by Medicaid, Medicare (limited) and various State-home and community-based care programs. The Veterans Administration is also a source of reimbursement for long-term care services for eligible AI/AN Veterans. Federal housing programs are a potential resource in developing the long-term care infrastructures. Each of these resources has unique eligibility requirements.

The Long-Term Care Technical Support Center (Dave Baldridge, Program Director, (505) 292–2001 or *dave@nicoa.org*) will be available to provide consultation and technical support to Tribes and communities as they develop their grant application.

Eligibility and Documentation Requirements: Any federally recognized Indian Tribe, Tribal or American Indian/Alaska Native organization or 501(c)(3) non-profit organizations serving primarily American Indians and Alaska Natives is eligible to apply for a grant from the IHS under this announcement. All eligible Tribes, Tribal, or American Indian/Alaska Native organizations must meet the descriptions and criteria established to determine non-profit status as specified in this grant announcement. American Indian and Alaska Native Faith-Based non-profit organizations are both included and encouraged to apply as implied in American Indian/Alaska Native organizations as referenced above.

Documentation of Support

1. Tribal Resolutions.

(a) A resolution of the Indian Tribe or Indian Tribal organization supporting this specific project must accompany the application submission.

(b) Applications which propose services which will benefit more than one Indian Tribe must include resolutions from all affected Tribes to be served.

(c) Applications by Tribal organizations will not require resolution(s) if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities. A statement of proof or a copy of the current operational resolution must accompany the application.

(d) If a resolution or a statement is not submitted, the application will be considered incomplete and will be returned without consideration.

2. Non-Profit organizations must submit a copy of the 501(c)(3) certificate, a valid IRS tax exemption certificate or a statement from a State taxing body certifying applicant organization has a nonprofit status.

3. Letters of Cooperation/Collaboration/Assistance.

(a) Letters included in the application should be specific to this program.

(b) If other related human services programs are to be involved in the project, letters confirming the nature and extent of their cooperation/collaboration/assistance must be submitted.

Project Types

Eligible projects are those that aim to develop the capacity to deliver long-term care services at the Tribal or regional level. The application should describe a comprehensive plan or vision for elder care services for the community and how the grant proposal will move toward that vision through program development. Examples include the establishment of a personal care agency licensed through a state home and community based care waiver program, establishment of hospice or home health agency, licensed elder day program, geriatric assessment (to identify the needs of the frail elder and their family and identify services which are currently available to meet those needs), case management to organize, broker, and monitor services, community housing such as assisted living, board and care or adult foster home.

The proposal should:

1. Include a brief assessment of current resources and programs.

2. Demonstrate how the need for the particular service or program was identified. If information is not currently available regarding elder demographics and functional impairment rates, this should be obtained in the first year of the grant. Additional years of funding will be contingent on demonstrating this basic demographic information.

3. Show how the project will make use of available funding streams (Medicaid waivers, personal care options or State-home and community based care services, VA long-term care benefits, other resources) for service delivery.

4. Integrate or coordinate with currently available local services for the elderly (including those available through current IHS funding, Title VI or Family Caregiver Support funding, Tribal funding, and other resources). When possible this should be indicated in letters of support.

5. Demonstrate consistency with cultural values of the community around the care of the elderly.

6. Build upon the family as the primary source of support for the elder.

7. Applicants are encouraged to explore novel funding streams to provide services (*e.g.,* TANF training funds, HUD, USDA programs).

8. The application should include a clear plan for self-sufficiency through reimbursement or ongoing funding by the end of the grant cycle. This should

include agency licensing or certification as required.

9. Tribal match or cost sharing is not required.

Fund Availability and Period of Support: In FY 2003, it is anticipated that approximately $650,000 will be available to support 20 projects at approximately $30,000 to $50,000 each year for three years, inclusive of direct and indirect costs. Projects will be funded in annual budget periods of three years. Continuation of projects following the initial three-year project will be based upon the availability of appropriations in future years, the continuing need of IHS for the projects, and satisfactory project performance. Projects should not anticipate continued funding past the project period and should include efforts to become self-sustaining. The anticipated start date will be September 15, 2003.

The Elder Care Initiative Grant Application Kit: An IHS Grant Application Kit, including form PHS 5161–1 (rev. 7.00), (OMB Approval No. 0920–0428) may be obtained from the Grants Management Branch, IHS, 801 Thompson Avenue, Suite 120, Rockville, MD 20852, telephone (301) 443–5204.

Factors for Consideration in Preparing the Application

1. Following the outline provided in the announcement will guide the writing of the application and facilitate the reviewers in locating required information.

2. Projects should demonstrate coordination with other agencies and organizations within and without the community who serve the targeted population.

3. Indian cultural aspects should be considered in program design.

Application Process: All applications must be single-spaced, typewritten, and consecutively numbered pages using black type not smaller than 12 characters per one inch, with conventional one-inch border margins, on only one side of standard size 8½ × 11 paper that can be photocopied. The application Narrative (not including the Appendix) must not exceed ten typed pages. An additional page may be used for each additional year of funding requested. Exclusions from the 10-page limit are the Abstract, Tribal Resolution(s), 501(c)(3) non-profit certificate, valid IRS tax exemption certificate, Letters of Documentation or Support, Standard Forms, Table of Contents, and the Appendix. All applications must include the following in the order presented:

(a) Tribal Resolution(s) and Documentation or 501(c)(3) Certification, or a copy of the Letters of Cooperation/Collaboration/Assistance
(b) Standard Form 424, Application for Federal Assistance
(c) Standard Form 424A, Budget Information—Non-Construction Programs (pages 1 and 2)
(d) Standard Form 424B, Assurances—Non-Construction Programs (front and back)
(e) Checklist (pages 25–26) NOTE: Each standard form and the checklist is contained in the PHS Grant Application, Form PHS 5161–1 (Rev. 07/00)
(f) A Project Abstract (may not exceed one typewritten page) should present a summary view of ''who-what-when-where-how-cost'' to determine acceptability for review
(g) A table of contents to correspond with numbered pages
(h) Project Narrative (10 pages)
  (1) Introduction and Need for Assistance
  (2) Project Objective(s), Approach, and Results & Benefits
  (3) Project Evaluation
  (4) Organizational Capabilities and Qualifications
  (5) Budget
(i) Proof of Non-Profit status as follows:
  1. A reference to the applicant organization's listing in the Internal Revenue Services: (IRS) most recent list of tax-exempt organizations described in section (501)(c)(3) of the IRS code.
  2. A copy of a currently valid IRS tax exemption certificate.
  3. A statement from a State taxing body, State Attorney General, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earnings accrue to any private shareholders or individuals.
  4. A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.
  5. Any of the above proof for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.
(j) Appendix to include:
  (1) Resumes of key staff
  (2) Position description for key staff
  (3) Organizational chart
  (4) Documentation of current certified financial management systems
  (5) Copy of current negotiated indirect cost rate agreement
  (6) A map of the area to benefit from the project, and
  (7) Application Receipt Card, IHS–815–1A (Rev. 4–97).

(a) Narrative

The narrative section of the application must include the following: (1) Justification for need for assistance; (2) work plan (including use of appropriate Native healing practices), program objectives, approach, expected results and evaluation process, (3) adequacy of management controls, and (4) key personnel. The work plan section should be project specific. These instructions for the preparation of the narrative are to be used in lieu of the instructions on pages 21–23 of PHS 5161–1. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. The Narrative may not exceed TEN single spaced pages in length, excluding attachments, budget and Tribal Resolutions, 5019c)(3) non-profit certificate, and Letters of Support. (Pages must be numbered.

(b) Need for Assistance

(1) Describe and define the target population at the project location (*e.g.* tribal population, number of elders 55 years and older, percentage and numbers of elders who have functional impairment and are in need of assistance). Information sources must be appropriately identified.

(2) Describe the existing resources and services available, including the maintenance of Native healing systems, where appropriate, which are related to the specific program/service the applicant is proposing to provide. Supply the name, address, and phone number of a contact person for each.

(3) Describe in detail the needs of the target population and what efforts have been made in the past to meet these needs, if any (*e.g.* programs and services currently available to meet the needs of the frail or functionally impaired elderly).

(4) Summarize the applicable national, IHS, and/or State standards, laws and regulations, and describe the unmet needs of any applicant's current program in relation to applicable national, IHS, and/or State standards, laws and regulations, (*e.g.* Medicare/Medicaid, third-party payor reimbursements, Federal/State/Tribal

laws regarding instituting home health agencies, elder housing, adult day-care, nursing homes, etc.)

(c) Work Plan

(1) Program Objectives

(i) State concisely the objectives of the project.

(ii) Describe briefly what the project intends to accomplish.

(iii) Describe how accomplishment of the objectives will be measured (including if replicable).

(2) Approach

(i) Describe the tasks and resources needed to implement and complete this project.

(ii) Provide a task time line (milestones) breakdown or chart. Include the date that the project will begin to accept clients.

(3) Describe the Expected Results

(i) Discuss data collection for the project, how it will be obtained, analyzed, and maintained by the project. Data should include, but is not limited to, the number and types of clients served, services provided, client outcomes and satisfaction, and costs associated with the program.

(ii) Describe how the data collection will support the stated program objectives and how it will support the program evaluation to determine the impact of the project.

(4) Program Evaluation

(i) Describe the methods for evaluating program activities, effectiveness of interventions, success in achieving objectives, the impact of interventions, acceptance among the targeted population, and workload accomplishments.

(ii) Identify who will conduct the evaluation of the projected outcomes and when the evaluation is to be completed.

(iii) Identify the cost of the evaluation (whether internal or external).

(5) Program Continuance

Discuss how the program services will be sustainable through ongoing reimbursement or other established funding mechanisms.

(6) Experience Sharing

Indicate the project's willingness to share its program experience with IHS Areas, urban programs, Tribes and other Tribal organizations.

(d) Adequacy of Management Controls

(1) Describe where the project will be housed, *i.e.* facilities and equipment available.

(2) Describe the management controls of the grantee over the directions and acceptability of work to be performed. Discuss personnel and financial systems in use and changes planned for this grant.

(3) Applicant must demonstrate that the organization has adequate systems and expertise to manage Federal funds. Also, include a letter from the accounting firm describing results of the most recent organization-wide audit.

(e) Key Personnel

(1) Provide a biographical sketch (qualifications) and position descriptions for the program director and other key personnel as described on page 22 of the PHS 5161–1. Identify existing personnel and new program staff to be hired.

(2) Provide an organizational chart and indicate how the project will operate within the organization. Describe how this program will interface with other existing available resources.

(3) List the qualifications and experience of consultants or contractors where their use is anticipated. Identify who will determine if the work of a contractor is acceptable.

(f) Budget

(1) An itemized estimate of costs and justification for the proposed program by line item must be provided on Form SF 424A Budget Information Non-Construction Programs.

(2) A narrative justification must be submitted for all costs. Indicate needs by listing individual items and quantities necessary. The need for items and quantities should be clearly specified in the narrative justification.

(3) Any special start up costs should be indicated.

(4) Three-Year Projects—Projects requiring three years of funding must include a brief program narrative and budget for each additional year of funding requested. The applicant may use one additional page to describe the developmental plans for each additional year of the project.

(5) Grant funding may not be used to supplant existing public and private resources.

(g) Assurances

The application shall contain assurance to the Secretary that the applicant will comply with program regulations, 42 CFR part 36, Subpart H.

Review Process: Applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement will be reviewed for merit by reviewers appointed by the IHS. The review will be conducted in accordance with PHS review procedures. The review process ensures selection of quality projects in a national competition for limiting funding. Applications will be evaluated and rated on the basis of the evaluation criteria listed below. These criteria are used to evaluate the quality of a proposed project, to assign a numerical score to each application, and to determine the likelihood of its success. Applications scoring below 60 points will not be funded. Applications that are acceptable for funding based on scoring will be ranked. Considerations in ranking include geographic diversity among funded programs, diversity in population size among Tribes and communities served by funded programs, and unique features with regard to type of program planned or population served.

Evaluation Criteria: Applications will be evaluated against the following criteria and weights:

Weight	Criteria	Description
25%	1	Need—The demonstration of identified problems and risks in the target population. Extent of community involvement and commitment. This includes the statement of the vision or plan for elder care and the assessment of current resources, programs, and existing funding streams for services.
40%	2	Work Plan—The soundness and effectiveness of the applicant's plan for conducting the project, with special emphasis on the objectives and methodology portion of the application. This includes how the proposal fits the overall plan for long-term care, how it will make use of existing or novel funding streams for services, how it is integrated into the existing service structure, and the likelihood of achieving self-sufficiency by the end of the grant cycle.
15%	3	Adequacy of Management Controls—The apparent capability of the applicant to successfully conduct the project including both technical and business aspects. The soundness of the applicant's budget in relation to the project work plan and for assuring effective utilization of grant funds. Adequacy of facilities and equipment available within the organization or proposed for purchase under the project.
10%	4	Key Personnel—Qualifications and adequacy of the key staff.

Weight	Criteria	Description
10%	5	Budget—Clarity and accuracy of program costs, and cost justification for the entire grant period.
100% Total Weight		

Reporting Requirements

(1) Progress Report—Program progress reports will be required semiannually. These reports will include a brief description of a comparison of actual accomplishments to the goals established for the period, reasons for slippage and other pertinent information as required. A final report is due 90 days after expiration of the project/budget period.

(2) Financial Status Report—A semiannual financial status report will be submitted 30 days after the end of the half-year. Final financial status reports are due 90 days after expiration of the project/budget period. Standard Form 269 (long form) will be used for financial reporting.

Grant Administration Requirements: Grants are administered in accordance with the following documents:

(1) 45 CFR Part 92. Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR Part 74, Administration of Grants to Non-profit recipients.

(2) Public Health Service Grants Policy Statement, and

(3) Appropriate Cost Principles: OMB Circular A–87, State and Local Governments, or OMB Circular A–122, Nonprofit Organizations.

Results of the Review: Successful applicants are notified through the official Notice of Grant Award (NGA) document. The NGA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, and the budget period.

Dated: June 12, 2003.

Charles W. Grim,

Assistant Surgeon General, Interim Director, Indian Health Service.

[FR Doc. 03–15507 Filed 6–18–03; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Privacy Act of 1974; Proposed Revisions to the OIG's Privacy Act Systems of Records

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice of proposed revisions to existing Privacy Act systems of records.

SUMMARY: The Office of Inspector General proposes to revise both the existing system of records, entitled ''Criminal Investigative Files'' (09–90–0003), last updated on November 2, 1990 (55 FR 46248), and the existing system of records, entitled ''Civil and Administrative Investigative Files'' (09–90–0100), last updated on September 30, 1982 (47 FR 43190). These systems of records, maintained by the OIG, are being revised to comply with requirements established by the Homeland Security Act of 2002 (Pub. L. 107–296; November 25, 2002). We intend to revise these systems by adding a new routine use to allow disclosure of information to authorized officials within the President's Council on Integrity and Efficiency (PCIE), who are charged with the responsibility for conducting qualitative assessment reviews of investigative operations.

DATES: *Effective Date:* These revisions will become effective, without further notice, on August 4, 2003, unless comments received on or before that date result in a contrary determination.

Comment date: Comments on these revisions will be considered if we receive them at the address provided below no later than 5 p.m. on July 21, 2003. Interested persons may submit written comments on this proposal to the address indicated below.

ADDRESSES: Please mail or deliver written comments to the following address: Office of Inspector General, Office of Counsel to the Inspector General, 330 Independence Avenue, SW., Washington, DC 20201, Attention: OIG–0503–N.

We do not accept comments by facsimile (FAX) transmission. In commenting, please refer to file code OIG–0503–N. Comments received timely will be available for public inspection as they are received, generally beginning approximately 2 weeks after publication of a document, in Room 5541 of the Office of Inspector General at 330 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Joel Schaer, Office of Counsel to the Inspector General, (202) 619–0335.

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their amended systems of records in the **Federal Register** when there is a revision, change, or addition. The OIG has reviewed its systems of records and has determined that both its Investigation Case Files record system and its Civil and Administrative Investigative Files must be revised to add a routine use in order to comply with the Homeland Security Act of 2002. Specifically, section 812(7) of the Act states that: ''[T]o ensure the proper exercise of the law enforcement powers authorized by the subsection, the Office of Inspector General described in paragraph (3) shall, not later than 180 days after the enactment of this subsection, collectively enter into a memorandum of understanding to establish an external review process for ensuring that adequate internal safeguards and management procedures continue to exist with each Office and within any Office that later receives an authorization under paragraph (2). The review process shall be established in consultation with the Attorney General, who shall be provided with a copy of the memorandum of understanding that establishes the review process. Under the review process, the exercise of the law enforcement powers by each Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the applicable Inspector General and to the Attorney General.''

Specifically, we are proposing to amend the section for ''Routine uses of records maintained in the system, including categories of users and purposes of such uses'' in both systems of records (1) by adding a new paragraph n. to the current Criminal Investigative Files; and (2) by adding a new paragraph (12) to the current Civil and Administrative Investigative Files. The additional routine use paragraphs will allow the disclosure of information to authorized officials within the PCIE, the Department of Justice, and the Federal Bureau of Investigation, as necessary, for the purpose of conducting qualitative assessment reviews of the OIG's investigative operations to ensure that adequate internal safeguards and management procedures are maintained.

Accordingly, both systems of records would be amended as set forth below:

1. The *Criminal Investigative Files of the Inspector General* (09–90–0003) would be amended by adding a new paragraph n. under the subheading for ''Routine Uses of Records Maintained in the System, Including Categories of Users and Purpose of Such Uses'' to read as follows:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:

* * * * *

n. A record may be disclosed to any official charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in investigative operations. This disclosure category includes members of the President's Council on Integrity and Efficiency and officials and administrative staff within their investigative chain of command, as well as authorized officials of the Department of Justice and the Federal Bureau of Investigation.

2. The *Civil and Administrative Investigative Files of the Inspector General* (09–90–0100) would be amended by adding a new paragraph 12. under the subheading for ''Routine Uses of Records Maintained in the System, Including Categories of Users and Purpose of Such Uses'' to read as follows:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:

These records may be used as follows:

* * * * *

(12) A record may be disclosed to any official charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in investigative operations. This disclosure category includes members of the President's Council on Integrity and Efficiency and officials and administrative staff within their investigative chain of command, as well as authorized officials of the Department of Justice and the Federal Bureau of Investigation.

Dated: June 9, 2003.

Dara Corrigan,

Acting Principal Deputy Inspector General.

[FR Doc. 03–15511 Filed 6–18–03; 8:45 am]

BILLING CODE 4152–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4816–N–02]

Notice of Proposed Information Collection; Comment Request; Affirmative Fair Housing Marketing Plan

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: August 18, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Surrell Silverman, Reports Liaison Officer, Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street, NW., Room 5216, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Gwendolyn V. Jackson, Department of Housing and Urban Development, 451 7th Street, SW., Room 5222, (202) 708–2288 (this is not a toll-free number) for copies of the proposed forms and other available documents. Hearing- or speech-impaired individuals may access this number TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8399.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

The notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Affirmative Fair Housing Marketing Plan.

OMB Control Number: 2529–0013.

Description of the need for the information and proposed use: HUD uses this information to assess the adequacy of the applicant's proposed actions to carry out the Affirmative Fair Housing Marketing requirements of 24 CFR 200.600 and review compliance with these requirements under 24 CFR part 108, the AFHM Compliance Regulations.

Agency form numbers, if applicable: HUD 935.2

Members of affected public: Applicants for mortgage insurance under the Department's insured single family and multifamily programs.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: On an annual basis, 3,006 respondents, 1 response per respondent, 3,006 total responses. Each response should take approximately 3 hours to complete for a total of 9,018 burden hours.

Status of the proposed information collection: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, is amended.

Dated: June 10, 2003.

Carolyn Y. Peoples,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 03–15445 Filed 6–18–03; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Lake Erie Water Snake (*Nerodia sipedon insularum*) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces availability for public review of a draft recovery plan for the Lake Erie water snake

(*Nerodia sipedon insularum*). This species is federally listed as threatened under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) on the offshore islands and surrounding waters in the western basin of Lake Erie, Ohio. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan received on or before August 18, 2003 will be considered by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Reynoldsburg Ohio Field Office, U.S. Fish and Wildlife Service, 6950 Americana Parkway, Suite H, Reynoldsburg, Ohio 43068–4127, telephone (614) 469–6923, email *lewatersnake@fws.gov,* or by accessing the Web site: *http://midwest.fws.gov/Endangered.* Copies of the draft recovery plan may also be viewed at four public libraries listed in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Ms. Megan Seymour at the above address, or telephone at (614) 469–6923, x16. TTY users may contact Ms. Seymour through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the federally threatened and endangered species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria which when met, would result in a determination that the species no longer needs the protection of the Act, and provide estimates of the time and cost for implementing the recovery measures needed.

The Act requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires public notice and opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into consideration in the course of implementing approved recovery plans.

Lake Erie water snakes on the offshore islands and surrounding waters of Lake Erie were listed as threatened on August 30, 1999. Water snakes found on the Ohio mainland and islands adjacent to the mainland are not protected by the threatened designation due to the likelihood that these snakes represent intermediate forms between the Lake Erie water snake and northern water snake. The Lake Erie water snake spends summers basking on the rocky shorelines of the limestone and dolomite islands in the western Lake Erie basin. Hibernation habitat for the snake is composed of areas inland from the shore, which typically have soil and rock substrates and consist of natural openings or fissures. Human-made structures such as crib docks and erosion control protection can provide suitable summer habitat, while old building foundations and drainage tiles may provide suitable hibernation habitat. The primary threats to the snake include both accidental and intentional human-induced mortality, and loss of suitable summer and hibernation habitat through development. Nine U.S. islands and seven Canadian islands currently provide year-round habitat for the snake, while two U.S. islands provide summer habitat only. The Lake Erie water snake has been extirpated from one U.S. island and two Canadian islands.

Recovery will be achieved and the species removed from the list of Threatened and Endangered Species when the following criteria are met: (1) A minimum of 5,555 adult snakes exists on nine U.S. islands combined for six or more consecutive years, including at least 900 snakes on Kelleys Island, 850 snakes on South Bass Island, 620 snakes on Middle Bass Island, and 410 snakes on North Bass Island, with the remaining snakes occurring on any of the nine islands; (2) a total of 7.4 km of shoreline habitat and 51 hectares of hibernation habitat distributed proportionately among the four largest U.S. islands are protected in perpetuity by a written agreement approved by Service; (3) objective analysis of public attitude indicates that human persecution is no longer a threat to the continued existence of the snake; and (4) accidental human-induced mortality no longer poses a significant threat to the population.

Library Locations

Copies of the documents can be obtained as indicated in the **ADDRESSES** section, and are also available for review at the following libraries:

1. Port Clinton Public Library, 310 Madison Street, Port Clinton, Ohio 43452.
2. Sandusky Library, 114 W. Adams Street, Sandusky, Ohio 44870.
3. Sandusky Library, 528 Division Street, Kelleys Island, Ohio 43438.
4. South Bass Island Library, Put-In-Bay School, Catawba Avenue, Put-In-Bay, Ohio 43456.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified will be considered prior to approval of the plan. Written comments and materials regarding the plan should be addressed to the Field Supervisor (*see* **ADDRESSES** section). Comments and materials received will be available, by appointment, for public inspection during normal business hours, at the above address.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: May 23, 2003.

Charles M. Wooley,

Assistant Regional Director, Ecological Services.

[FR Doc. 03–15456 Filed 6–18–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of intent To Prepare an Environmental Impact Statement (EIS) Related to the Horseshoe and Bartlett Habitat Conservation Plan (HCP) by the Salt River Project in Arizona

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; notice of public scoping meeting.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), this notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to prepare an EIS to evaluate the impacts of and alternatives to the issuance of an incidental take permit (ITP), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), to the Salt River Project (SRP). SRP proposes to apply for an ITP, through development and implementation of the HCP, as required by the Act. The HCP will provide the measures to minimize and mitigate the impacts of the proposed taking of listed

and sensitive species and the habitats upon which they depend.

DATES: We must receive written comments on alternatives and issues to be addressed in the EIS are requested by August 15, 2003. We will hold a public scoping meeting on July 15, 2003, from 6 p.m. to 8 p.m. at the offices of the Salt River Project. We will accept oral and written comments at this meeting.

ADDRESSES: Send written comments to Mr. Steve Spangle, Field Supervisor, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021. The public scoping meeting will take place at the offices of the Salt River Project, 1521 Project Drive, Tempe, Arizona.

FOR FURTHER INFORMATION CONTACT: For further information on the EIS, contact Ms. Debra Bills, Arizona State Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021 at 602/242–0210.

For further information on the HCP, contact Ms. Ruth Valencia, Senior Environmental Scientist, Salt River Project, P.O. Box 52025, PAB352, Phoenix, AZ 85072–2025 at 602/236–2830, or Mr. Craig Sommers, President, ERO Resources Corporation, 1842 Clarkson Street, Denver, CO 80218 at (303) 830–1188.

SUPPLEMENTARY INFORMATION: This notice advises the public that the Service intends to gather information necessary to determine impacts and formulate alternatives for the EIS related to the potential issuance of an ITP to SRP and the development and implementation of the HCP, which will provide measures to minimize and mitigate the effects of the incidental take of federally listed species.

Background: Horseshoe Dam and Reservoir and Bartlett Dam and Reservoir (Horseshoe and Bartlett) are operated by SRP on the Verde River in central Arizona. SRP operates Horseshoe and Bartlett in conjunction with four reservoirs on the Salt River as integral features of the Salt River Reclamation Project (Project), authorized by the Reclamation Act of 1902, 43 U.S.C. 371 *et seq.* SRP's reservoirs impound runoff from a 13,000-square mile watershed in central Arizona. The water stored in these six reservoirs is delivered via SRP canals, laterals, and pipelines to municipal, industrial, and agricultural water users in the Phoenix metropolitan area.

SRP reservoirs supply water to the cities of Phoenix, Mesa, Chandler, Tempe, Glendale, Gilbert, Scottsdale, Tolleson, Peoria, and Avondale. Water from SRP reservoirs is also used within the Project for the irrigation of agricultural lands and for other purposes. Additionally, water from SRP reservoirs is delivered to the Salt River Pima-Maricopa Indian Community, Fort McDowell Indian Community, Gila River Indian Community, Buckeye Irrigation Company, Roosevelt Irrigation District, Roosevelt Water Conservation District, and others.

Horseshoe and Bartlett were constructed during the 1930s and 1940s. SRP operates Horseshoe and Bartlett pursuant to contracts with the United States and others dated 1917, 1935, 1946, 1948, 1988 and 1993. Like the four other reservoirs in SRP's system, Horseshoe and Bartlett supply water to lands within the Phoenix metropolitan area for irrigation, municipal, and other purposes. Horseshoe and Bartlett also provide a variety of recreational uses and environmental benefits in central Arizona.

Due to dry conditions in central Arizona for the past several years, the reservoir level behind Horseshoe and Bartlett dams has been below normal. As a result, riparian trees and shrubs have grown in the Horseshoe storage space. Wildlife that use riparian habitat have followed the vegetation growth and now occupy areas within the reservoir. In particular, a population of southwestern willow flycatchers (*Empidonax traillii extimus*), which is listed as endangered under the Act, was found in habitat within the storage space at Horseshoe and along the Verde River below the reservoir in 2002. Thus, periodic refilling of the reservoir may adversely affect the habitat and nesting of the southwestern willow flycatcher and other sensitive species.

Purpose and Need for Action: Section 9 of the Act prohibits the ''taking'' of threatened and endangered species. The Service may, however, under limited circumstances, issue permits to take federally listed and candidate species, when such a taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22. The term ''take'' under the Act means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. The application for an ITP will seek approval for incidental take of named species associated with SRP's operation of Horseshoe and Bartlett, consistent with their purpose as water storage facilities.

Section 10(a)(1)(B) of the Act and regulations at 50 CFR 17.32 contain provisions for issuing ITPs to non-federal entities for the take of endangered and threatened species, provided the Service determines the following criteria are met:

1. The taking will be incidental;
2. The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
3. The applicant will develop an HCP and ensure that adequate funding for the HCP will be provided;
4. The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and
5. Any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP to be met.

Proposed Action: The proposed action by the Service is the issuance of an ITP for listed and sensitive species for SRP's operation of Horseshoe and Bartlett, pursuant to section 10(a)(1)(B) of the Act. SRP will develop and implement the HCP, as required by section 10(a)(1)(B) of the Act. The HCP will provide measures to minimize and mitigate the impacts of the proposed taking of listed and sensitive species and the habitats upon which they depend. The biological goal of the HCP is to ensure that any take of listed species will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.

The ITP, if issued, would enable SRP to continue the operation of Horseshoe and Bartlett to store and release water, and to perform associated activities.

SRP is expected to apply for an ITP for the following federally listed and candidate species: the endangered southwestern willow flycatcher and razorback sucker (*Xyrauchen texanus*), the threatened bald eagle (*Haliaeetus leucocephalus*), and the candidate yellow-billed cuckoo (*Coccyzus americanus*), should it be listed in the future.

SRP is also seeking to cover any other rare and/or sensitive species that may be affected by SRP's operation of Horseshoe and Bartlett. The ITP would take effect for unlisted species that are adequately covered by the HCP upon listing of such species as threatened or endangered by the Service. Other listed species for which SRP is not seeking permit coverage may also benefit from the conservation measures provided in the HCP.

Alternatives: Alternatives currently being considered by the Service include the following:

1. Proposed Action by the Service—Issuance of an ITP by the Service authorizing the operation of the full capacity of Horseshoe and Bartlett by SRP, possibly with modified operating goals, along with implementation of the

HCP involving measures to minimize and mitigate the impacts of incidental take of federally listed and candidate species.

2. No Action by the Service—No issuance of an ITP by the Service; this would require SRP to do everything within its control to avoid any take of federally listed species associated with its operation of Horseshoe and Bartlett.

3. Other Section 10 Alternatives—Issuance of an ITP by the Service for an HCP involving the operation of Horseshoe and Bartlett under various combinations of storage capacity and operating goals, along with additional measures to minimize and mitigate the impacts of potential take of federally listed and candidate species. It is anticipated that the EIS will consider one or two alternatives of reservoir capacity and operation in addition to the Proposed Action and the No Action alternatives.

Additional Information: The Service anticipates that SRP will request a permit duration of 50 years. Implementation of the HCP will result in the establishment of measures that will provide for the conservation of covered species and their habitats in perpetuity. Research and monitoring, in combination with adaptive management, will be used to facilitate accomplishment of these measures.

The Service will conduct an environmental review that analyzes the proposed action, as well as a range of reasonable alternatives and the associated impact of each. The EIS will be the basis for the Service's evaluation of impacts to the species and to the environment, including the range of alternatives to be evaluated. The EIS is expected to provide biological descriptions of species and habitats as well as the effects of the proposed action on: vegetation, wetlands, wildlife, threatened or endangered species and species of concern, geology and soils, visual resources, air quality, water resources, flood control, water quality, archaeology, historic structures, traditional cultural properties, land use, recreation, water use, local economy, and environmental justice.

Comments and suggestions are invited from all interested parties to ensure that a range of issues and alternatives related to the proposed action are identified. The review of this project will be conducted according to the requirements of NEPA (42 U.S.C. 4321 *et seq.*), NEPA Regulations (40 CFR parts 1500–1508), and other appropriate federal laws, regulations, policies, and guidance. Written comments received by the Service become part of the public record associated with this action. Those comments, as well as the names and addresses of commenters, may be disclosed under the Freedom of Information Act unless a commenter gives a privacy or other exemption justification.

Related Project Documentation: It is anticipated that the EIS process will make full use (including incorporation by reference, as appropriate, pursuant to NEPA) of documents prepared by other entities regarding the environmental and socioeconomic issues in the project area, copies of which will be available for public inspection, by appointment, at the office of Ms. Ruth Valencia, Senior Environmental Scientist, Salt River Project, PO Box 52025, PAB352, Phoenix, AZ 85072–2025 at (602) 236–2830.

After the environmental review is completed, the Service will publish a notice of availability and a request for comment on the draft EIS and SRP's permit application, which will include the draft HCP.

The draft EIS is expected to be completed by February 2004.

Bryan Arroyo,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 03–15457 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Request for Information and Recommendations on Species Proposals, Resolutions, Decisions, and Agenda Items for Consideration at the Thirteenth Regular Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; U.S. Approach for the Meeting of the Conference of the Parties

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for information.

SUMMARY: In order to implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or the Convention), the Parties to the Convention meet periodically to review which species in international trade should be regulated and other aspects of the implementation of CITES. We have been informed that the thirteenth regular meeting of the Conference of the Parties to CITES (COP13) will be held October 3–14, 2004, in Bangkok, Thailand. Therefore, with this notice we are soliciting recommendations for amending Appendices I and II of CITES at COP13. We are also soliciting recommendations for resolutions, decisions, and agenda items for discussion at COP13. We invite you to provide us with information and recommendations on animal and plant species that should be considered as candidates for U.S. proposals to amend CITES Appendices I and II. Such amendments may concern the addition of species to Appendix I or II, the transfer of species from one Appendix to another, or the removal of species from Appendix II. We also invite you to provide us with information and recommendations on possible resolutions, decisions, and agenda items for discussion at the upcoming meeting. Finally, with this notice we also describe the U.S. approach to preparations for COP13.

DATES: We will consider all information and comments received by August 18, 2003.

ADDRESSES: Send correspondence pertaining to species proposals to the Division of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 750; Arlington, Virginia 22203, or via E-mail to: *scientificauthority@fws.gov.* Comments and materials received pertaining to species proposals will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Division of Scientific Authority.

Send correspondence pertaining to resolutions, decisions, and agenda items to the Division of Management Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 700; Arlington, Virginia 22203, or via E-mail at: *cites@fws.gov.* Comments and materials received pertaining to resolutions, decisions, and agenda items will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Division of Management Authority.

FOR FURTHER INFORMATION CONTACT: For information pertaining to species proposals: Robert R. Gabel, Chief, Division of Scientific Authority, phone 703–358–1708, fax 703–358–2276, E-mail: *scientificauthority@fws.gov.*

For information pertaining to resolutions, decisions, and agenda items: Peter O. Thomas, Chief, Division of Management Authority, phone 703–358–2095, fax 703–358–2298, E-mail: *cites@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild

Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction. These species are listed in the Appendices to CITES, which are available on the CITES Secretariat's Website at *http://www.cites.org/eng/append/index.shtml.* Currently, 162 countries, including the United States, are Parties to CITES. The Convention calls for biennial meetings of the Conference of the Parties, which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, and/or agenda items for consideration by all the Parties.

This is our first in a series of **Federal Register** notices that, together with announced public meetings, provide you with an opportunity to participate in the development of the U.S. negotiating positions for the thirteenth regular meeting of the Conference of the Parties to CITES (COP13). Our regulations governing this public process are found in 50 CFR 23.31–23.39.

Announcement of the Thirteenth Meeting of the Conference of the Parties

We hereby notify you of the convening of COP13, which is scheduled to be held October 3–14, 2004, in Bangkok, Thailand.

U.S. Approach for COP13

What Are the Priorities for U.S. Submissions to COP13?

Priorities for U.S. submissions to COP13 continue to be consistent with the overall objective of U.S. participation in the Convention: to maximize the effectiveness of the Convention in the conservation and sustainable use of species subject to international trade. With this in mind, we plan to consider the following factors in determining which issues to submit for inclusion in the agenda at COP13:

(1) *Does the proposed action address a serious wildlife trade issue that the United States is experiencing as a range country for species in trade?* Since our primary responsibility is the conservation of our domestic wildlife resources, we will give native species our highest priority. We will place particular emphasis on terrestrial and freshwater species with the majority of their range in the United States and its territories that are or may be in significant trade; marine species that occur in U.S. waters or for which the United States is a major exporter; and threatened and endangered species for which we and other Federal and State agencies already have statutory responsibility for protection and recovery. We also consider CITES listings as a proactive measure to monitor and manage trade in native species to preclude the need for the application of stricter measures, such as listing under the Endangered Species Act and/or inclusion in CITES Appendix I.

(2) *Does the proposed action address a serious wildlife trade issue for species not native to the United States?* As a major importer of wildlife and wildlife products, the United States has taken responsibility, by working in close consultation with range countries, for addressing cases of potential over-exploitation of foreign species in the wild. In some cases, the United States may not be a range country or a significant trading country for a species, but we will work closely with other countries to conserve species being threatened by unsustainable exploitation for international trade. We will consider CITES listings for species not native to the United States if that listing will assist in addressing cases of potential over-exploitation of foreign species in the wild, and in preventing illegal, unregulated trade, especially if the United States is a major importer. These species will be prioritized based on the extent of trade and status of the species, and also the role the species play in the ecosystem, with emphasis on those species for which a CITES listing would offer the greatest conservation benefits to the species, associated species, and their habitats.

(3) *Does the proposed action address difficulties in implementing or interpreting the Convention by the United States as an importing or exporting country, and would the proposed action contribute to the effective implementation of the Convention by all Parties?* Differences in interpretation of the Convention by 162 Party nations can result in inconsistencies in the way it is implemented. In addition, wildlife trade is dynamic and ever-changing, thus presenting problems when established procedures are not readily applicable to new situations. The United States experiences some of these problems and inconsistencies directly through its own imports and exports, but we also learn of these difficulties through our participation in various fora, such as the CITES Standing Committee and the technical committees, and through discussions with other countries, non-governmental organizations, and the Secretariat. When the United States cannot resolve these difficulties unilaterally or through one-on-one discussions with trading partners, it may propose resolutions or decisions, usually in collaboration with other Parties, or have these topics placed on the agenda of the meeting of the Conference of the Parties for discussion by all of the Parties.

(4) *Does the proposed action improve implementation of the Convention by increasing the quality of information and expertise used to support decisions by the Parties?* With increased complexity, sophistication, and specialization in the biological sciences and other disciplines, it is critical that the CITES Parties have the best available information upon which to base decisions that affect the conservation of wildlife resources. Where appropriate, the United States will recommend actions to ensure the availability of up-to-date and accurate information to the Parties, including through the establishment of relationships with relevant international bodies, including other conventions, interjurisdictional resource management agencies, and international non-governmental organizations with relevant expertise.

Request for Information and Recommendations for Amending Appendices I or II

One of the purposes of this notice is to solicit information and recommendations that will help us identify species that the United States should propose as candidates for addition to, removal from, or reclassification in the CITES Appendices, or to identify issues warranting attention by the CITES Nomenclature Committee. This request is not limited to species occurring in the United States. Any Party may submit proposals concerning animal or plant species occurring in the wild anywhere in the world. We encourage the submission of information on species for possible inclusion in the Appendices if these species are subject to international trade that may be detrimental to the survival of the species. We also encourage you to keep in mind the U.S. approach to COP13, described above in this notice, when determining which species the United

States should propose for possible inclusion in the Appendices.

Complete proposals are not being requested at this time, but are always welcome. Rather, we are asking you to submit convincing information describing: (1) The status of the species, especially trend information; (2) conservation and management programs for the species, including the effectiveness of enforcement efforts; and (3) the level of domestic as well as international trade in the species, especially trend information. You may also provide any other relevant information. References are appreciated.

The term ''species'' is defined in CITES as ''any species, sub-species, or geographically separate population thereof.'' Each species for which trade is controlled under CITES is included in one of three Appendices, either as a separate listing or incorporated within the listing of a higher taxon. The basic standards for inclusion of species in the Appendices are contained in Article II of CITES. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless trade in them is strictly controlled. Appendix II also lists species that must be subject to regulation in order that trade in other CITES-listed species may be brought under effective control. Such listings frequently are necessary because of difficulty inspectors have at ports of entry or exit in distinguishing specimens of currently or potentially threatened species from other species. As Appendix III only includes species that any Parties list unilaterally, we are not seeking input on possible U.S. Appendix-III listings with this notice, and we will not consider or respond to comments received concerning Appendix-III listings.

CITES specifies that international trade in any readily recognizable parts or derivatives of animals listed in Appendices I or II, or plants listed in Appendix I, is subject to the same conditions that apply to trade in the whole organisms. With certain standard exclusions formally approved by the Parties, the same applies to the readily recognizable parts and derivatives of most plant species listed in Appendix II. Parts and derivatives usually not included (*i.e.,* not regulated) for Appendix-II plants are: seeds, spores, pollen (including pollinia), and seedlings or tissue cultures obtained in vitro and transported in sterile containers. You may refer to 50 CFR 23.23(d); and the October 6, 1995, **Federal Register** (60 FR 52450) and February 22, 1996, **Federal Register** (61 FR 6793) for further exceptions and limitations.

In 1994, the CITES Parties adopted criteria for inclusion of species in Appendices I and II (in Resolution Conf. 9.24). These criteria apply to all listing proposals and are available from the CITES Secretariat's Website at *http://www.cites.org,* or upon request from the Division of Scientific Authority at the above address. Resolution Conf. 9.24 also established a format for complete proposals.

What Information Should Be Submitted?

In response to this notice, to provide us with information and recommendations on species subject to international trade for possible proposals to amend the Appendices, please include as much of the following information as possible in your submission:

(1) Scientific name and common name;

(2) Population size estimates (including references if available);

(3) Population trend information;

(4) Threats to the species (other than trade);

(5) Level/trend of international trade (as specific as possible but without a request for new searches of our records);

(6) Level/trend in total take from the wild (as specific as reasonable); and

(7) Short summary statement clearly presenting the rationale for inclusion in or removal or transfer from one of the Appendices, including which of the criteria in Resolution Conf. 9.24 are met.

If you wish to submit more complete proposals for us to consider, please consult Resolution Conf. 9.24 for the format for proposals and a detailed explanation of each of the categories. Proposals to transfer a species from Appendix I to Appendix II, or to remove a species from Appendix II, must also be in accordance with the precautionary measures described in Annex 4 of Resolution Conf. 9.24. If you have information on species that are potential candidates for CITES proposals, we encourage you to contact the Division of Scientific Authority.

What Will We Do With the Information We Receive?

One important function of the CITES Scientific Authority of each Party country is the monitoring of international trade in plant and animal species, and ongoing scientific assessments of the impact of that trade on species. For native U.S. species listed in Appendix I and II, we monitor trade and export permits we authorize, so that we can prevent over-utilization and restrict exports if necessary. We also work closely with our States, to ensure that species are correctly listed in the CITES Appendices (or not listed, if a listing is not warranted). We actively seek information about U.S. and foreign species subject to international trade. The information submitted will help us monitor trade and its impact, as well as help us decide if we should submit or co-sponsor a proposal to amend the CITES Appendices. However, there may be species that qualify for CITES listing but for which we decide not to submit a proposal to COP13. Our decision will be based on a number of factors, including scientific and trade information, whether or not the species is native to the United States, and for foreign species, whether or not a proposal is supported or co-sponsored by at least one range country for the species. These factors and others are included in the U.S. approach to COP13, described above in this notice. We intend to carefully consider all factors of the U.S. approach when deciding which species the United States should propose for possible inclusion in the Appendices.

We will consult range countries for foreign species, and for species we share with other countries, subsequent to receiving and analyzing the information provided by the public.

Request for Information and Recommendations on Resolutions, Decisions, and Agenda Items

Although we have not yet received formal notice of the provisional agenda for COP13, we invite your input on possible agenda items that the United States could recommend for inclusion, or on possible resolutions and/or decisions of the Conference of the Parties that the United States could submit for consideration. Copies of the agenda and the results of the last meeting of the Conference of the Parties (COP12) in Santiago, Chile, in November 2002, as well as copies of all resolutions and decisions of the Conference of the Parties currently in effect, are available from the CITES Secretariat's Website (*http://www.cites.org/*) or the Division of Management Authority at the above address. Copies of a list of species proposals adopted at COP12 are also available from the Division of Scientific Authority at the above address.

Observers

Article XI, paragraph 7 of CITES provides: ''Any body or agency technically qualified in protection, conservation or management of wild

fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) International agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

(b) National non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.''

National agencies or organizations within the United States must obtain our approval to participate in COP13, whereas international agencies or organizations must obtain approval directly from the CITES Secretariat. We will publish information in a future **Federal Register** notice on how to request approved observer status. A fact sheet on the process is posted on our Website at: *http://international.fws.gov/pdt/ob.pdf.*

Future Actions

The next regular meeting of the Conference of the Parties (COP13) is scheduled to be held October 3–14, 2004, in Bangkok, Thailand. We have developed a tentative U.S. schedule to prepare for that meeting. The United States must submit any proposals to amend Appendix I or II, or any draft resolutions, decisions, and/or agenda items for discussion at COP13, to the CITES Secretariat 150 days prior to the start of the meeting. In order to accommodate this deadline, we plan to publish a **Federal Register** notice approximately 10 months prior to COP13 announcing tentative species proposals, draft resolutions, draft decisions, and agenda items to be submitted by the United States, and to solicit further information and comments on them.

Approximately 9 months prior to COP13, we will tentatively hold a public meeting to allow for additional public input. Approximately 4 months prior to COP13, we will post on our Website an announcement of the species proposals, draft resolutions, draft decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at COP13. The deadline for submission of the proposals, draft resolutions, draft decisions, and agenda items to the Secretariat will be 150 days prior to the start of the meeting (on or around May 6, 2004).

Through a series of additional notices and Website postings in advance of COP13, we will inform you about preliminary negotiating positions on resolutions, decisions, and amendments to the Appendices proposed by other Parties for consideration at COP13, and about how to obtain observer status from us. We will also publish announcements of public meetings tentatively to be held approximately 9 months prior to COP13, and approximately 2 months prior to COP13, to receive public input on our positions regarding COP13 issues.

Author: The primary authors of this notice are Mark Albert, Division of Management Authority; and Dr. Michael Kreger, Division of Scientific Authority; under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 2, 2003.

Marshall P. Jones, Jr.,

Acting Director.

[FR Doc. 03–15490 Filed 6–18–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–5853–EU; N–76363]

Direct Sale of Public Lands, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following lands have been examined and found suitable for disposal by direct sale utilizing non-competitive procedures, at not less than the approved fair market value at notification of sale. The fair market value of the subject public lands has been determined by appraisal and approved at $41,600,000.00. The lands have been designated for disposal and are being proposed for sale under the authority of section 4 of Pub L. 105–263, the Southern Nevada Public Land Management Act of 1998 (SNPLMA) (112 Stat. 2344) and sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1713 and 1719).

Mount Diablo Meridian, Nevada

T. 21 S., R. 63 E.,
Sec. 26, Lots 1, 6–13, 16, 18–21 and 23.
Sec. 27, N½NE¼, N½S½NE¼,
N½SE¼SE¼NE¼, SE¼SE¼SE¼NE¼,
N½SW¼SW¼NE¼,
SW¼SW¼SW¼NE¼,
NW¼SE¼SW¼SW¼NE¼,
NW¼NW¼SE¼SW¼NE¼,
E½SE¼SE¼SW¼NE¼,
SW¼SW¼SW¼SE¼NE¼,
N½N½NW¼, SE¼NE¼NW¼,
SW¼NW¼NW¼,
NW¼SE¼NW¼NW¼,
W½E½NW¼SW¼NW¼,
W½W½SW¼NW¼,
W½E½SW¼SW¼NW¼,
E½SE¼NW¼, NE¼NE¼SW¼,
E½NW¼NE¼SW¼, SE¼NE¼SW¼,
NW¼NE¼NE¼NW¼SW¼,
S½NE¼NE¼NW¼SW¼,
SE¼NE¼NW¼SW¼,
W½E½NW¼NW¼SW¼,
W½W½NW¼SW¼,
W½E½SW¼NW¼SW¼,
E½SE¼NW¼SW¼,
S½S½NE¼SW¼SW¼,
W½NE¼NW¼SW¼SW¼,
SE¼NE¼NW¼SW¼SW¼,
W½NW¼SW¼SW¼,
SE¼NW¼SW¼SW¼, S½SW¼SW¼,
E½NE¼SE¼SW¼,
S½NE¼SW¼SE¼SW¼,
NW¼SW¼SE¼SW¼,
S½SW¼SE¼SW¼,
N½NE¼NE¼NE¼SE¼,
SE¼NE¼NE¼NE¼SE¼,
SW¼SW¼NE¼NE¼SE¼,
NE¼SE¼NE¼NE¼SE¼,
SW¼NE¼NW¼NE¼SE¼,
W½NW¼NW¼NE¼SE¼,
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S½NW¼NE¼SE¼,
N½NE¼SW¼NE¼SE¼,
N½NW¼SW¼NE¼SE¼,
SE¼NE¼SW¼NE¼SE¼,
E½SE¼SW¼NE¼SE¼,
W½W½SE¼NE¼SE¼,
E½NE¼NE¼NW¼SE¼,
SW¼NE¼NE¼NW¼SE¼,
E½SW¼NE¼NW¼SE¼,
SW¼SW¼NE¼NW¼SE¼,
SE¼NE¼NW¼SE¼,
N½NW¼NW¼NW¼SE¼,
SW¼SW¼NW¼NW¼SE¼,
E½NE¼SW¼NW¼SE¼,
W½W½SW¼NW¼SE¼,
N½NE¼SE¼NW¼SE¼,
SW¼NE¼SE¼NW¼SE¼,
NW¼SE¼NW¼SE¼,
N½SW¼SE¼NW¼SE¼,
SW¼SW¼SE¼NW¼SE¼,
SW¼SW¼NE¼SW¼SE¼,
W½NW¼NW¼SW¼SE¼,
SW¼NW¼SW¼SE¼,
S½SE¼NW¼SW¼SE¼,
N½N½SW¼SW¼SE¼,
W½NW¼SE¼SW¼SE¼,
SE¼NE¼NE¼SE¼SE¼,
SE¼SW¼NE¼SE¼SE¼,
NE¼SE¼NE¼SE¼SE¼,
S½SE¼NE¼SE¼SE¼,
NE¼SE¼SE¼SE¼,
E½NW¼SE¼SE¼SE¼,
E½SE¼SE¼SE¼SE¼.
Sec. 34, Lots 12, 13, 15, 17, 24 and 26.
Sec. 35, Lot 11.

The above described lands consist of 982.44 acres, more or less, located in Clark County, Nevada. This land is not required for any federal purposes and would be offered for direct sale to the Lake at Las Vegas Joint Venture. The sale is consistent with current BLM land use planning. Under the authority of

section 4(c) of the SNPLMA of 1998, the subject lands are withdrawn from location and entry, under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary terminates the withdrawal or the lands are patented.

Except for the reservation listed below, the mineral interests having no known mineral value will be offered for conveyance simultaneously with the sale of the lands. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a $50.00 non-returnable filing fee for conveyance of the available mineral interests. The land will be sold and the patent, when issued, will contain the following terms, reservations, and covenants:

1. A right-of-way reserved for ditches and canals constructed or to be constructed, by the authority of the United States, in accordance with section 1 of the Act of August 30, 1890 (43 U.S.C. 945).

2. All leaseable and saleable mineral deposits on the land are reserved, together with the right of the United States, its permittees, licensees, and lessees to prospect for, mine, and remove the minerals owned by the United States under applicable law and any regulations that the Secretary of the Interior may prescribe, including all necessary access and exit rights.

3. The lands are conveyed subject to zoning and subdivision laws, other state and local land use laws and, whether or not of record, all valid existing rights and claims.

4. The lands are conveyed subject to right-of-way for roads, public utilities and flood control purposes, existing and proposed in accordance with state and the local governing entities' Transportation Plans.

5. The purchaser/patentee, by accepting a patent, covenants and agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee or their employees, agents, contractors, or lessees, or any third-party, arising from or in connection with the patented real property which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), as defined by federal or state environmental laws; off, on, into or under land, property and other interests of the United States; (5) Activities by which solid or hazardous wastes, as defined by federal and state environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous wastes; or (6) Natural resource damages as defined by federal and state law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

Maps delineating the lands are available for public review at the Bureau of Land Management (BLM) Las Vegas Field Office. The appraisal is available for public review at the same office. Upon publication of this notice and until completion of this sale, the BLM is no longer accepting land use applications affecting the lands.

In order to determine the fair market value of the subject public lands through appraisal, certain assumptions have been made of the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this notice, the BLM gives notice that these assumptions may not be endorsed or approved by units of local government. Furthermore, no warranty of any kind shall be given or implied by the United States as to the title or potential uses of the lands proposed to be offered for sale, and conveyance of the subject lands will not be on a contingency basis. It is the buyer's responsibility to be aware of all applicable local government laws, policies and regulations that would affect the subject lands. It is also the buyer's responsibility to be aware of existing or proposed uses of nearby properties. When conveyed out of federal ownership, the lands will be subject to applicable reviews and approvals by the respective unit or units of local government having jurisdiction as to proposed future uses, and any such reviews and approvals will be the responsibility of the buyer. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Detailed information concerning the proposed sale, including the terms of sales, sale procedures and conditions, planning and environmental documents, is available for review at the Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130 or by calling (702) 515–5000.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, the general public and interested parties may submit comments to the Field Manager, Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130. Any adverse comments will be reviewed 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. The BLM may withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA, or other applicable laws or is determined to not be in the public interest. Any comments received during this process, as well as the commentor's name and address, will be available to the public in the administrative record and/or pursuant to a Freedom of Information Act request. You may indicate for the record that you do not wish your name and/or address made available to the public. Any determination by the BLM to release or withhold the names and/or addresses of those who comment will be made on a case-by-case basis. A commenter's request to have their name and/or address withheld from public release will be honored to the extent permissible by law.

The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Dated: May 23, 2003.

Mark T. Morse,

Field Manager, Las Vegas Field Office.

[FR Doc. 03–15600 Filed 6–17–03; 10:54 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–030–1430–BJ] ES–051869, Group 28, Missouri

Notice of Filing of Plat of Survey; Missouri

The Bureau of Land Management (BLM) will officially file the plat of the survey of a portion of the Wappapello Lake acquisition boundary, Township 28 North, Range 6 East, Fifth Principal

Meridian, Missouri, accepted on June 12, 2003, in the Eastern States Office, Springfield, Virginia,30 calendar days from the date of publication in the **Federal Register**

The survey was requested by the U.S. Army Corps of Engineers.

All inquiries or protests concerning the technical aspects of the survey must be submitted in writing to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to the date of the official filing.

We will place a copy of the plat we described in the open files. Copies of the plat will be made available upon request and prepayment of the appropriate fee.

Dated: June 12, 2003.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 03–15451 Filed 6–18–03; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010–0143).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in the regulations under 30 CFR 260, ''Outer Continental Shelf Oil and Gas Leasing.''

DATES: Submit written comments by August 18, 2003.

ADDRESSES: Mail or hand carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the address is: *rules.comments@mms.gov.* Reference ''Information Collection 1010–0143'' in your e-mail subject line and mark your message for return receipt. Include your name and return address in your message.

FOR FURTHER INFORMATION CONTACT: Arlene Bajusz, Rules Processing Team, (703) 787–1600. You may also contact Arlene Bajusz to obtain a copy, at no cost, of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 260, Outer Continental Shelf Oil and Gas Leasing.

OMB Control Number: 1010–0143.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Section 8(a)(1) of the OCS Lands Act provides authority for the Secretary to offer leases under a variety of bidding systems. The regulations at 30 CFR part 260 describe the bidding systems, our joint bidding requirements, and royalty suspensions for certain leases. They encourage leasing competition through the use of appropriate bidding-system alternatives and a joint bidding ban among certain large companies. Also, these regulations implement the Secretary's authority to promote leasing interest in certain areas of the OCS through automatic suspension of royalties. The Minerals Management Service (MMS) administers this program for the Secretary.

Regulations under part 260 require lessees to notify MMS of their intention to begin production. Lessees must also request confirmation of the size of the royalty-suspension volume that applies to the pre-2001 eligible lease. The MMS uses the information collected to make decisions on the shares of the royalty-suspension volume that applies to multiple pre-2001 eligible leases on the same field. The information is used to ensure royalty suspension volume is properly allocated among constituent leases in a field. Respondents may request reconsideration of an assignment of their lease that has a qualifying well to an existing field or to a newly designated field. We will use the information to reconsider and adjust, if necessary, the initial field assignment for a lease. These decisions can be contentious because a favorable field assignment can save a lessee tens of millions of dollars in royalties. However, currently pending legislation may result in the elimination of this information collection.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552), and its implementing regulations (43 CFR part 2), and under regulations at 30 CFR parts 250, 251, and 252. No items of a sensitive nature are collected. Responses are mandatory or required to obtain or retain a benefit.

Frequency: On occasion.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas lessees.

Estimated Reporting and Recordkeeping ''Hour'' Burden: The currently approved annual reporting burden for this collection is 1,603 hours. The individual components and their respective hour burden estimates are detailed below. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

§§ 260.114(a) and 260.124(a)—Request MMS to reconsider the field assignment of a lease (average of 400 hours per request × 4 requests = 1,600 hours).

§ 260.114(c)—Notify MMS of intent to begin production and request confirmation of the size of royalty-suspension volume (½ hour per notice × 6 notices = 3 hours).

Part 260 also refers to various items of information collected under 30 CFR parts 203 and 256. OMB has approved those information collections under OMB Control Numbers 1010–0071 and 1010–0006, respectively.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no non-hour cost burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the ''non-hour cost'' burdens to respondents or

recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Policy: Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: June 5, 2003.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 03–15412 Filed 6–18–03; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation and Fish and Wildlife Service

Draft Central Valley Project Improvement Act (CVPIA) Reports: ''CVPIA Ten-Year Report'' and ''10 Years of Progress''

AGENCY: Bureau of Reclamation and Fish and Wildlife Service, Interior.

ACTION: Notice of availability for public comment.

SUMMARY: As required by law, the Secretary is required to submit annually a detailed report to the Congress describing significant actions taken toward achievement of the intent, purposes, and provisions of the CVPIA. The Department of the Interior (Interior) has drafted the ''CVPIA Ten-Year Report'' and ''10 Years of Progress'' report to summarize what has been accomplished since passage of the CVPIA, and to inform the reader how well those actions have fulfilled the intent of the Congress and the goals and objectives of the Act.

DATES: Submit written comments on the ''Draft CVPIA Ten-Year Report'' and the ''10 Years of Progress'' reports, on or before August 18, 2003.

ADDRESSES: Copies of the ''Draft CVPIA Ten-Year Report'' and the ''10 Years of Progress'' reports may be retrieved from the Web site at *http://www/mp.usbr.gov/cvpia/index.html.* Copies may also be requested by contacting Patricia Rivera by telephone at (916) 978–5194 or by e-mail at *privera@mp.usbr.gov,* or by writing her at the address below.

Written comments on the ''Draft CVPIA Ten-Year Report'' and the ''10 Years of Progress'' reports should be addressed to the Bureau of Reclamation, Attention: Patricia Rivera, MP–120, 2800 Cottage Way, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Patricia Rivera at (916) 978–5194, or e-mail *privera@mp.usbr.gov.*

SUPPLEMENTARY INFORMATION: We are inviting the public to comment on Interior's ''Draft Ten-Year Report'' and ''10 Years of Progress'' reports. Since enactment of the statute, Interior has submitted detailed reports to the Senate and the House of Representatives describing all significant actions taken and progress toward achievement of the intent, purposes, and provisions of the CVPIA.

Since the passage of CVPIA, Interior, with the assistance of the State of California and the cooperation of many partners, has completed many of the necessary administrative requirements, conducted numerous studies and investigations, implemented hundreds of measures, and has generally made significant progress towards achieving the goals and objectives established by CVPIA. The ''CVPIA Ten-Year Report,'' and the ''10 Years of Progress'' reports summarize the actions taken by Interior in the ten fiscal years, 1993–2002, to implement the Act.

Interior seeks public comment on whether the ''CVPIA 10-Year Report,'' and the ''10 Years of Progress'' reports are adequate, as identified by section 3408(f) of the Act, with a focus on reporting methodologies and quantification of accomplishments. Additionally, comments are sought regarding future CVPIA implementation actions and a process to better identify when all or portions of the Act are complete.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, and we will honor such requests to the extent allowed by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowed by law. If you wish Interior to withhold your name and/or address, you must state this prominently at the beginning of your comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: May 9, 2003.

Susan L. Ramos,

Assistant Regional Director, Mid-Pacific Region.

[FR Doc. 03–15450 Filed 6–18–03; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF THE INTERIOR

Office of the Special Trustee for American Indians Request for Comments on New Information Collection for 25 CFR 115

AGENCY: Office of the Special Trustee for American Indians, Interior.

ACTION: Notice of Proposed Information Collection.

SUMMARY: The Office of the Special Trustee for American Indians is seeking comments on a collection of information concerning Individual Indian Money

(IIM) Accounts as covered in 25 CFR 115. This is a new collection for the Office of the Special Trustee for American Indians. Previously, this information collection had been submitted and cleared as a Bureau of Indian Affairs responsibility. When this collection is approved by the Office of Management and Budget, the Bureau of Indian Affairs collection will be allowed to expire.

DATES: Submit comments on or before August 18, 2003.

ADDRESSES: Send comments to Sarah Yepa at Office of Trust Funds Management, Office of the Special Trustee for American Indians, 505 Marquette, NW, Suite 1000, Albuquerque, NM 87102.

FOR FURTHER INFORMATION CONTACT: You may request further information or obtain copies of the proposed information collection request from Sarah Yepa @ (505) 816–1003 or by telefacsimile @ (505) 816–1377.

SUPPLEMENTARY INFORMATION: The information provided through information collection requirements is used to facilitate better processing of deposits, investments, and distribution of monies held in trust by the Special Trustee for individual Indians and tribal governments. The information is used in the administration of these accounts on deposit; the procedures necessary to deposit and retrieve funds from these accounts; the procedures for handling certain transactions, such as cashing checks, reporting lost checks, reporting stolen checks, stopping payment on checks; and general verification of account information.

This program is assigned to the Office of Special Trustee and will be removed from the Bureau of Indian Affairs collection when this request is approved by the Office of Management and Budget and given a new number. The collection has been reviewed and 998,036 burden hours have been removed from the public burden; 114,700 burden hours are part of the federal burden; the remainder are the result of re-evaluating the number of responses for each collection. Our review resulted in a reduction of responses from 1,997,500 to 820,175; this is a reduction of 1,177,325 responses. We reviewed the number of respondents. We added the 500 tribes to the 285,000 IIM accounts, for a total of 285,500 respondents.

Request for Comments

The Office of the Special Trustee for American Indians requests your comments on this collection concerning:

(a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used;

(c) ways we could enhance the quality, utility and clarity of the information to be collected; and

(d) ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or request, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section during regular business hours, Monday through Friday except for legal holidays. If you wish to have your name and/or address withheld, you must state this prominently at the beginning of your comments. We will honor your request according to the requirements of the law. All comments from organizations or representatives will be available for review. We may withhold comments from review for other reasons.

OMB Control Number: 1035–0XXX.

Type of review: New collection.

Title: Trust Funds for Tribes and Individual Indians, 25 CFR 115.

Brief Description of collection: This information collection is used to process deposits, investments, and distribution of monies held in trust by the Special Trustee for individual Indians and tribal governments and in the administration of these accounts. The respondents submit information in order to gain or retain a benefit, namely, access to funds held in trust. This collection covers 12 different kinds of submissions with the burden ranging from ½ hour to 16½ hours.

Respondents: Individual tribal members or tribes who wish to some activity on their account.

Number of Respondents: 285,500.

Estimated Time per Response: Varies from ½ hour to 16½ hours.

Estimated Number of Responses annually: 820,175.

Frequency of Response: As needed.

Total Annual Burden to Respondents: 579,089 hours.

Dated: June 16, 2003.

Richard V. Fitzgerald,

Director, Trust Regulatory Policies and Procedures.

[FR Doc. 03–15498 Filed 6–18–03; 8:45 am]

BILLING CODE 4310–2W–P

INTERNATIONAL TRADING COMMISSION

USITC SE–03–018

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: June 30, 2003 at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436. Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: none
2. Minutes
3. Ratification List
4. Inv. Nos. 701–TA–435 and 731–TA–1036–1038 (Preliminary) (Certain 4,4′-Diamino-2,2′-Stillbenedisulfonic Acid Chemistry from China, India, and Germany)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on June 30, 2003; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before July 8, 2003.)
5. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: June 17, 2003.

By the order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03–15706 Filed 6–17–03; 3:45 pm]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Under 28 CFR 50.7, notice is hereby given that on June 6, 2003, a proposed consent decree in *United States* v. *E.I. DuPont de Nemours & Co.*, Civ. Action No. 1:03CV142, was lodged with the United States District Court for the Northern District of West Virginia.

In this action the United States is seeking response costs pursuant to the

Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.,* in connection with the Spelter Zinc Site (''Site'') in Spelter, West Virginia. The decree will require defendants to pay $418,464.17 in partial reimbursement of the United States' past response costs and $75,041.45 in reimbursement of the State of West Virginia's past response costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *E.I. DuPont de Nemours & Co.,* D.J. Ref. No. 90–1–11–07642.

The proposed consent decree may be examined at the Office of the United States Attorney, Horne Building, 1100 Main Street, Suite 200, Wheeling, WV 26003, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pa 19103. During the public comment period, the proposed consent decree, may also be examined on the following Department of Justice website, *http://www.usdoj.gov/enrd/open.html.* A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov),* fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $9.00 (25 cents per page reproduction cost) payable to the U.S. Treasury. Exhibits to the consent decree may be obtained for an additional charge.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.

[FR Doc. 03–15443 Filed 6–18–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that proposed consent decrees in *United States* v. *Foss Maritime Co., et al.,* Civil Action No. C03–5331RJB were lodged on June 12, 2003, with the United States District Court for the Western District of Washington. The consent decrees require defendants Marine Industries Northwest, Inc., Foss Maritime Company, Pioneer Industries, Inc., State of Washington Department of Natural Resources, the City of Tacoma, The City of Tacoma Department of Public Utilities, Simpson Tacoma Land Company, Simpson Tacoma Kraft Company, LLC, Cook's Marine Specialities, Stuart Cook and Western Machine Works to perform the cleanup of the Middle Waterway Problem Area within the Commencement Bay/Nearshore Tideflats Superfund Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611 Washington, DC 20044–7611, and should refer to *United States* v. *Foss Maritime Co., et al.,* DOJ Ref. # 90–11–2–729/1.

The proposed consent decrees may be examined at the office of the United States Attorney, 601 Union Street, Seattle, WA 98101, and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. During the public comment period, the proposed consent decrees may also be examined on the following Department of Justice website, *http://www.usdoj.gov/enrd/open.html.* Copies of the proposed consent decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting copies please refer to the referenced case and enclose a check in the amount of $64.25 (25 cents per page reproduction costs), payable to the U.S. Treasury.

Robert Maher,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03–15439 Filed 6–18–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Pursuant to 28 CFR 50.7, notice is hereby given that on June 12, 2003, a proposed Consent Decree (''Consent Decree'') in *United States* v. *City of Rock Island, Illinois et al.,* Civil Action No. 00 C 4076 was lodged with the United States District Court for the Central District of Illinois.

The United States' complaint in this action asserts claims against the City of Rock Island (''City'') for injunctive relief and civil penalties for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.* (the ''Act''), and a National Pollutant Discharge Elimination System Permit regulation discharges of pollutants into surface waters from the City's publicly owned treatment works (''POTW''). The State of Illinois is also named as a defendant, pursuant to Section 309(e) of the Act, 33 U.S.C. 1319(e).

The proposed Consent Decree requires the City to comply with effluent limitations and all other requirements of the City's NPDES permit. In addition, the Consent Decree requires the City to develop and implement a Long Term Control Plan for insuring that combined sewer overflows (''CSO's'') from the POTW comply with the requirements of Rock Island's NPDES permit, the Clean Water Act, and the objectives of U.S. EPA's April 19, 1994 CSO Policy. Pursuant to the Long Term Control Plan, the City will complete specified studies and assessments, evaluate alternatives for eliminating, treating or reducing CSO discharges, and implement discharge control measures approved by the United States Environmental Protection Agency. Under the proposed Consent Decree the City will also pay a civil penalty of $64,800 and expend at least $60,550 to implement a Supplement Environmental Project that will mitigate adverse effects of stormwater run-off on surface water bodies, improve habitat conditions in the area where the SEP is performed.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *City of Rock Island, et al.,* D.J. Ref. 90–5–1–1–06489.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Star Cres Building, Third Floor, 11830 Second Avenue, Rock Island, Illinois 61201, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. During the public comment period, the proposed Consent Decree may also be examined on the following Department

of Justice web site: *http://www.usdoj.gov/enrd/open.html.* A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or emailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $14.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03–15442 Filed 6–18–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of the ''SIGECO'' Proposed Consent Decree Under the Clean Air Act

Notice is hereby given that on June 6, 2003, a proposed Consent Decree (''proposed Decree'') in *United States* v. *Southern Indiana Gas & Electric Co. (''SIGECO'')*, Civil Action No. IP99–1692 C–M/F, was lodged with the United States District Court for the Southern District of Indiana.

In the Amended Complaint filed under the federal Clean Air Act (''Act'') in January 2000, the United States alleged that SIGECO, an electric utility, failed to comply with certain requirements of the Act intended to prevent deterioration of air quality. The Amended Complaint alleged that SIGECO failed to seek permits prior to making major modifications to the three units located at the F.B. Culley Station in Newburgh, Indiana (''Culley plant''), and failed to install appropriate pollution control devices at the Culley plant to reduce emissions of air pollutants.

The proposed Decree lodged with the Court requires installation, upgrading, and operation of pollution control devices at the Culley plant, including the installation and operation of a state-of-the-art control device to reduce emissions of particulate matter. The proposed Decree also requires SIGECO to take specific measures to operate pollution control equipment to reduce emissions of nitrogen oxides and sulfur dioxides from the Culley plant. In addition, under the proposed Decree SIGECO will carry out an environmental mitigation project, valued at $2.5 million, to install and operate technology to reduce emission of sulfuric acid from the Culley plant, and pay a civil penalty of $600,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Southern Indiana Gas & Electric Co.*, D.J. Ref. 90–5–2–1–06966.

The proposed Decree may be examined at the offices of the United States Attorney, Southern District of Indiana, 10 West Market St., Suite 2100, Indianapolis, IN 46204–3048, and at the offices of U.S. EPA Region 5, 777 W. Jackson Street, Chicago, IL 60604–3507.

During the public comment period, the proposed Decree may also be examined on the following Department of Justice website, *http://www.usdoj.gov/enrd/open.html.* A copy of the proposed Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $11.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Thomas A. Mariani, Jr.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03–15441 Filed 6–18–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Extension of Comment Period Regarding Consent Decree Lodged Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

On May 22, 2003, notice was published in the **Federal Register**, 68 FR 28016, that on May 7, 2003, a proposed consent decree in *United States* v. *Tecumseh Products Company,* Civil Action No. 03–C–0401, was lodged with the United States District Court for the Eastern District of Wisconsin. The notice stated that comments on the proposed settlement would be received for a period of thirty days from the date of publication of the notice. The comment period is currently set to end on June 21, 2003.

In response to a request from a citizens' group, the Department of Justice is hereby extending the comment period for an additional fifteen days through July 6, 2003.

In this action, the United States sought the implementation of response action and reimbursement of response costs pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, *et seq.,* (''CERCLA''), for costs incurred by the United States in responding to a release or threat of release of hazardous substances in the Upper River section of the Sheboygan River and Harbor Superfund Site in Sheboygan County, Wisconsin (the ''Site''). The United States alleges that Tecumseh Products Company (''Tecumseh'') arranged for disposal of hazardous substances in the Upper River portion of the Site and is liable for costs incurred by the United States in responding to releases of hazardous substances at the Site pursuant to Section 107(a)(1) of CERCLA. The Consent Decree requires Tecumseh to implement the remedial action for the Upper River portion of the Site selected by the U.S. Environmental Protection Agency in a Record of Decision dated May 12, 2000, and to reimburse the United States at least $2,100,000.00 for response costs incurred in connection with the Site.

As noted above, the Department of Justice will receive, for an additional period of fifteen days through July 6, 2003, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States* v. *Tecumseh Products Company,* DOJ Ref. # 90–11–2–06440. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003 of RCRA, 42 U.S.C. 6973(d).

The proposed consent decree may be examined at the office of the United States Attorney, 517 E. Wisconsin Avenue, Suite 530, Milwaukee, Wisconsin 53202, and the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604. During the public comment period, the proposed consent decree may also be examined on the following Department of Justice website, *http://www.usdoj.gov/enrd/open.html.* A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611,

U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $51.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03–15440 Filed 6–18–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on February 19, 2003, AccuStandard Inc., 125 Market Street, New Haven, Connecticut 06513, made application by renewal and on May 7, 2003, by letter, to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of Schedule I and II controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Fenethylline (1503)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer)	I
Gamma hydroxybutyric acid (2010)	I
Methaqualone (2565)	I
Mecloqualone (2572)	I
Alpha-Ethyltryptamine (7249)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyamphetamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-(1-Phenylcyclohexyl) pyrrolidine (PCPY) (7458)	I
1-[1-(2-Thienyl) cyclohexyl] piperidine (7470)	I
1-[1-(2-Thienyl) cyclohexyl] pyrrolidine (TCPY) (7473)	I
N-Ethyl-3-piperidyl benzilate (7482)	I
N-Methyl-3-Piperidyl benzilate (7484)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Cyprenorphine (9054)	I
Desomorphine (9055)	I
Etorphine (except HCL) (9056)	I
Codeine methylbromide (9070)	I
Dihydromorphine (9145)	I
Difenoxin (9168)	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Methyldesorphine (9302)	I
Methyldihydromorphine (9304)	I
Morphine methylbromide (9305)	I
Morphine methylsulfonate (9306)	I
Morphine-N-oxide (9307)	I
Myrophine (9308)	I

Drug	Schedule
Nicocodeine (9309)	I
Nicomorphine (9312)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Thebacon (9315)	I
Acetorphine (9319)	I
Drotebanol (9335)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Benzethidine (9606)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Clonitazene (9612)	I
Dextromoramide (9613)	I
Diampromide (9615)	I
Diethylthiambutene (9616)	I
Dimenoxadol (9617)	I
Dimepheptanol (9618)	I
Dimethylthiambutene (9619)	I
Dioxaphetyl butyrate (9621)	I
Dipipanone (9622)	I
Ethylmethylthiambutene (9623)	I
Etonitazene (9624)	I
Etoxeridine (9625)	I
Furethidine (9626)	I
Hydroxypethidine (9627)	I
Ketobemidone (9628)	I
Levomoramide (9629)	I
Levophenacylmorphan (9631)	I
Morpheridine (9632)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Norpipanone (9636)	I
Phenadoxone (9637)	I
Phenampromide (9638)	I
Phenoperidine (9641)	I
Piritramide (9642)	I
Proheptazine (9643)	I
Properidine (9644)	I
Racemoramide (9645)	I
Trimeperidine (9646)	I
Phenomorphan (9647)	I
Propiram (9649)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661)	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine (9663)	I
Tilidine (9750)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-Methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815)	I
Benzylfentanyl (9818)	I
Beta-Hydroxyfentanyl (9830)	I
Beta-Hydroxy-3-methylfentanyl (9831)	I
Alpha-Methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thenylfentanyl (9834)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcylohexylamine (7460)	II
Phencyclidine (7471)	II

Drug	Schedule
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Alphaprodine (9010)	II
Anileridine (9020)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine HCL (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylecgonine (9180)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine intermediate-A (9232)	II
Meperidine intermediate-B (9233)	II
Meperidine intermediate-C (9234)	II
Metazocine (9240)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Metopon (9260)	II
Morphine (9300)	II
Thebaine (9333)	II
Dihydroetorphine (9334)	II
Opium, raw (9600)	II
Opium tincture (9630)	II
Opium powdered (9639)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Phenazocine (9715)	II
Piminodine (9730)	II
Racemethorphan (9732)	II
Racemorphan (9733)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Bezitramide (9800)	II
Fentalyl (9801)	II
Moramide-intermediate (9802)	II

The firm plans to manufacture small quantities of bulk material for use in reference standards.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCD) and must be filed no later than August 18, 2003.

Dated: June 6, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–15534 Filed 6–18–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on—January 28, 2003, CellTech Manufacturing CA., Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application by renewal to the Drug Enforcement Administration by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of Methylphenidate (1724), a basic class of controlled substances listed in Schedule II.

The firm plans to manufacture the listed controlled substance to make finished dosage forms for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention:

Federal Register Representative, Office of Chief Counsel (CCD) and must be filed no later than August 18, 2003.

Dated: June 6, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–15535 Filed 6–18–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on July 23, 2001, and April 21, 2003, Eli-Elsohly Laboratories, Inc., Mahmoud A. Elsohly Ph.D., 5 Industrial Park Drive, Oxford, Mississippi 38655, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of Schedule I and II controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Dihydromorphine (9145)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecognine (9180)	II
Hydrocodone (9193)	II
Morphine (9300)	II

The firm plans to manufacture non-deuterated controlled substances for use as analytical standards and deuterated controlled substances for use as internal standards.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCD) and must be filed no later than August 18, 2003.

Dated: June 6, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 03–15536 Filed 6–18–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Office of the Assistant Secretary for Administration and Management; Request for Comments on the Departmental FY 2003–2008 Strategic Plan

AGENCY: Office of the Secretary, Labor.

ACTION: Request for Comments on the Departmental FY 2003–2008 Strategic Plan.

SUMMARY: The Department of Labor (DOL) is seeking public comment on its draft Strategic Plan for fiscal years 2003–2008.

DATES: Comments should be provided no later than July 21, 2003.

ADDRESSES: Written comments can be provided by E-mail: strategic-*plan@dol.gov.*

Fax: (202) 693–4089.

Mail: U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Center for Program Planning and Results, Room S–4020, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Veronica Campbell, (202) 693–4069.

SUPPLEMENTARY INFORMATION: The Department of Labor's Draft FY 2003–2008 Strategic Plan is provided as part of the strategic planning process under the Government Performance and Results Act (GPRA) of 1993 to ensure that agency stakeholders are provided an opportunity to comment on the plan.

This document integrates the Department's many diverse missions and different program objectives into a presentation of performance objectives under four overarching strategic goals. The first three goals were developed during the initial phases of GPRA implementation in 1997 and the draft strategic plan includes revisions and improvements to the performance objectives that have evolved over the years. These three goals are: A Prepared Workforce—Increase Employment Earnings and Retention; A Secure Workforce—Increase Compliance with Worker Protection Laws; and Quality Workplaces—Foster Quality Workplaces that are Safe, Healthy, and Fair.

The fourth strategic goal—A Competitive Workforce—has been added to address some of the new challenges faced by the 21st Century workforce. The Department of Labor seeks to be an active force in supporting the Nation's competitiveness in a global economy. The issues the Department has identified include how we actually work, where we work, what skills we need, and how we balance our professional and family lives.

The Department has made significant progress in its strategic and performance planning efforts and as it builds on this progress we look forward to your comments. We ask that comments be submitted within 30 days of publication of this notice. The text of the draft strategic plan is available in a ''pdf'' downloadable format through the Department of Labor internet site: *http://www.dol.gov/_sec/stratplan-draft/* . For those who may not have internet access, a hard copy can be requested from the contact point, Veronica Campbell, 202–693–4069.

Dated: June 10, 2003.

Patrick Pizzella,

Assistant Secretary for Administration and Management.

[FR Doc. 03–15460 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of May 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

None

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a)(2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA–W–51,098; Colonial Tanning Corp., Gloversville, NY

TA–W–51,009; Robert Bosch Tool Corp., (formerly the Vermont American Corp.), Engineering Center, Louisville, KY

TA–W–51,644; Nichirin Coupler Tec USA, Inc., El Paso, TX

TA–W–50,687; Metso Paper USA, Inc., Beloit, WI

TA–W–51,043; Mount Vernon Mills, Inc., Fresno Fabrics Div., Part of The Apparel Fabrics Group, a wholly owned subsidiary of R.B. Pamplin Corp., Fresco, CA

TA–W–51,160; Parkson Corp., Pompano, FL

TA–W–51,333; Standard Precision Manufacturing, Meadville, PA

TA–W–51,493; Chicago Bridge and Iron Constructors, Inc., Water Div., Warren, PA

TA–W–51,531; Susquehanna Metal Products, Inc., Watsontown, PA

TA–W–51,704; T. Raymond Forest Products, Inc., Lee, ME

TA–W–50,927; Southwire Co., Specialty Products Div., Osceola, AR

TA–W–51,617; Ebara Solar, Inc., a subsidiary of Ebara Corp., Belle Vernon, PA

TA–W–51,334; Chicago Fire Brick, Inc., Chicago, IL

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–51,214; Millward Brown, Racine, WI

TA–W–50,974; Divine, Inc., Burlington, MA

TA–W–51,021; Advanced Materials Technology, Inc., Tempe, AZ

TA–W–51,637; Mell Trimming Co., Inc., New York, NY

TA–W–51,577; ACS Business Process Solutions, Inc., Canada Mail Room, El Paso, TX

The investigation revealed that criterion (a)(2)(A) (I.A) (no employment declines) have not been met.

TA–W–51,766; Fishing Vessel (F/V) Return, King Cove, AK

TA–W–51,864; Fishing Vessel (F/V) Seafarer, Sitka, AK

TA–W–51,094; Quebecor World Kingsport, Inc., Kingsport, TN, Quebecor World Hawkings, Church Hill, TN

TA–W–51,785; Astro-Netics, Inc., Madison Heights, MI

The investigation revealed that criteria (a)(2)(A)(I.B) (Sales or production, or both, did not decline) and (II.B) (has shifted production to a county not under the free trade agreement with the U.S.) have not been met.

TA–W–51,541; Luzenac America, Inc., Windsor, VT

TA–W–51,863; Fishing Vessel (F/V) Amber J., Juneau, AK

TA–W–51,547; Datacard Corp., Minnetonka, MN

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of Section 222 have been met.

TA–W–51,457; Crown Manufacturing, Hornbeak, TN: March 3, 2002.

TA–W–51,643; JLG Industries, Inc., Bedford Plant, Sunnyside Road, Bedford, PA: April 1, 2002.

TA–W–51,123; Spectra-Star, Div of Marvel Entertainment, Yuma, AZ: March 4, 2002.

TA–W–51,387; Oregon Metallurgical Corp., d/b/a Allvac, Albany, OR: March 27, 2002.

TA–W–51,590; Ansell Healthcare Limited, a Div. of Ansell Occupational Healthcare, Thomasville, NC: April 15, 2002.

TA–W–51,545; Temple-Inland Forest Products Corp., Mt. Jewett Particleboard Operation, Mt. Jewett, PA: April 14, 2002.

TA–W–51,533; Belcase Office Furniture, Inc., Including Leased Workers of SPMI, Ratcliff, AR: April 16, 2002.

TA–W–51,095; M. Wile Co., d/b/a HMX Tailored, Buffalo, NY: February 21, 2002.

TA–W–51,647; Sanmina-SCI Corp., EMS Div., Woburn, MA: April 30, 2002.

TA–W–51,714; A&M Thermometer Corp., Asheville, NC: May 7, 2002.

TA–W–51,511; Frederick Goldman, Inc., New York, NY: April 15, 2002.

TA–W–51,411; Corteco, Newport, TN: March 25, 2002.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of Section 222 have been met.

TA–W–51,492; Q.C. Onics Ventures, LP, Harlingen—Plant 5, Including Leased Workers of Austin Personnel Services and Manpower, Harlingen, TX: April 3, 2002.

TA–W–51,670; Honeywell Sending and Control, Clarostat Div., El Paso, TX: April 30, 2002.

TA–W–51,697; Lyall Technologies, Inc., Murray Products Div., Murray, IA: May 5, 2002.

TA–W–51,806; Fishing Vessel (F/V) Mattie Lynn, Ninilchik, AK: April 28, 2002.

TA–W–51,806; Velan Valve Corp., a wholly-owned subsidiary of Velan Valve, Inc., Williston, VT: April 27, 2002.

TA–W–51,459; Caterpillar, Inc., Caterpillar Global Paving Products

Div., Brooklyn Park, MN: April 7, 2002.

TA–W–51,755; Selkirk LLS, Selkirk Metalbestos Div., Logan, OH: May 12, 2002.

TA–W–50,987; Environmental Textiles, Claremore, OK: February 25, 2002.

TA–W–51,552; Celestica, Inc., including leased workers of Adecco, Westminster, CO: April 21, 2002.

TA–W–51,818; Federal Mogul Ignition Group, Lighting Div., including leased workers of Adecco Staffing Agency andReliance, Hampton, VA: May 20, 2002.

TA–W–51,729; Fun-Tees, Inc., Dewing Plant, Concord, NC: May 6, 2002.

TA–W–51,734; Jockey International, Inc., Alamo, TN: May 12, 2002.

TA–W–51,180; G.E. Packaged Power, LP, including leased workers of Kelly Temp Service, Corpus Christi, TX: March 10, 2002.

TA–W–51,587; Nestle USA, Confections and Snacks Div., Fulton, NY: April 14, 2003.

The following certification has been issued. The requirement of upstream supplier to a trade certified primary firm has been met.

TA–W–51,817; Farside Fish Camp, Kodiak, AK: May 15, 2002.

I hereby certify that the aforementioned determinations were issued during the month of May 2003. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 10, 2003.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–15477 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of May and June 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) that sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

None

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A)(I.C.) (Increased imports) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA–W–51,583; Lear Corp., Electrical Systems Div., Traverse City, MI.

TA–W–51,586 & A; Solutia, In., Performance Products Div., Phosphate and Saflex Group, Trenton, MI and Butvar Group, Trenton, MI.

TA–W–51,715; Johnson Hosiery Mills, Inc., Hickory, NC.

TA–W–51,549; Virtual Magic Animation, Inc., North Hollywood, CA.

TA–W–51,226; Haworth, Inc., Holland, MI.

TA–W–51,652; Plastene Supply Co., Plant 1, Div. of Siegel Robert, Inc., Portageville, MO.

TA–W–51,540; General Mills, Inc., Toledo, OH.

TA–W–51,758; Teleflex Automotive, Inc., a Div. of Teleflex, Inc., Van Wert, OH.

TA–W–51,495; Alliance Machine Co., Alliance, OH.

TA–W–51,750; Federated Merchandising Group, a Part of Federated Department Stores, New York, NY.

TA–W–51,685; ABB, Inc., Power Technologies Power System (PTPS), The Dalles, OR.

TA–W–51,655; Timeplex, LLC, a div. of Platinum Equity Holdings, Hackensack, NJ.

TA–W–51,790; Paragon Pattern & Manufacturing Co., Muskegon Heights, MI.

TA–W–51,922; PDC Pharmaceutical Systems LLC, Hartland, WI.

TA–W–51,865; Fishing Vessel (F/V) Puda Vida, Kodiak, AK.

TA–W–51,841; Ascot Enterprises, Inc., Window Fashions, Lincolnton, GA.

TA–W–51,824; Triple L Diary, Oakville, WA.

TA–W–51,816; Daylight Harbor, Inc., Kodiak, AK.

TA–W–51,407; Meadwestvaco, Newark, DE.

TA–W–51,324; Ponderosa Moulding, a subsidiary of Jeld-Wen Moulding and Millwork, Redmond, OR.

TA–W–51,041; Yoshida Recreational Products, LLC, d/b/a Epic Technologies, Portland, OR.

TA–W–51,654; Tubelite, Inc., Reed City, MI.

TA–W–51,585; Masonite International, Lisbon Falls, ME.

The workers firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–51,719; Farmer's Insurance, Information Technology Group, Los Angeles, CA.

TA–W–50,735; Consolidated Freightways Corp. of Delaware, Eau Claire Wisconsin Terminal, Eau Clare, WI.

TA–W–51,784; Richardson Electronics, Ltd, Richmond, IN.

TA–W–51,472; Piping Design Services, Inc., d/b/a PDS Technical Services, Seattle, WA.

TA–W–51,405; Itronix Corp., Spokane, WA.

TA–W–51,681; Sony Ericsson Mobile Communications (USA), Inc., Research Triangle Park, NC.

TA–W–51,737; Swissport USA, San Antonio, TX.

TA–W–51,942; V.C. Textile, In., V.C. Textile of California, Miami, FL.

TA–W–51,936; Weslaco Materials Warehouse, Haggar Clothing. Co., Weslaco, TX.

TA–W–51,873; Alpha Thought/Provider Business Services, Pittsburgh, PA.

TA–W–51,867; Federal Mogul Corp., El Paso, TX.

TA–W–51,832; American Greetings Corp., McCrory, AR.

The investigation revealed that criterion (a)(2)(A) (I.A) (no employment declines) have not been met.

TA–W–51,791; Cobra Patterns and Models, Madison Heights, MI.

TA–W–51,925; Fishing Vessel (F/V) Martle, Blaine, WA.

TA–W–51,450; Stratford Die Casting, Inc., Zinc Die Casting. Div., Winston-Salem, NC.

TA–W–51,944; Fish8ing Vessel (F/V) Dawn, Craig, AK.

TA–W–51,634; State of Alaska Commercial Fisheries Entry Commission Permit #S04T582330, Newhalen, AK.

TA–W–51,597; Fishing Vessel (F/V), Melina, Kodiak, AK.

TA–W–51,739; Fishing Vessel (F/V) Blue Fox, Naknek, AK.

TA–W–51,797; Fishing Vessel (F/V) E.G., Dillingham, AK

The investigation revealed that criteria (a)(2)(A)(I.B) (Sales or production, or both, did not decline) and (II.B) (has shifted production to a county not under the free trade agreement with the U.S) have not been met.

TA–W–51,639; Samuel Strapping Systems, Inc., Winchester, TN.

TA–W–51,747; Fisher Scientific, Indiana, PA.

TA–W–51,951; Fishing Vessel (F/V) ULU, Dillingham, AK.

TA–W–51,455A & C; White Rodgers, a div. of Emerson, Coils Div., Harrison, AR and Air Cleaners Div., Harrison, AR.

The investigation revealed that criteria (a) (2) (A) (I.C) (increased imports) and (a)(2)(B) (II.C) (has shifted production to country not under the free trade agreement with U.S) have not been met.

TA–W–51,811; Jim Michel Logging, Inc., Backer City, OR.

TA–W–51,559; Providence Steel, Inc., Providence, RI.

The investigation revealed that criteria (2) has not been met. The workers firm (or subdivision) is not a supplier or downstream producer to trade-affected companies.

TA–W–51,297; Bulk Handling Systems, Inc., Eugene, OR.

TA–W–51,662; S.D.S. Service, Inc., Danville, KY.

The investigation revealed that criteria (a)(2)(A) (I.C) (increased imports) and (a)(B) (II.B) (No Shift in production to a foreign country) have been met.

TA–W–51,807; ASRC Energy Services, Operations and Maintenance, Inc., formerly Alaska Petroleum Contractors, Anchorage, AK.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of section 222 have been met.

TA–W–51,776; General Tool Company, Cincinnati, OH: May 15, 2002.

TA–W–51,827; North America Rubber Thread Co., Inc., Fall River, MA: May 16, 2002.

TA–W–51,857; Solectron Corp., Westboro, MA: May 22, 2002.

TA–W–51,376; Ravenna Machine Co of Defiance, Defiance, OH: March 31, 2002.

TA–W–51,190; Zurn Industries, Inc., Cast Metals Operation (CMO), and Specification Drainage Operation (SDO), Erie, PA: March 13, 2002.

TA–W–51,700; The Boeing Co., Commercial Airplanes Group, Fabrication Div., Salt Lake City, UT: May 5, 2002.

TA–W–51,763; Kismet Products, Inc., Perry, Ohio Div., including leased workers of Horizon Personnel Resources, Perry, OH: May 6, 2002.

TA–W–51,671; Hebron Apparel, Inc., Cades, SC: April 23, 2002.

TA–W–51,761; ADC Telecommunications, Tustin, CA: May 6, 2002.

TA–W–51,494; Citation Corp., Interstate Drop Forge, Milwaukee, WI: April 11, 2002.

TA–W–51,600; Wheatland Tube Co., Wheatland, PA: April 22, 2002.

TA–W–51,812; Tecumseh Products Co., Diecast Operation, Sheboygan Falls, WI: May 16, 2002.

TA–W–51,470 & A; Harriet and Henderson Yarns, Inc., Clarkton Plant, Clarkton, NC and Harriet #1 Plant, Henderson, NC: April 9, 2002.

TA–W–51,920; O'Sullivan Industries Holdings, Inc., Lamar, MO: May 29, 2002.

TA–W–51,879; Monarch Ware, Inc., Algoma, WI: May 27, 2002.

TA–W–51,789; Allen Pattern of Michigan, Inc., Battle Creek, MI: May 1, 2002.

TA–W–51,788; ASF-Keystone, Inc., Alliance, OH: May 1, 2002.

TA–W–51,664; Parker Keeper, a div. of Parker Seal, formerly known as Wynn's Keeper, Inc., Springfield, KY: April 8, 2002.

TA–W–51,614; Nevamar Co., LLC, Hampton, SC: April 25, 2002.

TA–W–51,604; Nortel Networks, Order Management Team, Bohemia, NY: April 25, 2002.

TA–W–51,475; Guy Bennett Lumber Co., Clarkston, WA: April 4, 2002.

TA–W–51,418; Dover Furniture Manufacturing, Inc., Arley, AL: March 28, 2002.

TA–W–51,544; Paramount Apparel International, Inc., Winona Manufacturing, Winona, MO: April 15, 2002.

TA–W–51,506; Phillips Plastics Corp., Custom Div. and leased workers of Manpower, Phillips, WI: April 9, 2002.

TA–W–51,658; Ellis Hosiery Mills, Inc., Plant #2, Hickory, NC: April 30, 2002.

TA–W–51,899; Style Setter Fashions, Inc., Philadelphia, PA: May 28, 2002.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of section 222 have been met.

TA–W–51,842; Caterpillar, Inc., Leland Transmission Facility, Leland, NC: May 12, 2002.

TA–W–51,775; Intesys Technologies, Inc., including leased workers of Kelly Services and Adecco, Gilbert, AZ: May 12, 2002.

TA–W–51,819; Neuville Industries, Inc., Hildebran Div., Hildebran, NC: May 12, 2002.

TA–W–51,202; Spectrum Control, Inc., Wesson, MS: March 3, 2002.

TA–W–51,778; C & D Apparel, Tellico Plains, TN: May 9, 2002.

TA–W–51,684; Arimon Technologies, Inc., Manitowoc, WI: May 2, 2002.

TA–W–51,649; PUR, Water Filter Purification Div., Minneapolis, MN: April 28, 2002.

TA–W–51,862; Fishing Vessel (F/V) Sharon W., Kodiak, AK: May 27, 2002.

TA–W–51,809; J.C. Viramontes, Inc., d/b/a International Garment Processors, El Paso, TX: June 30, 2003.

TA–W–51,888; Mid-South Footwear, Inc., Manila, AR: May 27, 2002.

TA–W–51,926; State of Alaska Commercial Fisheries Entry Commission Permit #S04T64868G, Manokotak, AK: May 20, 2002.

TA–W–51,903; Nistem Corp., San Diego, CA: May 16, 2002.

TA–W–51,895; TRW Automotive, Occupant Safety Systems Div., Sparks, NV: May 29, 2002.

TA–W–51,891; O'Sullivan Industries-Virginia, Inc., South Boston, VA: May 29, 2002.

TA–W–51,886; GE Industrial Systems, Motors & Controls, Induction Motors, Tell City, IN: May 27, 2002.

TA–W–51,711; Fishing Vessel (F/V) Shelly J, Sitka, AK: May 1, 2002.

TA–W–51,623; Harman Wisconsin, Inc., a/k/a Harman Becker Automotive Systems, Inc., a div. of Harman International Industries, Prairie Du Chien, WI: April 25, 2002.

TA–W–51,327; Akzo Nobel, Industrial Coatings Div., Somerset, NJ: March 25, 2002.

TA–W–51,837; Big Idea Productions, Inc., Animation Studio Div., Lombard, IL: May 15, 2002.

TA–W–51,484; CPI Business Group, Inc., Single Use Camera Department, Rochester, NY: March 31, 2002.

TA–W–51,640; Gupta Permold Corp., Mass Transit Div., Pittsburgh, PA: April 24, 2002.

TA–W–51,568; Wellington Leisure Products, Washington Home Seasonal Div., Washington, GA: April 22, 2002.

TA–W–51,455, B, D; White Rodgers, a div. of Emerson Plastic Injection Molding Div., Harrison, AR, Solenoids Div., Harrison, AR and Gas Valves Div., Harrison, AR: April 7, 2002.

The following certification has been issued. The requirement of upstream supplier to a trade certified primary firm has been met.

TA–W–51,817; Farside Fish Camp, Kodiak, AK: May 15, 2002.

TA–W–51,915; Foremost Fisheries, Inc., Fishing Vessel (F/V) Foremost, Sitka, AK: May 30, 2002.

TA–W–51,765; State of Alaska Commercial Fisheries Entry Commission Permit #S04T60784, Ekuk Beach, AK: May 5, 2002.

I hereby certify that the aforementioned determinations were issued during the months of May and June 2003. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 13, 2003.

Timothy Sullivan

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–15462 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than June 30, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, as the address shown below, not later than June 30, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 11th day of June 2003.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted Between 05/19/2003 and 05/22/2003]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,807	Alaska Petroleum Contracts (Wkrs)	Anchorage, AK	05/19/2003	05/16/2003
51,808	Westpoint Steven, Inc. (Comp)	Roanoke Rapids, NC	05/19/2003	05/16/2003
51,809	J.C. Viramontes, Inc. (Comp)	El Paso, TX	05/19/2003	05/07/2003
51,810	Borregaard Lignotech (Wkrs)	Mt. Vernon, WA	05/19/2003	05/16/2003
51,811	Jim Michel Logging, Inc. (Comp)	Baker City, OR	05/19/2003	05/14/2003
51,812	Tecumseh Products Company (Comp)	Sheboygen Falls, WI	05/19/2003	05/16/2003
51,813	Sappi Fine Paper (PACE)	Westbrook ME	05/19/2003	05/12/2003
51,814	Nexfor Fraser Papers (Wkrs)	Madawaska, ME	05/19/2003	05/13/2003
51,815	Sharon Tube Company (USWA)	Sharon, PA	05/19/2003	05/13/2003
51,816	Daylight Harbor, Inc. (Comp)	Kodiak, AK	05/19/2003	05/15/2003
51,817	Farside Fish Camp (Comp)	Kodiak, AK	05/19/2003	05/15/2003
51,818	Federal Mogul Lighting (Comp)	Hampton, VA	05/20/2003	05/20/2003
51,819	Neuville Industries, Inc. (Comp)	Hildebran, NC	05/20/2003	05/19/2003
51,820	Orion America, Inc. (Comp)	Olney, IL	05/20/2003	05/19/2003
51,821	Moen, Inc. (Wkrs)	Wheeling, IL	05/20/2003	05/19/2003
51,822	Citimortgate, Inc. (Wkrs)	Farmington Hill, MI	05/20/2003	04/04/2003
51,823	OEM Worldwide (Wkrs)	Spearfish, SD	05/20/2003	05/16/2003
51,824	Triple L Dairy (Comp)	Oakville, WA	05/20/2003	05/19/2003
51,825	Ultra Precision (PA)	Freeport, PA	05/20/2003	05/19/2003
51,826	Schweiger (Wkrs)	Jefferson, WI	05/20/2003	05/19/2003
51,827	North American Rubber Thread (Comp)	Fall River, MA	05/20/2003	05/16/2003
51,828	Texas Instruments (Comp)	Attleboro, MA	05/20/2003	05/01/2003
51,829	Ingersoll International (Wkrs)	Rockford, IL	05/20/2003	05/03/2003
51,830	Kaneka Delaware Corp. (Comp)	Delaware City, DE	05/20/2003	05/01/2003
51,831	Kevin Thomet (Comp)	Kodiak, AK	05/20/2003	05/15/2003

APPENDIX—Continued

[Petitions Instituted Between 05/19/2003 and 05/22/2003]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,832	American Greetings (AR)	McCrory, AR	05/21/2003	05/20/2003
51,833	Ever Corporation (AR)	Newport, AR	05/21/2003	05/20/2003
51,834	Agilent Technologies, Inc. (Wkrs)	Colorado Spring, CO	05/21/2003	05/15/2003
51,835	Agilent Technologies (Wkrs)	Loveland, CO	05/21/2003	05/16/2003
51,836	Advanced Energy (Wkrs)	Ft. Collins, CO	05/21/2003	05/13/2003
51,837	Big Idea Productions, Inc. (Wkrs)	Lombard, IL	05/21/2003	05/15/2003
51,838	Rio Grande Forest Products (Comp)	Espanola, NM	05/21/2003	05/13/2003
51,839	GE Transportation Systems (Wkrs)	Warrenburg, MO	05/21/2003	05/20/2003
51,840	Mastergear (Wkrs)	So. Beloit, WI	05/21/2003	05/20/2003
51,841	Ascot Enterprise (Wkrs)	Lincolnton, GA	05/21/2003	05/20/2003
51,842	Caterpillar, Inc. (Comp)	LeLand, NC	05/21/2003	05/12/2003
51,843	Mercury Minnesota, Inc. (MN)	Faribault, MN	05/21/2003	05/14/2003
51,844	F/V Kindred Spirit (Comp)	Bellingham, WA	05/21/2003	05/16/2003
51,845	F/V Dusty (Comp)	Pelican, AK	05/21/2003	05/16/2003
51,846	Legendary Holdings (Wkrs)	Chula Vista, CA	05/22/2003	05/13/2003
51,847	Morgan Lumber (ME)	Bingham, ME	05/22/2003	05/21/2003
51,848	W.S.W. Co. of Sharon, Inc. (Comp)	Sharon, TN	05/22/2003	05/12/2003
51,849	Spencer and Reynolds, Inc. (Comp)	Rancho Cucamong, CA.	05/22/2003	05/05/2003
51,850	American Colloid (IBT)	Paris, TN	05/22/2003	05/22/2003
51,851	Northwest Airlines (AMEA)	Duluth, MN	05/22/2003	05/16/2003
51,852	Unifi, Inc. (Wkrs)	Madison, NC	05/22/2003	05/15/2003
51,853	Gentry Mills, Inc. (Comp)	Albermarle, NC	05/22/2003	05/21/2003
51,854	Factory Service, Inc. (Comp)	Minfola, NY	05/22/2003	05/21/2003
51,855	Plexus EAC (Wkrs)	Neenah, WI	05/22/2003	05/21/2003
51,856	Alcoa Intalco Works (IAMAW)	Ferndale, WA	05/22/2003	05/14/2003
51,857	Solectron Corporation (Comp)	Westboro, MA	05/22/2003	05/22/2003
51,858	Occidental Chemical Corp. (Comp)	Castle Hayne, NC	05/22/2003	05/15/2003
51,859	JDS Uniphase (Wkrs)	RTP, NC	05/22/2003	05/22/2003
51,860	Solutia, Inc. (IBT)	Trenton, MI	05/22/2003	04/11/2003
51,861	Blauer Manufacturing Co., Inc. (Comp)	Charleston, MS	05/22/2003	05/16/2003

[FR Doc. 03–15458 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,440]

ASML Albuquerque, Albuquerque, New Mexico; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 17, 2003, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of ASML Albuquerque, Albuquerque, New Mexico was signed on April 16, 2003, and published in the **Federal Register** on May 1, 2003 (68 FR 23322).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at ASML Albuquerque, Albuquerque, New Mexico engaged in activities related to customer support engineering services. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222(3) of the Act.

The petitioner alleges that layoffs at ASML Albuquerque, Albuquerque, New Mexico, were related to the acquisition of the facility by a foreign company. The petitioner states that subject facility, formerly known as Silicon Valley Group, was bought by ASML, a company with foreign production facilities. The petitioner concludes that, shortly after the acquisition of the Silicon Valley Group facilities (including an affiliated production facility in Connecticut) both facilities were shut down. The petitioner appears to be alleging that the acquiring company shifted production abroad, with plans to import this production to the U.S.

The petitioner's allegation of a shift in production and subsequent potential imports might be relevant if all other eligibility requirements for trade adjustment assistance were met. However, customer support engineering services do not meet the definition of production of an article as established in Section 222 of the Trade Act, thus the workers in this case do not meet the eligibility requirements of TAA.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of

Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 3rd day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15478 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,708]

Bethlehem Steel Corporation, Corporate Headquarters, Bethlehem, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 7, 2003, in response to a petition filed on behalf of workers at Bethlehem Steel Corporation, Corporate Headquarters, Bethlehem, Pennsylvania.

This petitioning group of workers is covered by an active certification issued on May 16, 2003 and which remains in effect (TA–W–51,241G). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 22nd day of May 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15465 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,730]

Bethlehem Steel Corporation, Bethlehem Lukens, Coatesville, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 9, 2003, in response to a petition filed on behalf of workers at Bethlehem Steel Corporation, Bethlehem Lukens, Coatesville, Pennsylvania.

This petitioning group of workers is covered by an active certification issued on May 16, 2003 and which remains in effect (TA–W–51,241B). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 22nd day of May 2003.

Elliott S. Kushner

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15466 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,560]

Brazeway Inc., DeWitt, IA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 22, 2003, in response to a worker petition filed on behalf of workers at Brazeway Inc., DeWitt, Iowa.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 20th day of May, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15481 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,604]

Cessna Aircraft Company, Wichita, KS; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 16, 2003, the International Association of Machinists and Aerospace workers, District Lodge #70, requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on April 17, 2003, and published in the **Federal Register** on May 7, 2003 (68 FR 24503).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Cessna Aircraft Company, Wichita, Kansas was denied because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The company did not import business jet aircraft in the relevant period, nor did they shift production to a foreign facility.

The union alleges that the company shifted production of ''sections of the tail and wing assembly of the CJ–3 and Citation Soverence'' to Canada, and that ''this work is normally performed by'' subject firm workers.

Contact with the company in regard to this allegation revealed that, although the company did outsource these components to Canada, they were never produced at the Wichita facility, thus this production is irrelevant to the investigation.

The union also alleged that airplane parts competitive with those produced in Wichita are now being produced in ''Poland, Czechoslovakia, and Mexico.''

In response to this allegation, a company official stated that the company outsourced an insignificant amount of production to Poland, comprising a negligible amount of total annual production at the Wichita plant. The official also stated that, although Czechoslovakia is currently being considered as a potential outsourcing location, the company has not yet imported or used any products produced in that country. The official also stated that Mexico is currently not a serious consideration in terms of outsourcing production for the company.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 3rd day of June, 2003

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15475 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,578]

Cleveland Chair a/k/a Jackson Furniture Industries, Madisonville, Tennessee; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 5, 2003, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on March 11, 2003, and published in the **Federal Register** on March 26, 2003 (68 FR 14706).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Cleveland Chair, Madisonville, Tennessee was denied because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of customers of the workers' firm. The survey revealed that none of the respondents increased their purchases of sewn chair covers. The company did not import sewn cloth chair covers or shift production to a foreign source in the relevant period.

In the reconsideration process, it was established that the company was also known under the name of Jackson Furniture Industries.

The petitioner asserts that the subject firm produced leather chair covers in addition to sewn cloth chair covers, and that the company shifted production to Mexico.

Further investigation, including contact with the company, confirmed that which was established in the original investigation in regard to these issues. First, although the company does import leather covers, leather chair covers have never been produced at the Madisonville facility. Second, no production has been shifted from the Madisonville facility to Mexico in the relevant period.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 5th day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15474 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,772]

Computer Simulations, Pittsburgh, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 16, 2003 in response to a petition filed by a company official on behalf of workers at Computer Simulations, Pittsburgh, Pennsylvania.

The petitioner(s) has (have) requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 10th day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15486 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,668]

Creative Dyeing, Inc., Mt. Holly, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 2, 2003, in response to a worker petition filed by a company official on behalf of workers at Creative Dyeing, Inc., Mt. Holly, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 27th day of May 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15463 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,874]

Flow Controls, St. Louis, MO; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 28, 2003, in response to a worker petition filed by a company official on behalf of workers at Flow Controls, St. Louis, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 29th day of May 2003

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15470 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,576]

Galt Block Warehouse, Bangor, ME; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 24, 2003 in response to a worker petition filed by the company on behalf of workers at Galt Block Warehouse, Bangor, Maine.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC, this 20th day of May, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15482 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,853]

Gentry Mills, Inc., Albemarle, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 22, 2003 in response to a petition filed by a company official on behalf of workers at Gentry Mills, Inc., Albemarle, North Carolina.

The petitioner has requested that the investigation be terminated. Consequently, the investigation has been terminated.

Signed at Washington, DC this 28th day of May 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15467 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,829]

Ingersoll International A.K.A. Ingersoll Milling Machine Rockford, IL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 20, 2003, in response to a petition filed on behalf of workers at Ingersoll International, a.k.a Ingersoll Milling Machine, Rockford, Illinois.

The petitioning group of workers filed an existing petition on May 14, 2003 (TA–W–51,762) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation is this case (TA–W–51,829) would thus be duplicated and serves no purpose; therefore the investigation under this petition has been terminated.

Signed in Washington, DC this 4th day of June 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15487 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,749 and TA–W–51,749A]

Intel Corporation, Systems Manufacturing Technology Development, Hillsboro, OR, and Intel Corporation, Systems Manufacturing Technology Development, Dupont, WA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 14, 2003 in response to a worker petition which was filed by a company official on behalf of workers at Intel Corporation, Systems Manufacturing Technology Development, Hillsboro, Oregon (TA–W–51,749) and Intel Corporation, Systems Manufacturing Technology Development, DuPont, Washington (TA–W–51,749A).

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 6th day of June, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15485 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,666]

International Terra Cotta, Inc., Los Angeles, CA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 2, 2003 in response to a worker petition filed by a company official on behalf of workers at International Terra Cotta, Inc., Los Angeles, California.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15484 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,830]

Kaneka Delaware Corporation, Delaware City, DE; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 20, 2003 in response to a worker petition filed by a company official on behalf of workers at Kaneka Delaware Corporation, Delaware City, Delaware.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC this 3rd day of June, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15488 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,048]

Kayser-Roth Corporation, Creedmoor Facility, Creedmoor, NC; Notice of Negative Determination Regarding Application for Reconsideration

By application of April 16, 2003, employees requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Kayser-Roth Corporation, Creedmoor Facility, Creedmoor, North Carolina was signed on March 19, 2003, and published in the **Federal Register** on April 7, 2003 (68 FR 16834).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Kayser-Roth Corporation, Creedmoor Facility, Creedmoor, North Carolina engaged in activities related to the distribution services of ''No Nonsense'' leg-wear. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222(3) of the Act.

The workers allege that layoffs at Kayser-Roth Corporation, Creedmoor Facility, Creedmoor, North Carolina, were directly ''due to free trade'' and supply supplemental information to confirm this.

The worker allegations of trade impact would only be relevant if all other eligibility requirements for trade adjustment assistance were met in this case. However, distribution services do not meet the definition of production of an article as established in Section 222 of the Trade Act, thus the workers in this case do not meet the eligibility requirements of TAA.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 3rd day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance

[FR Doc. 03–15476 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,340]

Lear Corporation, Electrical and Electronics Division (LEED), Plant 074, Peru, IN; Notice of Negative Determination Regarding Application for Reconsideration

By application of April 28, 2003, the Paper, Allied-Industrial, Chemical & Energy Workers International Union requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on March 17, 2003, and published in the **Federal Register** on April 2, 2003 (68 FR 16093).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Lear Corporation Electrical and Electronics Division (LEED), Plant 074, Peru, Indiana was denied because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of customers of the workers' firm. The survey revealed that none of the respondents increased their purchases of imported plastic parts for automotive fuse boxes and wire harnesses. The company did not import plastic parts for automotive fuse boxes and wire harnesses in the relevant period nor did it shift production to a foreign source.

The union asserts that the company shifted production to Mexico, and most specifically alleges that a specific part number (#90142) is currently being made at a Mexican facility.

Further investigation, including contact with the company, revealed that the part specified was shifted to another domestic facility. Further, a company official reconfirmed what was established in the original investigation; no production was shifted from the Peru, Indiana facility to a foreign source.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 5th day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15472 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,884]

Louisiana Pacific Corporation, Belgrade Studmill, Belgrade, MT; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 28, 2003 in response to a petition filed by a company official on behalf of workers at Louisiana Pacific Corporation, Belgrade Studmill, Belgrade, Montana.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 10th day of June 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15489 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,648]

National Steel Company, Granite City, IL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 30, 2003 in response to a worker petition filed by International Chemical Workers Union Council, Local 50, on behalf of workers at U.S. Steel Company, Granite City, Illinois. Evidence developed in the course of the investigation revealed that workers at this location were employed by National Steel Corporation on the date the petition was filed.

The petitioning group of workers is covered by an earlier petition filed on April 24, 2003 (TA–W–51,611) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the

investigation under this petition has been terminated.

Signed at Washington, DC, this 2nd day of June, 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15483 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,858]

Occidental Chemical Corp., Castle Hayne, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 22, 2003 in response to a petition filed by a company official on behalf of workers at Occidental Chemical Corp., Castle Hayne, North Carolina.

The Department has deemed this petition invalid. The petition verification revealed that the petition was not signed by the company official named. The company official contacted does not wish to pursue the petition.

Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC this 2nd day of June, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15468 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,360]

Ocean State Finishing Company, Woonsocket, RI; Notice of Revised Determination on Reconsideration

By application of April 17, 2003, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA).

The initial investigation resulted in a negative determination issued on March 17, 2003, based on the finding that imports of dyed and finished circular knit fabrics for the women's apparel industry did not contribute importantly to worker separations at the Woonsocket plant. The denial notice was published in the **Federal Register** on April 2, 2003 (68 FR 16093).

To support the request for reconsideration, the petitioner provided additional information to supplement that which was gathered during the initial investigation. Upon further review and contact with the company, evidence revealed that R.G. Knitting Mills, Inc., Woonsocket, Rhode Island, to whom the petitioning workers' firm or subdivision acts as a downstream producer, employed a group of workers who received a certification of eligibility for trade adjustment assistance based on an increase in imports from, or a shift in production to, Canada or Mexico, and the downstream production is related to the article that was the basis for such certification. R.G. Knitting Mills, Inc., Woonsocket, Rhode Island was affected by imports from Canada and Mexico while reducing purchases of dyed and finished circular knit fabrics for the women's apparel industry from the petitioning workers' firm or subdivision. The subject firm's employment declined, in part, because of the imports. Workers of R.G. Knitting Mills, Inc., Woonsocket, Rhode Island were certified as eligible to apply for Trade Adjustment Assistance on May 16, 2002 (TA–W–41,109).

Conclusion

After careful review of the facts obtained in the investigation, I determine that workers of Ocean State Finishing Company, Woonsocket, Rhode Island qualify as adversely affected secondary workers under Section 222(b) of the Trade Act of 1974, as amended. In accordance with the provisions of the Act, I make the following certification:

All workers of Ocean State Finishing Company, Woonsocket, Rhode Island who became totally or partially separated from employment on or after December 2, 2001, through two years from the date of certification are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 3rd day of June 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15473 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,176]

Delco Remy America, Inc. d/b/a Remy Logistic, Anderson, IN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 17, 2003 in response to a worker petition filed on behalf of workers at Remy Logistic, a division of Delco Remy America, Inc., Anderson, Indiana.

The petitioning group of workers is covered by an active certification issued on March 24, 2003 and which remains in effect (TA-W–50,728). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 23rd day of May, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15461 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,696]

Sanmina-SCI, Lewisburg, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 7, 2003 in response to a worker petition filed by a company official on behalf of workers at Sanmina-SCI, Lewisburg, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC this 23rd day of May, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15464 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,179]

SMT, Inc., Hanover, MI; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 8, 2003, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on April 4, 2003, and published in the **Federal Register** on April 24, 2003 (68 FR 20177).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of SMT Automotive, Inc., Schrader Machine & Tool, Hanover, Michigan was denied because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of customers of the workers' firm. The survey revealed that none of the respondents increased their purchases of imported metal brackets and braces. The investigation revealed that company did not import metal brackets and braces in the relevant period, nor did it shift production to a foreign facility.

The petitioner alleges that ''eight jobs * * * went to Raccine (sic) in Mexico'' and proceeds to list several part numbers.

When the petitioner was contacted for clarification on these allegations, the Department was referred to a former company official who had provided the information initially. This former company official stated that the parts listed in the reconsideration request concerned a Mexican customer. Foreign customers are not relevant in TAA investigations.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 3rd day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15471 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,860]

Solutia, Inc., Trenton, MI; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 22, 2003 in response to a worker petition filed by The International Brotherhood of Teamsters, Local 299, on behalf of workers at Solutia, Inc., Trenton, Michigan.

The petitioning group of workers is covered by an earlier petition filed on April 20, 2003 (TA–W–51,586) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC this 3rd day of June, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15469 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than June 30, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than June 30, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 9th day of June 2003.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX—PETITIONS INSTITUTED BETWEEN 05/12/2003 AND 05/16/2003

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,732	Union Tank Car Company (Wkrs)	Longview, TX	05/12/2003	04/30/2003
51,733	Dirigo Dowels and Pins, Inc. (Comp)	New Portland, ME	05/12/2003	05/06/2003
51,734	Jockey International (Wkrs)	Alamo, TN	05/12/2003	05/12/2003

APPENDIX—PETITIONS INSTITUTED BETWEEN 05/12/2003 AND 05/16/2003—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,735	Consolidated Freightways (Wkrs)	Eau Claire, WI	05/12/2003	05/07/2003
51,736	Safeharbor Technology Corporation (Wkrs)	Satsop, WA	05/12/2003	05/09/2003
51,737	Swissport USA (Wkrs)	San Antonio, TX	05/12/2003	05/09/2003
51,738	Motor Component, LLC (Comp)	Elmira, NY	05/12/2003	05/09/2003
51,739	F/V Blue Fox (Comp)	Naknek, AK	05/12/2003	05/05/2003
51,740	F/V Lucy Lewis (Wkrs)	Kipnuk, AK	05/12/2003	04/28/2003
51,741	Apone's T-Shirt Cache (Comp)	Anchorage, AK	05/14/2003	02/05/2003
51,742	Entronix International, Inc. (MN)	Minneapolis, MN	05/14/2003	05/06/2003
51,743	Sychip, Inc. (NJ)	Murray Hill, NJ	05/14/2003	05/13/2003
51,744	Gateway Industrial Services (Wkrs)	Jonesboro, AR	05/14/2003	05/06/2003
51,745	Marion Plywood Corporation (Comp)	Marions, WI	05/14/2003	05/07/2003
51,746	Motorola (Wkrs)	Chandler, AZ	05/14/2003	05/08/2003
51,747	Fisher Scientific (Wkrs)	Indiana, PA	05/14/2003	05/13/2003
51,748	Intel Corporation (Wkrs)	Hillsboro, OR	05/14/2003	05/09/2003
51,749	Intel Corporation (Comp)	Hillsboro, OR	05/14/2003	01/14/2003
51,749A	Intel Corporation (Comp)	DuPont, WA	05/14/2003	01/14/2003
51,750	Federated Merch. Group (Wkrs)	New York, NY	05/14/2003	05/05/2003
51,751	McMillen Lumber (Wkrs)	Sheffield, PA	05/14/2003	05/06/2003
51,752	Bay Machinery Company (Wkrs)	Blissfield, MI	05/14/2003	05/09/2003
51,753	Agilent Technologies (Comp)	Richardson, TX	05/14/2003	05/12/2003
51,754	Rodco Products (Comp)	Lewiston, ME	05/14/2003	05/07/2003
51,755	Selkirk, LLC (Wkrs)	Logan, OH	05/14/2003	05/12/2003
51,756	Mattel, Inc. (NJ)	Mt. Laurel, NJ	05/14/2003	05/13/2003
51,757	Coherent Inc. (Wkrs)	Auburn, CA	05/14/2003	05/13/2003
51,758	Teleflex Automotive, Inc. (Wkrs)	VanWert, OH	05/14/2003	05/12/2003
51,759	Heidenhain (Wkrs)	Schaumburg, IL	05/14/2003	05/06/2003
51,760	Satellite Technology Mgmt. (Wkrs)	Irvine, CA	05/14/2003	04/12/2003
51,761	ADC Telecommunications (Wkrs)	Tustin, CA	05/14/2003	05/06/2003
51,762	Ingersoll Milling Machine (Wkrs)	Rockford, IL	05/14/2003	04/15/2003
51,763	Kismet Products, Inc. (Comp)	Perry, OH	05/14/2003	05/06/2003
51,764	F/V Resolute (Comp)	Ketchikan, AK	05/14/2003	05/05/2003
51,766	Fishing Vessel (F/V) Return (Comp)	King Cove, AK	05/14/2003	05/02/2003
51,767	F/V Imperial (Comp)	Funter Bay, AK	05/14/2003	05/08/2003
51,768	Chilkoot Fish Company (Comp)	Haines, AK	05/14/2003	05/04/2003
51,769	Hamilton Die Cast, Inc. (Wkrs)	Hamilton, OH	05/15/2003	12/19/2002
51,770	Phantom USA, Inc. (Comp)	Liberty, NC	05/15/2003	05/02/2003
51,771	Thompson-Hancock Technologies (Comp)	Gibsonville, NC	05/15/2003	05/09/2003
51,772	Computer Simulations (Comp)	Pittsburgh, PA	05/16/2003	05/12/2003
51,773	Regal Ware, Inc. (PACE)	Kewaskum, WI	05/15/2003	04/30/2003
51,774	Pactiv Corp. (Wkrs)	Red Bluff, CA	05/15/2003	05/02/2003
51,775	InteSys Technologies Inc. (Comp)	Gilbert, AZ	05/15/2003	05/12/2003
51,776	General Tool Company (OH)	Cincinnati, OH	05/15/2003	05/15/2003
51,777	Cambridge Metal and Plastics (MN)	Cambridge, MN	05/15/2003	05/13/2003
51,778	C and D Apparel (Wkrs)	Tellico Plains, TN	05/15/2003	05/09/2003
51,779	Cordis Cardiovascular (Wkrs)	Maple Grove, MN	05/15/2003	05/06/2003
51,780	QCR Tech, LLC (IAM)	Madison Hgts., MI	05/15/2003	05/08/2003
51,781	MSX International (IAM)	Auburn Hills, MI	05/15/2003	05/08/2003
51,782	Troy Tooling, Inc. (IAM)	Rochester Hills, MI	05/15/2003	05/08/2003
51,783	Nabco, Inc. (Comp)	Arion, MI	05/16/2003	05/15/2003
51,784	Richardson Electric, Ltd. (Comp)	Richmond, IN	05/16/2003	05/13/2003
51,785	Astro-Netics, Inc (IAM)	Madison Heights, MI	05/15/2003	05/08/2003
51,786	Seaway Pattern Manufacturing, Inc. (IAM)	Toledo, OH	05/15/2003	05/01/2003
51,787	Production Pattern Co. (IAM)	Bedford, OH	05/15/2003	05/01/2003
51,788	American Steel Foundry/Keystone Co. (IAM)	Alliance, OH	05/16/2003	05/01/2003
51,789	Allen Pattern of Michigan (IAM)	Battle Creek, MI	05/15/2003	05/01/2003
51,790	Paragon Pattern & Manufacturing Company (IAM)	Muskegon Hghts, MI	05/15/2003	05/01/2003
51,791	Cobra Patterns and Models (IAM)	Madison Hts., MI	05/15/2003	05/01/2003
51,792	Mack Industries (IAM)	Troy, MI	05/15/2003	05/01/2003
51,793	Commerce Eng. and Pattern Co. (IAM)	Walled Lake, MI	05/15/2003	05/01/2003
51,794	Progress Pattern Corp. (IAM)	Livonia, MI	05/15/2003	05/01/2003
51,795	Int'l Seaford of Alaska, Inc. (Comp)	Kodiak, AK	05/15/2003	05/02/2003
51,796	F/V Northern Flyer (Comp)	Ketchikan, AK	05/15/2003	05/13/2003
51,797	Walter L. Riley (Comp)	Dillingham, AK	05/15/2003	04/25/2003
51,798	Semitool (Comp)	Kalispell, MT	05/16/2003	05/12/2003
51,799	Plastech Corporation (Comp)	Amery, WI	05/16/2003	05/12/2003
51,800	Meridian Automotive (Wkrs)	Centralia, IL	05/16/2003	05/15/2003
51,801	Solid State Securities (Wkrs)	Hazleton, PA	05/16/2003	05/13/2003
51,802	Lucent Technologies (Wkrs)	Columbus, OH	05/16/2003	05/12/2003
51,803	North American Cronite (Wkrs)	N. Ridgeville, OH	05/16/2003	05/09/2003
51,804	Link-Belt Construction Equipment (Comp)	Lexington, KY	05/16/2003	05/08/2003
51,805	Plexus Electronic Assembly (Wkrs)	Richmond, KY	05/16/2003	05/07/2003

APPENDIX—PETITIONS INSTITUTED BETWEEN 05/12/2003 AND 05/16/2003—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,806	Fishing Vessel (F/V) Mattie Lynn (Comp)	Ninilchik, AK	05/16/2003	04/28/2003

[FR Doc. 03–15459 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,419]

Vaisala, Inc., A Wholly Owned Subsidiary of Vaisal OYJ, Columbus Operations, Plain City, OH; Notice of Revised Determination on Reconsideration

By application of May 2, 2003, a worker requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on April 18, 2003 based on the finding that imports of automated weather observation systems (AWOS) did not contribute importantly to worker separations at the subject plant. The denial notice was published in the **Federal Register** on May 7, 2003 (68 FR 24503).

To support the request for reconsideration, the worker supplied additional information to supplement that which was gathered during the initial investigation. Upon further review and contact with the company, it was revealed that, subsequent to the closure of the plant, the company shifted production to one of their foreign facilities and began importing components of the AWOS system that were like or directly competitive with components produced at the subject facility in the relevant period. It was also determined that the production of these components at the subject facility comprised a significant portion of overall production.

Conclusion

After careful review of the facts obtained in the investigation, I determine that there was a shift in production from the workers' firm or subdivision to a foreign source of articles that are like or directly competitive with those produced by the subject firm or subdivision, and there has been or is likely to be an increase in imports of like or directly competitive articles. In accordance with the provisions of the Act, I make the following certification:

All workers of Vaisala, Inc., A Wholly Owned Subsidiary of Vaisal OYJ, Columbus Operations, Plain City, Ohio, who became totally or partially separated from employment on or after March 27, 2002 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 3rd day of June 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15479 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,415]

Washington Group IDC, Manassas, VA; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of June 2, 2003, a petitioner requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on May 9, 2003, and published in the **Federal Register** on June 3, 2003 (68 FR 33197).

The investigation revealed that the petitioning workers of this firm or subdivision do not produce an article within the meaning of section 222(3) of the Act.

The petitioners supplied additional information alleging that they produce a product at an unaffiliated facility whose workers are certified eligible to apply for trade adjustment assistance (Micron Technology, Manassas, Virginia, TA–W–51,231). The Department will conduct further investigation to address this issue.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 9th day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15480 Filed 6–18–03; 8:45 am]

BILLING CODE 4510–30–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (03071)]

NASA Advisory Committee; Notice of Establishment

AGENCY: National Aeronautics and Space Administration (NASA).

The Administrator of the National Aeronautics and Space Administration has determined that the establishment of a Return to Flight Task Group is necessary and in the public interest in connection with the performance of duties imposed upon NASA by law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Return to Flight Task Group.

Purpose and Objective: The Task Group will perform an independent assessment of NASA's actions to implement the recommendations of the Columbia Accident Investigation Board (CAIB), as they relate to the safety and operational readiness of STS–114. While the Task Group will not attempt to assess the adequacy of the CAIB recommendations, it will report on the progress of NASA's response to meet their intent. The Task Group will draw on the expertise of its members and other sources to provide its assessment to the Administrator. The Task Group will hold meetings and make site visits as necessary to accomplish their fact-finding. The Task Group will be provided information necessary to perform its advisory functions, including activities of both the Agency and its contractors. The Task Group will

function solely as an advisory body and will comply fully with the provisions of the Federal Advisory Committee Act.

Balanced Membership Plans: The Task Group will consist of non-NASA employees and one NASA non-voting, ex-officio member, the Deputy Associate Administrator for Safety and Mission Assurance. In addition, there may be associate members selected for Task Group Panels. The Task Group may also request appointment of consultants to support specific tasks. Members of the Task Group and Panels will be chosen from among industry, academia, and government with recognized knowledge and expertise in fields relevant to safety and space flight. Total membership will reflect a balanced view.

Duration: Continuing.

Responsible NASA Official: Dr. Michael A. Greenfield, Associate Deputy Administrator for Technical Programs, National Aeronautics and Space Administration, 300 E Street, SW., Washington, DC 20546, telephone 202/358–1820.

June W. Edwards,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 03–15509 Filed 6–18–03; 8:45 am]

BILLING CODE 7510–01–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Executive Office of the President, Office of National Drug Control Policy

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Executive Office of the President, Office of National Drug Control Policy, is publishing the following summary of proposed information collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320. We cannot reasonably comply with the normal clearance procedures because of the urgent need for this critical information in the formulation of ONDCP's major national policy initiative regarding student drug testing beginning fiscal year 2004. ONDCP's formulation of its national policy initiative regarding student drug testing will rely heavily on the data collected through this effort.

Executive Office of the President, Office of National Drug Control Policy is requesting OMB review and approval of this information collection thirty two days from the date of publication, with an 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below within 30 days from the date of publication.

Type of Information Collection Request: New collection;

Title of Information Collection: Survey—Identifying Public/Private Schools Currently Operating School Drug Testing Programs in 25 Cities Across the U.S;

Use: To identify schools or school districts that currently conduct student drug testing programs, and to assess the common characteristics of existing programs;

Frequency: Onetime reporting;

Affected Public: State, Local, or Tribal Government, not-for-profit institutions;

Number of Respondents: 4368;

Total Annual Responses: 4368;

Total Annual Hours: 1092.

We have submitted a copy of this notice to OMB for its review of these information collections.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above you may:

- Access the Office of National Drug Control Policy Web site address at *http://www.whitehousedrugpolicy.gov/prevent/survey*; or
- Call the Office of National Drug Control Policy, Office of Planning and Budget on (202) 395–6736.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and/or recordkeeping requirements must be mailed and/or faxed to the designees referenced below, within 30 days from the date of publication:

Executive Office of the President, Office of National Drug Control Policy, Office of Planning and Budget, Attention: Terry S. Zobeck, Ph.D., Acting Deputy Associate Director for Planning and Budget, Washington, DC 20503, Fax Number: (202) 395–5571.

And, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Allison Eydt, Desk Officer.

Dated: June 16, 2003.

Terry S. Zobeck,

Acting Deputy Associate Director for Planning and Budget, Office of National Drug Control Policy.

[FR Doc. 03–15575 Filed 6–17–03; 1:06 pm]

BILLING CODE 3180–02–P

THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Proposed Collection, Comment Request, Study of IMLS Funded Digital Collections and Content

AGENCY: Institute of Museum and Library Services.

ACTION: Notice.

SUMMARY: This notice corrects the notice published on May 5, 2003 titled Study of User Needs; Assessment in Digitization. The Institute of Museum and Library Services as part of its continuing effort to reduce paperwork and respondent burdens, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction act of 1995 (PRA95) [44 U.S.C. 3508(2)(A)] This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. currently the Institute of Museum and Library Services is soliciting comments concerning the proposed study of IMLS Funded Digital Collections and Content.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before July 3, 2003. IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submissions of responses.

ADDRESSES: Send comments to: Martha Crawley, Senior Program Officer, Institute of Museum and Library Services, 1100 Pennsylvania Ave., NW., Room 802, Washington, DC 20506. Ms. Crawley can be reached on Telephone: 202–606–5513, Fax: 202–606–107 or by e-mail at *mcrawley@imls.gov*

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services is an independent Federal grant-making agency authorized by the Museum and Library Services Act, Public Law 104–208. The IMLS provides a variety of grant programs to assist the nation's museums and libraries in improving their operations and enhancing their services to the public. Museums and libraries of all sizes and types may receive support from IMLS programs. In the National Leadership Grant Program, IMLS funds the digitization of library and museum collections. This study is to determine the feasibility of using the Open Archives Initiative (OAI) metadata harvesting protocol to aggregate and provide integrated item-level search access to the digitization projects funded by the Institute of Museum and Library Services through the National Leadership Grant program.

Agency: Institute of Museum and Library Services.

Title: Study of IMLS Funded Digital Collections and Content.

OMB Number: n/a.

Agency Number: 3137.

Affected Public: Museums and Libraries that created digital collections with IMLS funding.

Number of Respondents: 120 (and approximately 60 expected from 2003, 2004, and 2005 grant awardees).

Frequency: Various. Each respondent will provide basic information on collections and metadata. Some participants will participate in a variety of follow up data collection activities.

Estimated time per respondent: 40 minutes.

Estimated cost per respondent: $16.68 (40 min x $25 per hour).

Total Burden Hours: 120 hours.

Total Annualized capital/startup costs: Zero.

Total Annual costs: $3,000 for initial data collection. Various costs for time of selected participants in follow up data collections (e.g. phone calls or e-mail to 15 participants x 20 min. x $25 per hour = 5 hours, $125).

FOR FURTHER INFORMATION CONTACT: Mamie Bittner, director Office of Public and Legislative Affairs, Institute of Museum and Library Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, telephone (202) 606–4648.

Dated: June 16, 2003.

Mamie Bittner,

Director of Public and Legislative Affairs.

[FR Doc. 03–15506 Filed 6–18–03; 8:45 am]

BILLING CODE 7036–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Leadership Initiatives Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Leadership Initiatives Advisory Panel, Literature section, will be held by teleconference from 1 p.m.–1:30 p.m. on Monday, June 23, 2003 in Room 720 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of April 30, 2003, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5691.

Dated: June 16, 2003.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 03–15585 Filed 6–18–03; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

Control Room Habitability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Generic Letter (GL) 2003–01 to all holders of operating licenses for pressurized-water reactors and boiling-water reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel and more than 1 year has elapsed since fuel was irradiated in the reactor vessel. The generic letter was issued to (1) alert licensees to findings at U.S. power reactor facilities suggesting that the control room licensing and design bases, and applicable regulatory requirements may not be met, and that existing technical specification surveillance requirements (SRs) may not be adequate, (2) emphasize the importance of reliable, comprehensive surveillance testing to verify control room habitability, (3) request licensees to submit information that demonstrates that the control room at each of their respective facilities complies with the current licensing and design bases, and applicable regulatory requirements, and that suitable design, maintenance and testing control measures are in place for maintaining this compliance, and (4) determine, based on the information received, if additional regulatory action is required.

DATES: The generic letter was issued on June 12, 2003.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Mark Blumberg, at 301–415–1083.

SUPPLEMENTARY INFORMATION: Generic Letter 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 generic letter is ML031620248.

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 12th 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. 03–15508 Filed 6–18–03; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17f–1(b), SEC File No. 270–28, OMB Control No. 3235–0032

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

- Rule 17f–1(b): Requirements for reporting and inquiry with respect to missing, lost, counterfeit, or stolen securities

Rule 17f–1(b) requires approximately 26,000 entities in the securities industry to register in the Lost and Stolen Securities Program (''Program''). Registration fulfills a statutory requirement that entities report and inquire about missing, lost, counterfeit, or stolen securities. Registration also allows entities in the securities industry to gain access to a confidential database that stores information for the Program.

We estimate that 1,000 entities will register in the Program annually. We also estimate that each respondent will register one time. The staff estimates that the average number of hours necessary to comply with the Rule 17f–1(b) is one-half hour. The total burden is 500 hours annually for respondents, based upon past submissions. The average cost per hour is approximately $50. Therefore, the total cost of compliance for respondents is $25,000.

Written 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 estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Kenneth A. Fogash, Acting Associate Executive Director/CIO, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: June 12, 2003.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–15501 Filed 6–18–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [68 FR 35741, June 16, 2003].

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: Tuesday, June 17, 2003 at 2 p.m.

CHANGE IN THE MEETING: Additional Item.

The following item has been added to the Closed Meeting of Tuesday, June 17, 2003: Amicus consideration.

Commissioner Goldschmid, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

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 16, 2003.

Jonathan G. Katz,

Secretary.

[FR Doc. 03–15649 Filed 6–17–03; 12:42 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48026; File No. SR–Phlx–2003–38]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Increase of Equity Option Transaction Fees

June 12, 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 30, 2003, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in items I, II and III below, which items have been prepared by the Phlx. 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 Phlx proposes to amend its schedule of dues, fees, and charges applicable to equity option transactions. The text of the proposed rule change is available at the Office of the Secretary, the Phlx, 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 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

in item IV below and is set forth in sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx proposes to amend its schedule of dues, fees and charges applicable to equity options by increasing: (1) The Firm/Proprietary transaction charge from $.15 per contract to $.20 per contract; (2) the Firm/Proprietary Facilitation transaction charge from $.08 per contract to $.10 per contract; (3) the Registered Options Trader (on-floor) transaction charge from $.16 per contract to $.19 per contract; and (4) the Specialist transaction charge from $.18 per contract to $.21 per contract (the ''Amended Fees'').[3] The Amended Fees are scheduled to be implemented on transactions settling on or after June 1, 2003. In addition, the Exchange proposes to delete the text of footnote 9 of its schedule of dues, fees, and charges, which inadvertently was not changed when amendments were made to the Firm/Proprietary Facilitation transaction charge in May 2002.[4]

The Exchange states that the purpose of the proposed fee changes to the Firm/Proprietary transaction charge, the Firm/Proprietary Facilitation transaction charge, the Registered Option trader (on-floor) transaction charge, and the Specialist transaction charge is to raise revenue for the Exchange from equity options transactions, which the Exchange believes should help offset rising Exchange costs associated with maintaining a competitive marketplace for its members and investors.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with section 6(b) of the Act[5] in general, and furthers the objectives of section 6(b)(4) of the Act[6] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members, as it raises the equity option transaction fee for many users.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to section 19(b)(3)(A)(ii) of the Act[7] and rule 19b–4(f)(2) thereunder.[8] Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 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 proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of 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–2003–38 and should be submitted by July 10, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–15502 Filed 6–18–03; 8:45 am]

BILLING CODE 8010–01–P

[3] These equity option transaction charges had heretofore been eligible for a monthly credit of up to $1,000 to be applied against certain fees, dues and charges and other amounts owed to the Exchange by certain members. *See* Securities Exchange Act Release No. 44292 (May 11, 2001), 66 FR 27715 (May 18, 2001) (SR–Phlx–2001–49). This credit program expired effective May 2003. The Exchange intends to file a separate proposed rule change to remove references to the member credit throughout the entire schedule of dues, fees and charges.

[4] *See* Securities Exchange Act Release No. 45942 (May 16, 2002), 67 FR 36060 (May 22, 2002) (SR–Phlx–2002–32).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Emergency Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Pub. L. 104–13 effective October 1, 1995, the Paperwork Reduction Act of 1995.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be sent to the individuals listed below:

(OMB),Office of Management and Budget,Attn: Desk Officer for SSA,Fax: 202–395–6974.

(SSA),Social Security Administration, DCFAM,Attn: Reports Clearance Officer,1338 Annex Bldg.,6401 Security Blvd.,Baltimore, MD 21235,Fax: 410–965–6400.

SSA has submitted the information collection listed below for emergency consideration by OMB. SSA has requested OMB approval within 28 days from the date of this notice. Therefore, your comments will be most useful if received before the 28 days conclude. You can obtain copies of the OMB clearance package by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to the address listed above.

Survey of Adults To Determine Public Understanding of Social Security Programs—0960–0612

As required by section 2(b) of the Government Performance and Results Act (GPRA), which provides that

Agencies establish the means for measuring their progress in achieving agency-level goals, SSA established the Public Understanding Measurement System (PUMS) in 1998 as a tool for measuring its performance in meeting its strategic objectives in the area of public knowledge about and understanding of the Social Security program. The instrument used in PUMS is a national phone survey of adult Americans (age 18 and over) which will be conducted annually for SSA by a professional polling organization.

SSA has recently put in place a new strategic plan and established a new strategic performance objective, ''the percent of adult Americans who are knowledgeable about the current Social Security program and related issues, including long-range financing.'' In line with the new plan, SSA is revising its public education program to include information about Social Security issues such as program solvency. SSA is also adjusting its PUMS process to collect baseline (initial) data on this revised measure. Once this baseline data is collected, SSA will set a strategic performance goal with yearly performance targets as required by the GPRA.

The survey instrument is designed to collect baseline knowledge data at the national level via 1,400 national surveys. Additionally, the survey is designed to assure a valid baseline knowledge measure for key populations toward which SSA has significant targeted education and outreach programs—African Americans, Hispanic Americans, and Asian Americans. This data is a crucial step in making SSA more focused and effective in its communication programs.

Without the data provided by the PUMS survey process, SSA would lack the capability to measure the actual level of public knowledge by which its performance is measured and would lack data to design effective public education programs in support of its strategic plan. The respondents will be randomly selected adults residing in the United States.

Type of Request: Reinstatement with change of an information collection.

Number of Respondents: 1400.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 350 hours.

Dated: June 16, 2003.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 03–15533 Filed 6–18–03; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 4383]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: FY 2004 Freedom Support Educational Partnerships Program With Eurasia

Summary: The Office of Global Educational Programs of the Bureau of Educational and Cultural Affairs announces an open competition for the Freedom Support Educational Partnerships Program with Eurasia. Accredited, post-secondary educational institutions meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to pursue institutional or departmental objectives in partnership with foreign counterpart institutions with support from the Freedom Support Educational Partnerships Program with Eurasia. These objectives should directly support the overall goals of the Program: to support democratic systems and market economies in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine, and Uzbekistan, and to strengthen mutual understanding and cooperation between these countries and the United States. The means of achieving these objectives may include faculty exchange, curriculum development, and outreach to professionals and other members of the communities served by the participating institutions.

Program Overview

The Freedom Support Educational Partnerships Program with Eurasia provides grants to U.S. colleges or universities of up to $250,000 to support institutional linkages in higher education with partners in eligible countries. Other RFGPs for educational partnerships may also be published this fiscal year, with information available from: *http://exchanges.state.gov/education/rfgps/.*

Applicants are strongly encouraged to discuss their project ideas during the proposal development process with the relevant program officer (please *see* **FOR FURTHER INFORMATION CONTACT** section for contact details) who may be able to provide additional insight into priorities by country as well as background information on what types of projects are most competitive for funding.

Project Objectives

The purpose of the program is to support the development or revision of courses, curricula, outreach programs and programs of study at participating institutions in ways that strengthen democracy and free markets in Eurasia as well as mutual understanding between the people of the United States and those of Eurasia. Applicants are invited to propose institutional objectives that support this purpose. Proposals should explain in detail how project activities will enable participants to achieve specific changes at the cooperating departments or institutions, whose objectives should be consistent with the Program's goal of supporting democratic systems based on market economies. While the benefits of the project to each of the participating institutions may differ significantly in nature and scope based on their respective needs and resource bases, proposals should outline well-reasoned strategies that are designed to meet specific objectives at each participatingU.S. and foreign department or institution as a whole. In most cases a proposal to pursue a limited number of related thematic objectives at each institution will be stronger and more coherent than a proposal addressing a large number of unrelated objectives.

For example, proposals may outline the parameters and possible content of new courses; new teaching specializations or methodologies; new or revised curricula; and new programs for outreach to educators, professional groups, or the general public. Proposals should explain in substantial detail strategies to promote curriculum, faculty, and staff development, as well as administrative reform, at the foreign partner institution(s). Projects may result in the development of a new academic program or the restructuring of an existing program, and should equip institutions of higher education to contribute to democracy and/or open markets in the foreign partner country. Plans to extend the benefits of the project to larger audiences through outreach to foreign government, NGO, and business representatives are especially encouraged.

Projects focusing on curricular reform at the foreign partner institution should describe the existing curriculum, the courses targeted for revision, and how the current content will be restructured to incorporate the new academic themes. The proposal should additionally describe the topics and content of any new courses or educational materials that will be developed and introduced. If the project proposes to develop a new degree or certificate program, the proposal should detail the steps being taken to apply for approval for the new program from the foreign partner's Ministry of Education (or other appropriate agency). The

proposal should also describe the target student audience that will be served by the creation of this program and the potential market for the program.

In addition to demonstrating how each participating institution can assist its partner(s) to meet institutional goals, proposals should also explain how this cooperation will enable each institution to address its own needs. Accordingly, applicants are encouraged to describe the needs and deficiencies as well as the capabilities and strengths of each participating department and institution, and how each institution will contribute to and benefit from the achievement of project objectives. Proposals that realistically assess institutional capacities will be better able to outline compelling objectives that address institutional needs and justify a request for support. To be competitive, proposals should demonstrate that the participating institutions understand one another and are committed to mutual support and cooperation in project implementation.

Projects may include soundly planned distance learning activities. These activities should be directly linked to stated project goals and outcomes. Proposals with distance learning components should describe pertinent course delivery methods, audiences, and technical requirements in detail. Proposals should discuss not only the infrastructure at the partner institution, but also the level of access among the target population. Proposals that discuss distance-learning elements without addressing the technological access and capacity of the foreign partner institution will be considered less competitive.

If the proposed partnership would occur within the context of a previous or ongoing project, the proposal should outline distinct project objectives and outcomes for the new project and explain how the request for Bureau funding would build upon the pre-existing relationship. Previous projects should be described, with details about the amounts and sources of support and the results of previous cooperative efforts.

Institutions receiving partnership grant awards will be expected to submit periodic reports on the results of program activities. Proposals should describe and budget for a methodology for project evaluation. The evaluation plan should include an assessment of the current status of each participating department's and institution's needs at the time of program inception with specific reference to project objectives; formative evaluation to allow for mid-course revisions in the implementation strategy; and, at the conclusion of the project, summative evaluation of the degree to which the project's objectives have been achieved. The final evaluation should include indicators of the project's influence on the participating institutions and their surrounding communities or societies. The final evaluation should also include recommendations about how to build upon project achievements. Evaluative observations by external consultants with appropriate subject and regional expertise are especially encouraged.

Institutional Commitment

A U.S. college or university must submit the proposal and must be prepared to serve as the grant recipient with responsibility for project coordination. Proposals must include letters of commitment from all institutional partners including the institution submitting the proposal. Each letter must be signed by an official who is authorized to commit institutional resources to the project. In addition, letters of support should explain why each institution is interested in the project.

Costs

The commitment of all partner institutions to the proposed project should be reflected in the cost-sharing, which they offer in the context of their respective institutional capacities. Although the contributions offered by institutions with relatively few resources may be less than those offered by applicants with greater resources, all participating institutions should identify appropriate contributions. These costs may include estimated in-kind contributions. U.S. institutions are strongly encouraged to contribute to the international travel expenses for U.S. participants as part of their institutional cost-share.

Proposed cost-sharing will be considered an important indicator of the applicant institution's interest in the project and potential to benefit from it.

The Bureau's support may be used to assist with the costs of the exchange visits as well as the costs of the administration of the project by the U.S. grantee institution. U.S. administrative costs that may be covered by the Bureau include administrative salaries, faculty replacement costs, other direct administrative costs, and limited indirect costs. The cost of administering the project at the foreign partner organization(s) is also eligible for the Bureau's support. Although each grant will be awarded to a single U.S. institutional partner, adequate provision in the proposal for the administrative costs of the project at all partner institutions, including the foreign partner(s), is strongly encouraged—especially if a foreign partner has relatively few resources. More information on partner institution eligibility in this competition is found in this RFGP under the headings ''U.S. Institution and Participant Eligibility'' and ''Foreign Institution and Participant Eligibility.''

The proposal may include a request for funding to reinforce the activities of exchange participants through the establishment and maintenance of Internet and/or electronic mail facilities at the foreign partner institution as well as through interactive technology or non-technology based distance learning programs.

Projects focusing primarily on technology or physical infrastructure development are not eligible for consideration under this competition. Proposals that include Internet, electronic mail, and other interactive technologies in countries where these technologies are not easily maintained or financed should discuss how the foreign partner institution will cover its costs after the project ends.

See the associated document entitled ''Project Objectives, Goals, and Implementation'' (POGI) for additional information on the funding the Bureau may provide and on restrictions and maximum amounts that apply to certain budget categories.

Applicants may propose other project activities not specifically mentioned in this solicitation if the activities reinforce the impact of the project.

Pending the availability of FY 2004 funds, the maximum award in the FY 2004 competition will be $250,000. The program awards grants for up to three years. Requests for amounts smaller than the maximum are eligible. Budgets and budget notes should carefully justify the amounts requested. Grants awarded to organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Foreign Country and Location Eligibility:

Foreign partners from the following countries are eligible:

—Armenia;
—Azerbaijan: Proposals which designate public universities are encouraged;
—Belarus;
—Georgia;
—Kazakhstan;
—Kyrgyzstan;
—Moldova;

—Russia: Proposals for partnerships with institutions located in Moscow or St. Petersburg should clearly indicate how those partnerships would have an impact on other regions. Proposals which designate a partner institution in the Russian Far East and in Tomsk are especially encouraged.
—Tajikistan: There is currently a State Department warning advising U.S. citizens of potential danger in traveling in Tajikistan. This situation may change between the time this solicitation is issued and the time that a grant is implemented. Applicants may propose plans for travel by U.S. participants to Tajikistan, but such travel will be subject to prior approval by the Department of State.
—Ukraine: Proposals which designate partner institutions outside Kiev are encouraged;
—Uzbekistan.

Partnerships including a secondary foreign partner in a country not included in the above list are eligible; however, with the exception noted below under the heading ''Central and Eastern European Partners,'' the Bureau will not cover the costs of overseas partners in countries that are not listed as eligible in this section.

Central and Eastern European Secondary Partners: The Bureau encourages proposals that promote regional cooperation between Central European and Eurasian countries and that build upon collaboration between U.S. institutions and their existing partners in Central and Eastern Europe. Funds may be budgeted for the exchange of faculty between foreign partner institutions and institutions of higher learning in Central and Eastern Europe (applicants planning to submit proposals for trilateral partnerships with a partner from Central and Eastern Europe are encouraged to contact the program office).

Eligible Fields

The following fields are eligible if proposed projects in these fields will support democratic systems and market economies in the eligible countries:

—The social, political, and economic sciences;
—Business, accounting and trade;
—Journalism and media studies;
—Law;
—Public administration and public policy analysis;
—Library science;
—Education, continuing education, and educational administration, including Teaching English as a Foreign Language (please note, projects focusing on the Teaching English as a Foreign Language are not encouraged for Russia or Moldova).

U.S. Institution and Participant Eligibility

The lead institution and grant recipient in the project must be an accredited U.S. college or university. Applications from community colleges, institutions serving significant minority populations, undergraduate liberal arts colleges, comprehensive universities, research universities, and combinations of the above are eligible. The lead U.S. organization in a consortium or other combination of cooperating institutions is responsible for submitting the application. Each application must document the lead organization's authority to represent all U.S. cooperating partners. Secondary U.S. partners may include governmental or non-governmental organizations at the federal, state, or local levels as well as non-profit service, community, and professional organizations.

With the exception of translators and outside evaluators, participation is limited to teachers, advanced graduate students, and administrators from the participating U.S. institution(s). Advanced graduate students at the U.S. institution(s) are eligible for support from the project as visiting instructors at a foreign partner institution. Applicants planning to submit proposals with advanced graduate students as participants are encouraged to contact the program office to discuss the rationale for these visits.

Foreign Institution and Participant Eligibility

In eligible countries, participation as a primary partner is open to recognized institutions of post-secondary education. Secondary partners may include independent research institutes, relevant governmental organizations, and private non-profit organizations with project-related educational objectives. Except for translators and outside consultants reporting on the status of project objectives, participation is limited to teachers, administrators, researchers, or advanced students from the participating foreign institution(s). Any advanced student participant must have teaching responsibilities or be preparing for such responsibilities. Foreign participants must be both qualified to receive U.S. J–1 visas and willing to travel to the U.S. under the provisions of a J–1 visa during the exchange visits funded by this Program. Foreign participants may not be U.S. citizens. If proposed participants are alumni of previous partnership projects or other U.S. government funded programs, the proposal should discuss why their participation in this new program is important to the overall success of the project.

Ineligibility

A proposal will be deemed technically ineligible for consideration if:

(1) It does not fully adhere to the guidelines established in this document and in the Solicitation Package;

(2) It is not received by the deadline;

(3) It is not submitted by the U.S. partner;

(4) One of the partner institutions is ineligible;

(5) The foreign country or geographic location is ineligible.

Projects must conform with the Bureau's requirements and guidelines outlined in the solicitation package for this RFGP. Proposals that do not follow RFGP requirements and the guidelines appearing in the POGI and PSI will be excluded from consideration due to technical ineligibility.

Announcement Title and Number: All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/S/U–04–01.

FOR FURTHER INFORMATION CONTACT: For further information, contact the Humphrey Fellowships and Institutional Linkages Branch (Freedom Support Educational Partnerships Program with Eurasia); Office of Global Educational Programs; Bureau of Educational and Cultural Affairs; ECA/A/S/U, Room 349; U.S. Department of State; SA–44, 301 Fourth Street, SW., Washington, DC 20547; phone: (202) 619–5289, fax: (202) 401–1433.

Prospective applicants are strongly encouraged to communicate about their proposals with one of the following regional program officers: Jonathan Cebra (telephone: (202) 205–8379, e-mail: *jcebra@pd.state.gov*) on all inquiries and correspondence regarding partnerships in the Central Asia or Caucasus regions; Michelle Johnson (telephone: (202) 205–8434, e-mail: *johnsonmi@pd.state.gov*) on all inquiries and correspondence regarding partnerships with institutions in Russia; Paul Schelp (telephone: (202) 205–8266, e-mail: *pschelp@pd.state.gov*) on all inquiries and correspondence regarding partnerships with institutions in Belarus, Ukraine, or Moldova.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition

with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

Projects must conform with the Bureau's requirements and guidelines outlined in the Solicitation Package for this RFGP. The Solicitation Package includes more detailed award criteria, all application forms, and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. The Solicitation Package includes the Project Objectives, Goals, and Implementation (hereafter, POGI) and the Proposal Submission Instructions (hereafter, PSI). The entire Solicitation Package may be downloaded from the Bureau's Web site at: *http://exchanges.state.gov/education/rfgps*. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, December 5, 2003. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and 10 copies of the complete application should be sent by the project's lead U.S. college or university to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/U–04–01, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Submission of Electronic Copies

No later than one week after the deadline for receipt of the grant proposal, applicants must also submit the ''ProposalTitle Page,'' ''Executive Summary,'' and ''Proposal Narrative,'' sections of the proposal as e-mail attachments in MicrosoftWord (preferred), WordPerfect, or as ASCII text files to the following e-mail address: *partnerships@pd.state.gov*. In the e-mail message subject line, include the following: ECA/A/S/U–04–01 and the country or countries of the foreign partner(s) together with the names of the U.S. and foreign partner institutions. To reduce the time needed to obtain advisory comments from the Public Affairs Sections of U.S. Embassies overseas, the Bureau will transmit these files electronically to these offices.

Grant Duration

Pending the availability of funds, grant activities should begin on or about September 1, 2004 and may continue for up to three years. Grant activities are expected to be completed within a three-year timeframe.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106—113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Adherence to All Regulations Governing the J Visa

The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 6Z, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting, and other requirements. The Grantee will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from:

United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547, *Telephone:* (202) 401–9810, *Fax:* (202) 401–9809.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. All eligible proposals will be evaluated by independent external reviewers. These reviewers, who will be professional, scholarly, or educational experts with appropriate regional and thematic knowledge, will provide recommendations and assessments for consideration by the Bureau. The Bureau will consider for funding only those proposals which are recommended for funding by the independent external reviewers.

Proposals may be reviewed by the Office of the Legal Advisor or by other offices of the U.S. Department of State. In addition, U.S. Embassy officers may provide advisory comment. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants) will reside with the Bureau's grants officer.

Review Criteria

All reviewers will use the criteria below to reach funding recommendations and decisions. Technically eligible applications will be reviewed competitively according to these criteria, which are not rank-ordered or weighted.

(1) *Broad and Enduring Significance of Institutional Objectives:* Project objectives should have significant and ongoing impact on the participating institutions and their surrounding societies, communities, or countries by providing a deepened understanding of critical issues in one or more of the eligible fields. Project objectives should relate clearly to institutional and societal needs.

(2) *Creativity and Feasibility of Strategy to Achieve Project Objectives:* Strategies to achieve project objectives should be feasible and realistic within the projected budget and timeframe. Proposals should contain detailed information on specific program

activities and concrete descriptions of how goals will be achieved.

(3) *Institutional Commitment to Cooperation:* Proposals should demonstrate significant understanding by each institution of its own needs and capacities and of the needs and capacities of its proposed partner(s), together with a strong commitment by the partner institutions, during and after the period of grant activity, to cooperate with one another in the mutual pursuit of institutional objectives.

(4) *Project Evaluation:* Proposals should describe a methodology for determining the degree to which a project meets its objectives, both while the project is underway and at its conclusion. The final project evaluation should include an external component and should provide observations about the project's influence within the participating institutions as well as their surrounding communities or societies.

(5) *Cost-effectiveness:* Administrative and program costs should be reasonable and appropriate with cost sharing provided by all participating institutions within the context of their respective capacities. The Bureau views cost sharing as a reflection of institutional commitment to the project. Contributions should not be limited to indirect costs.

(6) *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity by explaining how issues of diversity are included in project objectives for all institutional partners. Issues resulting from differences of race, ethnicity, gender, religion, geography, socio-economic status, or physical challenge should be addressed during project implementation. In addition, project participants and administrators should reflect the diversity within the societies which they represent (*see* the section of this document on ''Diversity,Freedom, and Democracy Guidelines''). Proposals should also discuss how the various institutional partners approach diversity issues in their respective communities or societies.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above has previously been provided through the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (FREEDOM Support Act) legislation. The President's budget request for Educational and Cultural Exchanges for Fiscal Year 2004 includes funding for this purpose.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: June 13, 2003.

C. Miller Crouch,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 03–15529 Filed 6–18–03; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 4382]

Bureau of Educational and Cultural Affairs Request for GrantProposals: Grants Competition for Political Leadership, Education, Small Business Development, and Disability Issues for the Near East, North Africa, and South Asia

Summary: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs announces a Grants Competition designed to promote Political Leadership, Education, Disability Awareness, and Small Business Development, with priority given to proposals that address these themes as they relate to women. U.S.-based public and private non-profit organizations meeting the provisions described in Internal Revenue Code, U.S.C. Title 26, Section 501(c)(3) may submit proposals that support international projects in the United States and overseas involving current or potential leaders. ECA seeks organizations that are interested in developing grassroots linkages and international exchanges in the Near East, North Africa, and South Asia.

Programs should be designed so that the exchanges will operate on two levels: (1) They should enhance institutional partnerships between U.S. organizations and partner organizations in the region, improving the institutional capacity of the partner organizations, and (2) they should offer practical information and useful materials to enable the partners to share skills and practical experience after the grant period is over.

We anticipate awarding six to twenty grants as a result of this competition, depending on the types and number of proposals received and *pending availability of FY04 funds.* More than one award may be made in some areas of focus and no awards may be made in others. Grant awards will range from $60,000 to $200,000.

ECA encourages new organizations that have not received previous bureau funding to apply; however, *grants awarded to eligible organizations with less than four years of experience as an incorporated non-profit entity conducting international exchange programs will be limited to $60,000.*

Applicants must submit a comprehensive budget for the entire program. All proposals should present evidence of cost sharing, in cash or kind, representing *at least 50% of the amount requested.* For example, an organization requesting $150,000 should demonstrate the ability to provide at least an additional $75,000 in allowable cost sharing.

Program Information

Overview

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs (ECA) consults with and supports American public and private nonprofit organizations in developing and implementing multi-phased, often multi-year exchanges of professionals, community leaders, scholars and academics, public policy advocates, etc. These exchanges address issues of critical importance to both the United States and to the countries with which the exchanges will be conducted. They encourage substantive and cooperative interaction among counterparts, and

they entail both theoretical and experiential learning for all participants. A primary goal is the development of sustained, international institutional and individual linkages. In addition to providing a context for professional development and collaborative problem-solving, these projects are intended to introduce participants to one another's political, social, and economic structures, facilitating improved communication and enhancing mutual understanding. Two-way exchange travel is encouraged.

This competition is based on the premise that people-to-people exchanges focused on the enhancement of human capacity and the encouragement and strengthening of democratic initiatives nurture the social, political, and economic development of society. Priority will be given to proposals that address program themes as they relate to women.

Applicants should carefully review the following recommendations for proposals. Given budgetary considerations, projects in countries and for themes other than those listed will not be eligible for consideration and will be ruled technically ineligible. The themes listed below are important to the Office of Citizen Exchanges, but no guarantee is made or implied that grants will be made in all categories.

The countries/entities comprising the Near East/North Africa (NEA) and South Asia (SA) regions are listed below. Currently there is no U.S. mission in Iran, Iraq, or Libya. Please consider countries and specific themes listed below as guides to potential exchange partnerships. But note that all themes may be appropriate for single country, multi-country or regional proposals.

Countries/Entities of the Near East and North Africa (NEA)—Algeria; Bahrain; Egypt; Iran; Iraq; Israel; Jordan; Kuwait; Lebanon; Libya; Morocco; Oman; Qatar; Saudi Arabia; Syria; Tunisia; the United Arab Emirates (UAE); the West Bank and Gaza; Yemen.

Countries of South Asia (SA)—Afghanistan; Bangladesh; Bhutan; India; the Maldives; Nepal; Pakistan; Sri Lanka.

The Office of Citizen Exchanges solicits proposals for exchange projects that address one or more of the following priority themes:

Program Themes

1. Political Leadership

Proposals should focus on promoting political leadership by (1) strengthening the capacity of grassroots organizations in developing the skills of current and future political leaders, and (2) compiling a repertoire of skills and practical materials in the local language for use in workshops, mock elections and campaigns, educational sessions, or other activities. Proposals must indicate a practical knowledge of the political and legislative environment in the partner country. Projects may include, but are not limited to, components listed above and may also include the following: ''Workshops for Political Leaders,'' ''Political Awareness Campaigns'' and ''NGO Management,'' as described below.

Workshops for Political Leaders might include such topics as public speaking, message development, leadership, campaign management, accountability and constituencies, consensus building, lobbying, surveying, polling, advocacy, voter outreach, networking, working with the media, and fundraising. Mock campaigns and elections are encouraged.

Political Awareness Campaigns should provide education on the democratic political process and get participants actively involved in the political arena. Awareness campaigns should be jointly conducted with partner organizations, and should reach the widest possible audience in large and small cities, towns and villages.

NGO Management. Part of the program design may also include workshops on NGO management and capacity building, for NGOs whose work is linked to emerging or enhanced political leadership. NGO workshop topics might include: Strategic planning, managing volunteers, coalition building, public relations, facilitation training, peer education & outreach, public-private partners, information management, and website development.

2. Promoting Educational Opportunities

The proposal should focus on exchanges and training for grassroots educational and community leaders. Priority will be given to proposals that engage organizations and individuals who are actively involved in developing or supporting strategies that promote increased formal and informal educational opportunities for women and girls. Emphasis should be on providing essential tools and support to educators for classes and leadership activities. Potential topics for activities include, but are not limited to, creating & reconstructing educational opportunities, teaching methodology & practice, curriculum development, the role of women & girls in society, leadership, civic responsibility, mentoring, conflict resolution, health education, and social issues. This competition is NOT designed for youth exchanges and is NOT intended to provide substantive teacher training.Only adult professionals or grassroots practitioners may be selected to travel internationally for exchange activities. Individual university students may only take part in pilot sessions and in-country educational activities.

3. Small Business Development

Projects should foster the development of local businesses in the partner country and create ongoing international partnerships. Priority will be given to proposals that seek to encourage women's entrepreneurship and develop women's managerial skills. Project components in the U.S. or overseas, with *examples* of possible topics, include: Seminars for those considering micro-enterprise (*e.g.* entrepreneurship, management, finance and registration issues); workshops (start-up, loan packages, marketing, staff training, appropriate technology); site visits (chambers of commerce, local governments, business associations, small business resource centers); mentoring; consultancies; internships; job-shadowing; or other activities. **Note:** Micro-loans are NOT permitted for these grants.

4. Disability Awareness

Projects should focus on engaging disability NGOs and institutions; individuals with disabilities; and leaders in both the disability community and the community at large. The intent should be to improve opportunities and expand services for the disabled. Projects should seek to involve victims of civil wars and acts of terrorism where appropriate. Possible themes include: Professional and occupational training, accessibility issues, community involvement and public relations, association building, NGO management, leadership, entrepreneurship, and dealing with psychological trauma. Projects may be designed to cover a range of topics and/or methods, or may focus intensively on a specific area.

Project Guidelines

Applicants should state expected goals and objectives in the proposal narrative and describe a clear and convincing plan for carrying out project components. Bureau-supported exchanges may include internships; study tours; short-term, non-technical experiential learning, extended and intensive workshops and seminars taking place in the United States or overseas. Examples of possible program activities might include:

1. A U.S.-based program that includes: Orientation to program purposes and to U.S. society; study tour/site visits; professional internships/placements; interaction and dialogue; hands-on training; professional development; and action plan development.

2. Capacity-building/training-of-trainer (TOT) workshops to help participants to identify priorities, create work plans, share and strengthen professional and volunteer skills, share their experience to committed people within each country, and become active in a practical and valuable way.

3. Seed/small grants to indigenous non-profit organizations to support community-based educational projects that build upon exchange activities and that address issues of local concern. Proposals may include a component for a Seed/Small Grants Competition (often referred to as 'sub-grants' or 'secondary grants'). This requires a detailed plan for recruitment and advertising; description of the proposal review and award mechanism; a plan for how the grantee would monitor and evaluate small grant activity; and a proposed amount for an average grant. The small grants should be directly linked to exchange activities. Small/seed grants may not be used for micro-credit or re-loaning purposes. Small/seed grants may not exceed 10% of the total value of the grant funds sought from ECA.

4. Site visits by U.S. facilitators/experts to monitor projects in the region and to provide additional training and consultations as needed.

5. Content-based Internet training/cyber-training to encourage citizenparticipation in workshops, fora, chats, and/or discussions via the Internet that will stimulate communication and information sharing among key opinion leaders on priority topics as a form of cost sharing. Proposals that include Internet utilization must reflect knowledge of the opportunities and obstacles that exist for use of information technologies in the target country or countries, and, if needed, provide hardware, software and servers, preferably as a form of cost sharing. Federal standards are under review and their adoption may impact on the implementation of these programs.

This program is not academic in nature. The Office of CitizenExchanges encourages applicants to be creative and innovative in planning projects. Activities may combine elements of skill enrichment, theoretical orientation, and experiential, community-based initiatives.

Partner organizations should be identified in the proposal, with project plans developed collaboratively by both the American and foreign partners. Applicants who have not yet confirmed local partners, but whose proposals show significant regional and thematic expertise, will still be eligible to apply. Projects funded under this competition should enhance relationships among American and foreign organizations and achieve lasting and sustainable results.

Eligibility: Public and private nonprofit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals in response to this Request for Grant Proposals.

Selection of Participants

Proposals should include a description of an open, merit-based participant selection process for all international exchange components or any other component requiring participant selection. All grant proposals should clearly describe the type of persons who will participate in the program. A draft application and a sample announcement used for recruitment advertising should be included. It is recommended that for programs including U.S. internships, grant applicants submit letters tentatively committing host institutions to support the internships. For travel to the U.S., priority should be given to foreign participants who have not previously traveled to the United States.

Public Affairs Section Involvement: The Public AffairsSections of U.S. Embassies play an important role in project review and implementation. They evaluate project proposals, coordinate planning with grantee organizations and in-country partners, nominate participants and vet grantee nominations, facilitate and observe in-country activities, debrief participants, and evaluate project impact.

Applicants should expect to work closely with the relevant U.S. Embassy Public Affairs Section in selecting participants, with Embassies retaining the right to nominate participants and to advise the grantee regarding participants recommended by other entities. Public Affairs Sections must approve all foreign participants who will travel internationally. They will assist foreign participants in obtaining the necessary J–1 visas for entry into the United States with Department of State sponsorship. Though project administration and implementation are the responsibility of the grantee, the grantee is expected to inform the Public Affairs Section of its operations and procedures and to coordinate with and involve Public Affairs officers in the development of project activities. The Public Affairs Section should be consulted regarding country priorities, political and cultural sensitivities, current security concerns, and related logistic and programmatic issues.

When participants are selected, grantee institutions will provide the names of American participants and brief biographical data (two pages) on each American participant to the Office of Citizen Exchanges for information purposes. (See section below on requirements for maintenance of and provision to ECA of data on participants and program activities.)

Adherence to All Regulations Governing the J Visa

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the ''Responsible Officer'' for the program under the terms of 22 CFR part 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR part 62, organizations receiving grants under this RFGP will be third parties ''cooperating with or assisting the sponsor in the conduct of the sponsor's program.'' The actions of grantee program organizations shall be ''imputed to the sponsor in evaluating the sponsor's compliance with'' 22 CFR part 62. Therefore, the Bureau expects that any organization receiving a grant under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR part 62 *et seq.* The Bureau of Educational and Cultural Affairs places great emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantee program organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62. If the applicant has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR part 62 *et seq.,* including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants,

proper maintenance and security of forms, record-keeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547, *Telephone:* (202) 401–9810, *Fax:* (202) 401–9809.

Program Data Requirements

Organizations awarded grants will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau of Educational and Cultural Affairs as required. As a minimum, the data must include the following:

Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the grant or who benefit from the grant funding but do not travel.

Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place.

Budget Guidelines and Cost-Sharing Requirements

Grant awards to eligible entities will range from $170,000 to $200,000. Grants awarded to eligible organizations that have been registered for less than four years will be limited to $60,000. Applicants must submit a comprehensive budget for the entire program, including program budget, administrative budget, and summary budget. Budget notes should be included. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

All proposals should present evidence of cost sharing, in cash or kind, representing at least 50% of the amount requested. For example, an organization requesting $150,000 should demonstrate the ability to provide at least an additional $75,000 in cost sharing. Allowable costs include the following:

(1) Direct Program Expenses

These include general program expenses (*e.g.*, orientation and program-related supplies, educational materials, traveling campaigns, consultants, interpreters, and room rental) and participant program expenses (*e.g.*, domestic and international travel and per diem).

(2) Administrative Program Expenses

These may include salaries, telephone/fax charges, and other direct administrative costs.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions. Instructions for downloading the Solicitation Package are provided below.

Announcement Title and Number

All correspondence with the Bureau concerning this RFGP should reference the above title and number: ECA/PE/C/NEA–AF–04–02.

To Download a Solicitation Package Via Internet

The entire Solicitation Package (Request for Grant Proposal and Proposal Submission Instructions) may be downloaded from the Bureau's Web site: *http://exchanges.state.gov/education/rfgps.*

Please read all information before downloading. If you are unable to download the Solicitation Package from the Department of State ECA website, you may request a copy, which contains required application forms, specific budget instructions, and standard guidelines for proposal preparation, from the Office of Citizen Exchanges.

FOR FURTHER INFORMATION, CONTACT: Office of Citizen Exchanges, ECA/PE/C/NEA–AF, U.S. Department of State, 301 Fourth St., SW., Room 216, Washington, DC 20547, *Attention:* Susan Krause, Telephone Number: (202) 619–5320, Fax: (202) 619–4350, Internet E-mail Address: *skrause@pd.state.gov.*

Organizations planning to submit proposals are strongly encouraged to contact the program office for consultation. Before doing so, applicants should read the complete **Federal Register** announcement and be ready to discuss a concrete concept specific to the guidelines set forth in this request for grant proposals (RFGP). Once the deadline for submission of proposals has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

Deadline for Submission of Proposals

Applicants must follow all instructions in the Solicitation Package. The original and ten (10) copies of the proposal should be sent to: U.S. Department of State, Bureau of Educational and Cultural Affairs, Program Management, ECA/EX/PM, SA–44 Room 534, 301 Fourth St., SW., Washington, DC 20547, *Ref.:* ECA/PE/C/NEA–AF–04–02.

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on August 15, 2003. Faxed documents will not be accepted at any time. Documents postmarked by the deadline date but received on a later date will not be accepted. Each applicant must ensure that proposals are received by the above deadline.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative,'' and ''Budget'' sections of the proposal on a 3.5″ diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. ECA will transmit these files electronically to reviewers including the Public Affairs Sections of relevant U.S. Embassies. Again, once the deadline for submission has passed, Bureau staff may not discuss this competition in any way with applicants until the proposal review process has been completed.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully

adhere to the guidelines stated herein and in the Solicitation Package. The program office and the Public Diplomacy section at the U.S. Embassy will review all eligible proposals. Other Embassy elements may be asked to review proposals as well. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Advisor or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs, pending availability of FY04 funds. Final technical authority for grants resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation.

1. Quality of the Program Idea: Proposals should be substantive, well thought out, focused on issues of demonstrable relevance to all proposed participants, and responsive, in general, to the exchanges suggestions and guidelines described above.

2. Implementation Plan and Ability to Achieve Objectives: A detailed project implementation plan should establish a clear and logical connection between the interest, the expertise, and the logistical capacity of the applicant and the objectives to be achieved. The proposal should discuss, in concrete terms, how the institution plans to achieve the objectives. Institutional resources—including personnel—assigned to the project should be adequate and appropriate. The substance of workshops and site visits should be included as an attachment, and the responsibilities of the U.S. participants and in-country partners should be clearly described.

3. Institution's Record/Ability: Proposals should include an institutional record of successful exchange programs, with reference to responsible fiscal management and full compliance with reporting requirements. The Bureau will consider the demonstrated potential of new applicants and will evaluate the performance record of prior recipients of Bureau grants as reported by the Bureau grant staff.

4. Follow-On Activities: Proposals should provide a plan for sustained follow-on activity, building on the linkages developed under the grant and the activities initially funded by the grant. Follow-on activities should continue after grant funds have been expended, ensuring that Bureau-supported projects are not isolated events.

5. Project Evaluation and Monitoring: Proposals must include a plan and methodology to evaluate the program's successes and challenges. In general, evaluation should be ongoing and evolving throughout the duration of the project. The evaluation plan will incorporate an assessment of the program from a variety of perspectives. Specifically, project assessment efforts will focus on: (a) Determining if objectives are being met or have been met, (b) identifying any unmet needs, and (c) assessing if the project has effectively discovered resources, advocates, and financial support for sustainability of future projects. Informal evaluation through discussions and other sources of feedback will be carried out throughout the duration of the project. Formal evaluation will be conducted at the end of each phase, using instruments designed specifically to measure the impact of the activities and should obtain participants' feedback and comments on the program content and administration. A draft questionnaire for evaluation purposes may be attached to support the proposal. A detailed evaluation should be conducted at the conclusion of the project and the report will be submitted to the Department of State Bureau of Educational and Cultural Affairs. When possible, the evaluation should be done by an independent evaluator.

6. Impact: Proposed projects should, through the establishment of substantive, sustainable individual and institutional linkages and the encouragement of maximum exchange of information, enhance communities and societies.

7. Cost Effectiveness and Cost Sharing: Administrative costs should be kept to a minimum. Proposals should maximize cost sharing through support and in-kind contributions from the U.S. and partner organization(s).

8. Support of Diversity: Proposals should demonstrate substantive support of ECA's policy on diversity. Program content (orientation, evaluation, program sessions, resource materials, follow-on activities) and program administration (selection, orientation, evaluation) should address diversity in a comprehensive and relevant manner. Applicants should refer to ECA's Diversity, Freedom, and Democracy Guidelines on page four of the Proposal Submission Instructions.

Notice

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Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: June 5, 2003.

C. Miller Crouch,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 03–15528 Filed 6–18–03; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 23–15A, Small Airplane Certification Compliance Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed advisory circular (AC) and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed AC. Proposed AC 23–15A provides information and guidance concerning an acceptable means, but not the only means, of compliance with various sections of Title 14 of the Code of Federal Regulations (14 CFR) part 23 that have become burdensome for small, simple, low performance airplanes. However, applicability of these means of compliance remains the responsibility of the certification manager for each specific project. Utilization of these means of

compliance does not affect the applicability of any other certification requirements that fall outside the scope of this AC. Material in the AC is neither mandatory nor regulatory in nature and does not constitute a regulation.

DATES: Comments must be received on or before August 18, 2003.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, Regulations and Policy (ACE–111), 901 Locust Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Mark James, Standards Office, Small Airplane Directorate, Aircraft Certification Service, Kansas City, Missouri 64106, telephone (816) 329–4137, fax (816) 329–4090.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this proposed AC by contacting the person named above under **FOR FURTHER INFORMATION CONTACT.** A copy of the AC will also be available on the Internet at *http://www.airweb.faa.gov/AC* within a few days.

Comments Invited

We invite interested parties to submit comments on the proposed AC. Commenters must identify AC 23–15A and submit comments to the address specified above. The FAA will consider all communications received on or before the closing date for comments before issuing the final AC. The proposed AC and comments received may be inspected at the Standards Office (ACE–110), 901 Locust, Room 301, Kansas City, Missouri, between the hours of 8:30 and 4 p.m. weekdays, except Federal holidays by making an appointment in advance with the person listed under **FOR FURTHER INFORMATION CONTACT.**

Background

AC 23–15A, Small Airplane Certification Compliance Program replacedAC 23–15, Small Airplane Certification Compliance Program, dated January 2, 1997.

Some industry and aviation organizations expressed concern that the typical means of compliance for some regulations might be more demanding than justified. As a consequence, industry, aviation groups, and the FAA formed a team to study this issue. Historical files, Designated Engineering Representatives (DER's), ACO's, and industry were used to determine target regulations and provide known means of compliance. This AC is a compilation of the study results, listing the regulations and attendant means of compliance that offer an improvement in certification efficiency. The listed means of compliance have been found acceptable and historically successful, but they are not the only methods that can be used to show compliance. In some cases, highly sophisticated airplanes may require more accurate or substantial solutions. Accordingly, the FAA is proposing and requesting comments on AC 23–15A.

Issued in Kansas City, Missouri on May 28, 2003.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Office.

[FR Doc. 03–15139 Filed 6–18–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Weight and Balance Control Program Committee; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request for participation; correction.

SUMMARY: This document makes corrections to the notice of request of participation published in the **Federal Register** on May 28, 2003 (68 FR 31740), which announces the formation of the Weight and Balance Control Program Aviation Rulemaking Committee to conduct a review of AC 120–27C and other related guidance, and provide advice and recommendations.

FOR FURTHER INFORMATION CONTACT: Mr. Darcy Reed, 202–267–9948, or e-mail: *Darch.D.Reed@faa.gov.*

Correction

In the notice FR Doc. 03–13243, published on May 28, 2003 (68 FR 31740), make the following correction:

On page 31741, in the first column, first full paragraph, line one, correct ''scheduled for June 24 and 25, 2003 in Washington, DC'' to read ''has been rescheduled; details on the meeting are available at *http://www.faa.gov/avr/afs/avgarc/*.''

Dated: Issued in Washington, DC on June 13, 2003.

David E. Cann,

Manager, Aircraft Maintenance Division, Flight Standards Service.

[FR Doc. 03–15527 Filed 6–18–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Anne Arundel County, MD and Prince George's County, MD

AGENCY: Federal Highway Administration.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Anne Arundel County and Prince George's County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson J. Castellanos, Division Administrator, Federal Highway Administration, The Rotunda-Suite 220, 711 West 40th Street, Baltimore, Maryland 21211. Telephone (410) 962–4440.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration, the Environmental Protection Agency and the U.S. Army Corps of Engineers, will prepare an environmental impact statement (EIS) on a proposal to improve transportation operations and mobility to MD 3 from north of US 50 to south of MD 32, in southwestern Anne Arundel County and northeastern Prince George's County. The proposed improvements will address existing and projected operational and safety issues for local traffic along MD 3 from north of US 50 to south of MD 32.

Congested traffic flow, inadequate intersections and crossings, increased residential and commercial development, and insufficient bicycle/pedestrian safety have accelerated the need for improvements to MD 3 within the study area. Several sections of roadway within the project limits are currently failing or experiencing failing conditions during the afternoon peak hours.

The alternates under consideration include (1) a no-build alternate; (2) a boulevard concept with interchange options; and (3) a modified boulevard concept with interchange options.

Coordination will continue with Federal, State, and local agencies, and with private organizations and citizens who have expressed interest. A Focus Group, comprised of local residents, community leaders, and business owners, meets periodically with the project engineers to assist in the development of the proposed alternates of improvements along MD 3, the interchanges and nearby intersections,

as well as to report local traffic circulation, access and aesthetic concerns. In addition, an Alternates Public Workshop was held to acquaint the public with the MD 3 Project Planning Study, to present a summary of conceptual engineering and environmental studies to date, and to provide an opportunity for public involvement in the Project Planning Process.

A public hearing is anticipated to be held spring 2004. Public notice will be given of the time and place of this hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing, to ensure that the full range of issues relating to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: June 12, 2003.

Nelson J. Castellanos,

Division Administrator, Federal Highway Administration—Maryland Division.

[FR Doc. 03–15421 Filed 6–18–03; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 558 (Sub–No. 6)]

Railroad Cost of Capital—2002

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of decision.

SUMMARY: On June 11, 2003 the Board served a decision to update its computation of the railroad industry's cost of capital for 2002. The composite after-tax cost of capital rate for 2002 is found to be 9.8%, based on a current cost of debt of 6.0%; a cost of common equity capital of 12.6%; a cost of preferred equity capital of 6.3%; and a capital structure mix comprised of 41.2% debt, 56.7% common equity, and 2.1% preferred equity capital. The cost of capital finding made in this proceeding will be used in a variety of Board proceedings.

EFFECTIVE DATE: This action is effective June 11, 2003.

FOR FURTHER INFORMATION CONTACT: Leonard J. Blistein, (202) 565–1529. (Federal Information Relay Service (FIRS) for the hearing impaired: 1 (800) 877–8339.)

SUPPLEMENTARY INFORMATION: The cost of capital finding in this decision may be used for a variety of regulatory purposes. The Board's decision is posted on the Board's Web site, *http://www.stb.dot.gov.* In addition, copies of the decision may be purchased from Da-2-Da Legal Copy Service by calling 202–293–7776 (assistance for the hearing impaired is available through FIRS at 1–800–877–8339) or visiting Suite 405, 1925 K Street, NW., Washington, DC 20006.

Environmental and Energy Considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of this action are to update the annual railroad industry cost of capital finding by the Board. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

Authority: 49 U.S.C. 10704(a).

Decided: June 11, 2003.

By the Board, Chairman Nober.

Vernon A. Williams,

Secretary.

[FR Doc. 03–15505 Filed 6–18–03; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form W–7A

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 W–7A, Application for Taxpayer Identification Number for Pending U.S. Adoptions.

DATES: Written comments should be received on or before August 18, 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: Application for Taxpayer Identification Number for Pending U.S. Adoptions.

OMB Number: 1545–1547.

Form Number: W–7A.

Abstract: Form W–7A is used to apply for an Internal Revenue Service taxpayer identification number (an ATIN) for use in pending adoptions. An ATIN is a temporary nine-digit number issued by the Internal Revenue Service for individuals who are in the process of adopting a United States resident child but who cannot get a social security number for that child until the adoption is final.

Current Actions: There are no changes being made to the form at this time.

Affected Public: Individuals or households.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 4 minutes.

Estimated Total Annual Burden Hours: 35,000.

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 12, 2003.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–15542 Filed 6–18–03; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF VETERANS AFFAIRS

Research and Development Office; Government Owned Invention Available for Licensing

AGENCY: Research and Development Office, Department of Veterans Affairs.

ACTION: Notice of government owned invention available for licensing.

SUMMARY: The invention listed below is owned by the U.S. Government as represented by the Department of Veterans Affairs, and is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on the invention may be obtained by writing to: Mindy Aisen, MD, Department of Veterans Affairs, Director Technology Transfer Program, Research and Development Office, 810 Vermont Avenue NW., Washington, DC 20420; fax: 202–254–0473; e-mail at *mindy.aisen@mail.va.gov.* Any request for information should include the Number and Title for the relevant invention as indicated below. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The invention available for licensing is:

10/306,737 ''Transgenic Screen and Method for Screening Modulators of Brain-Derived Neurotrophic Factor (BDNF) Production''.

Dated: June 11, 2003.

Anthony J. Principi,

Secretary, Department of Veterans Affairs.

[FR Doc. 03–15409 Filed 6–18–03; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research and Development Office; Government Owned Invention Available for Licensing

AGENCY: Research and Development Office.

ACTION: Notice of government owned invention available for licensing.

SUMMARY: The invention listed below is owned by the U.S. Government as represented by the Department of Veterans Affairs, and is available for licensing in accordance with Title 35 U.S.C. 207 and Title 37 CFR part 404 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on the invention may be obtained by writing to: Mindy Aisen, MD, Department of Veterans Affairs, Director Technology Transfer Program, Research and Development Office, 810 Vermont Avenue NW., Washington, DC 20420; fax: (202) 254–0473; e-mail at *mindy.aisen@mail.va.gov.* Any request for information should include the Number and Title for the relevant invention as indicated below. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The invention available for licensing is:

10/316,087 ''Oblique Angled Suspension Caster Fork for Wheelchairs''.

Dated: June 9, 2003.

Anthony J. Principi,

Secretary, Department of Veterans Affairs.

[FR Doc. 03–15410 Filed 6–18–03; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 68, No. 118

Thursday, June 19, 2003

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army

Availabilty for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning East Access Dental Field Operating and Treatment System Having Over-the-Patient Delivery

Correction

In notice document 03–15019 beginning on page 35391 in the issue of Friday, June 13, 2003, make the following correction:

On page 35391, in the third column, in the first paragraph, in the 9th line, ''(PCT/US02/02283)'' should read ''(PCT/US02/01283)''.

[FR Doc. C3–15019 Filed 6–18–03; 8:45 am]

BILLING CODE 1505–01–D

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Revision of the Employer Information Report (EE0–1) Comment Request

Correction

In notice document 03–14739 beginning on page 34965 in the issue of Wednesday, June 11, 2003 make the following corrections:

1. On page 34967, in the table, under the heading ''Proposed EEO–1 (Answer for both male and female)'' in the second line ''who answe'' should read ''who answer''.

2. On the same page, in the second column, under ''Question 1—Ethnicity'', in the first line ''Are our Hispanic or Latino? '' should read ''Are You Hispanic or Latino?''.

3. On page 34969, in the first column, in the first paragraph, in the last line ''422–224'' should read ''422–424''.

[FR Doc. C3–14739 Filed 6–18–03; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47948; File No. SR–CBOE–2003–19]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. To Reinstate the Imposition of a Marketing Fee

May 30, 2003.

Correction

In notice document 03–14171 beginning on page 33749 in the issue of Thursday, June 5, 2003 make the following correction:

On page 33749, in the third column, the date is corrected to read as set forth above.

[FR Doc. C3–14171 Filed 6–18–03; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Thursday,
June 19, 2003

Part II

Department of Education

Rehabilitation Continuing Education Programs; Notice

DEPARTMENT OF EDUCATION

RIN 1820–ZA14

Rehabilitation Continuing Education Programs

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed priorities.

SUMMARY: The Assistant Secretary for the Office of Special Education and Rehabilitative Services proposes priorities under the Rehabilitation Continuing Education Programs. The Assistant Secretary may use these priorities for competitions in fiscal year (FY) 2003 and in later years. We take this action to focus on training in an identified area of national need. The purpose of these priorities is to select entities to provide leadership for the Institute on Rehabilitation Issues (IRI) topic study groups and to plan and conduct the National IRI Forum. We intend these priorities to meet the needs of our customers by improving the responsiveness of the IRI study process to changes in the field of vocational rehabilitation (VR).

DATES: We must receive your comments on or before July 21, 2003.

ADDRESSES: Address all comments about these proposed priorities to Christine Marschall, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Building, room 3325, Washington, DC 20202–2649. If you prefer to send your comments through the Internet, use the following address: *Christine.Marschall@ed.gov.*

You must include the term ''Rehabilitation Continuing Education Programs'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Christine Marschall. Telephone: (202) 205–8926 or via Internet: *Christine.Marschall@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–8133.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION:

Invitation To Comment

We invite you to submit comments regarding these proposed priorities. To ensure that your comments have maximum effect in developing the notice of final priorities, we urge you to identify clearly the specific proposed priority that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed priorities. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these proposed priorities in room 3036, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed priorities. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

The Rehabilitation Continuing Education Programs—

(a) Train newly employed State agency staff at the administrative, supervisory, professional, paraprofessional, or clerical levels in order to develop needed skills for effective agency performance;

(b) Provide training opportunities for experienced State agency personnel at all levels of State agency practice to upgrade their skills and to develop mastery of new program developments dealing with significant issues, priorities, and legislative thrusts of the State and Federal vocational rehabilitation program; and

(c) Develop and conduct training programs for staff of—

(1) Private rehabilitation agencies and facilities that cooperate with State vocational rehabilitation units in providing vocational rehabilitation and other rehabilitation services;

(2) Centers for independent living; and

(3) Client assistance programs.

We will announce the final priorities in a notice in the **Federal Register**. We will determine the final priorities after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use these proposed priorities, we invite applications through a notice in the **Federal Register**. When inviting applications we designate each priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by either: (1) Awarding additional points, depending on how well or the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Priorities

Proposed Priority 1—Leadership of IRI Primary Study Group Background

The Rehabilitation Services Administration (RSA) has sponsored national study groups currently known as the Institute on Rehabilitation Issues (IRI) for 55 years. The IRI process consists of groups of between 10 and 15 subject experts from the field of rehabilitation, referred to as IRI scholars, known as Primary Study Groups (PSG), which meet a minimum of three times over the course of the project year to study a selected topic. Two topics are selected annually by the RSA Commissioner, in consultation with the IRI planning committee, which consists of members from RSA, State VR agencies, persons served by State VR agencies, rehabilitation educational institutions, and one additional member who is a family member of a person with a disability or is a representative of a community-based rehabilitation program or an organization of persons with disabilities. PSG chairpersons and members are selected by the RSA Commissioner, with input from the Council of State Administrators of Vocational Rehabilitation, the National Organization of Rehabilitation Partners,

State VR agencies, consumer organizations, and other stakeholders. Through a minimum of two face-to-face meetings and other meetings, as necessary, the PSG members collect research data on one of the two selected topics, identify relevant professional practices, and develop, design, and write a study document that provides in-depth analysis of their designated topic as it relates to the practice of public rehabilitation. Public rehabilitation is defined for the purpose of this priority as the State VR agency and other agencies funded under the Rehabilitation Act of 1973, as amended. Project staff ensures that the PSG process includes the input of all PSG members, helps the PSG to identify appropriate resources for the review process, and advises the PSG in the product design, development, and production. A final national meeting of the PSG members and constituents and stakeholders of the public rehabilitation system (the National IRI Forum) is conducted to review all IRI documents produced in the study year. Participants provide input and feedback to the study group regarding the documents prior to publication. Each project submits a final draft of its IRI document to RSA for review and, upon RSA approval, disseminates the document in electronic and hard copy formats to State VR agencies, the National Clearinghouse on Rehabilitation Training Materials, and other interested entities for use in personnel training and service planning. The intent of this priority is to select the entity or entities to lead two PSGs annually during the 5-year project period.

Priority: This priority funds projects to lead a PSG on a topic selected by the IRI Planning Committee. Projects must demonstrate the ability to provide leadership to members of the PSG that results in the production of a high quality document in the assigned topic area. Projects must ensure that documents are relevant to the public rehabilitation system and to the work of VR counselors and accurately interpret and integrate the current body of knowledge of the selected topic contained in published professional research and demonstrations.

Specifically, projects must demonstrate an in-depth knowledge of and understanding of relevant current and emerging issues in the public rehabilitation system, the public VR program, and the continuing education needs of VR personnel and related professionals. Projects must have the demonstrated ability to direct a rehabilitation research investigation in cooperation with a variety of experienced participants.

Projects must provide leadership to all phases of the IRI process, including assisting PSG members to define the areas of focus for the designated topic, to identify and address the continuing education needs of personnel of the public rehabilitation system, and to plan and write the project document. Projects must ensure that the group product meets the expectation of the IRI Planning Committee in terms of content areas and depth of review. At the conclusion of the National IRI Forum, projects must submit the final version of the IRI document to RSA for approval. Projects must distribute the approved document to State VR agencies and to others in an accessible format on request for use in staff development, training, and service planning.

Projects must include a plan to meet the communication, coordination, logistical, and budgetary requirements necessary to conduct at least three in-person meetings of the PSG, one of which must take place at the National IRI Forum in Washington, DC, at the end of the project year.

Proposed Priority 2—Leadership of the National IRI Forum Background

The National IRI Forum is held annually in Washington, DC, in May of each project year to enable various constituents and stakeholders of the public rehabilitation system to provide additional input on the draft documents prepared by the IRI study groups. The intent of this priority is to select the entity that will plan and lead the National IRI Forum to ensure that products of the two IRI PSGs receive a thorough review from interested stakeholders prior to publication.

Priority: This priority funds projects to plan and to lead the annual National IRI Forum of PSG members and other stakeholders in each year of the project period. Projects must demonstrate in-depth knowledge of current, relevant issues in the public rehabilitation system and of methods to facilitate professional development and continuing education activities. Project staff, in cooperation with the IRI Planning Committee, must identify and solicit key stakeholders to provide input and feedback on selected IRI topics, and facilitate discussion and input sessions of diverse individuals with a wide variety of backgrounds so that each of the two IRI PSGs receives feedback on its draft document in a collaborative and positive manner.

Projects must provide a detailed plan for all aspects of the planning and coordination of the meeting, including, but not limited to, facilitation of document feedback sessions, site planning, coordination of accommodations and travel for PSG members funded by the project, coordination of accommodations requested by other participants, and the provision of on-site support services, including the provision of reasonable accommodations upon request. Projects must include a description of a process and methods that will result in high quality input on the IRI documents presented for review.

Executive Order 12866

This notice of proposed priorities has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of proposed priorities are those resulting from statutory requirements and those we have determined as necessary for administering these programs effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of proposed priorities, we have determined that the benefits of the proposed priorities justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Summary of potential costs and benefits: The potential costs associated with these proposed priorities are minimal, while the benefits are significant. Grantees may anticipate costs associated with completing the application process in terms of staff time, copying, and mailing or delivery. The use of e-Grants and e-Application technology reduces mailing and copying costs significantly. In starting and administrating this program, because of the eligibility requirements of the Rehabilitation Continuing Education Programs, the successful grantee would require no significant costs other than those provided for by the grant award funds, with the exception of those accounted for by the grantee's required share of the project budget. The grantee's cost share obligation is 10 percent.

The benefits of the IRI process have been well established over the years that similar projects have been completed. These proposed priorities serve to solicit projects from the full eligibility base allowed by program regulations in order to identify the best resources for

the IRI process. The IRI process brings together diverse professionals from rehabilitation to publish and distribute best practices related to topics selected based on their immediate relevance to the field. IRIs contribute significantly to enhanced staff knowledge and skill and to improved service to persons with disabilities throughout the rehabilitation field. In addition, because of the nature of the IRI PSG process, PSG members establish professional relationships with others on a national basis and enhance their own understanding of the topic, professional writing, and trends of national importance in the rehabilitation field. One anecdotal benefit of IRI participation has been that PSG members often return to their employment with an increased commitment to rehabilitation. Benefits to the Federal Government include the production of a low-cost, high quality tool for the training and development of rehabilitation staff, positive regard from our professional partners, and improved services to individuals with disabilities.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

Applicable Program Regulations: 34 CFR parts 385 and 389.

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 84.264A Rehabilitation Training—Rehabilitation Continuing Education Programs)

Program Authority: 29 U.S.C. 772.

Dated: January 16, 2003.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 03–15416 Filed 6–18–03; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Thursday,
June 19, 2003

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

Lower Deck Service Compartments on Transport Category Airplanes; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2002–11346; Amendment No. 110]

RIN 2120–AH38

Lower Deck Service Compartments on Transport Category Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The Federal Aviation Administration amends the airworthiness standards for transport category airplanes concerning lower deck service compartments. This amendment requires that two-way voice communication systems between lower deck service compartments and the flightdeck remain available following loss of the normal electrical power generating system. It also clarifies the requirements for seats installed in the lower deck service compartment. Adoption of this amendment eliminates regulatory differences between the airworthiness standards of the U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

EFFECTIVE DATE: July 21, 2003.

FOR FURTHER INFORMATION CONTACT: Jayson Claar, FAA, Airframe/Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone 425–227–2194; facsimile 425–227–1320, e-mail *jayson.claar@faa.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page (*http://dms.dot.gov/search*).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on ''search.''

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the document number of the item you wish to view.

You can also get an electronic copy using the Internet through the Office of Rulemaking's web page at *http://www.faa.gov/avr/arm/nprm.cfm* Government Printing Office's web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html.*

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SFREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official or the person listed under **FOR FURTHER INFORMATION CONTACT.** You can find out more about SBREFA on the Internet at our site, *http://www.gov/avr/arm/sbrefa.htm.* For more information on SBREFA, e-mail us at *9–AWA–SFREFA@faa.gov.*

Background

What Are the Relevant Airworthiness Standards in the United States?

In the United States, the airworthiness standards for type certification of transport category airplanes are contained in Title 14, Code of Federal Regulations (CFR) part 25. Manufacturers of transport category airplanes must show that each airplane they produce of a different type design complies with the appropriate part 25 standards. These standards apply to airplanes manufactured within the U.S. for use by U.S.-registered operators, and airplanes manufactured in other countries and imported to the U.S. under a bilateral airworthiness agreement.

What Are the Relevant Airworthiness Standards in Europe?

In Europe, the airworthiness standards for type certification of transport category airplanes are contained in Joint Aviation Requirements (JAR)–25, which are based on part 25. These were developed by the Joint Aviation Authorities (JAA) of Europe to provide a common set of airworthiness standards within the European aviation community. Twenty-three European countries accept airplanes type certificated to the JAR–25 standards, including airplanes manufactured in the U.S. that are type certificated to JAR–25 standards for export to Europe.

What is ''Harmonization'' and How Did it Start?

Although part 25 and JAR–25 are very similar, they are not identical in every respect. When airplanes are type certificated to both sets of standards, the differences between part 25 and JAR–25 can result in substantial additional costs to manufacturers and operators. These additional costs, however, frequently do not bring about an increase in safety. In many cases, part 25 and JAR–25 may contain different requirements to accomplish the same safety intent. Consequently, manufacturers are usually burdened with meeting the requirements of both sets of standards, although the level of safety is not increased correspondingly.

Recognizing that a common set of standards would not only benefit the aviation industry economically, but also maintain the necessary high level of safety, the FAA and the JAA began an effort in 1988 to ''harmonize'' their respective aviation standards. The goal of the harmonization effort is to ensure that, where possible, standards do not require domestic and foreign parties to manufacture or operate to different standards for each country involved; and the standards adopted are mutually acceptable to the FAA and the foreign aviation authorities.

The FAA and JAA have identified a number of significant regulatory differences between the wording of part 25 and JAR–25. Both the FAA and the JAA consider ''harmonization'' of the two sets of standards a high priority.

What Is ARAC and What Role Does It Play in Harmonization?

After initiating the first steps towards harmonization, the FAA and JAA soon realized that traditional methods of rulemaking and accommodating different administrative procedures was neither sufficient nor adequate to make appreciable progress towards fulfilling the goal of harmonization. The FAA then identified the Aviation Rulemaking Advisory Committee (ARAC) as an ideal vehicle for assisting in resolving harmonization issues, and, in 1992, the FAA tasked ARAC to undertake the entire harmonization effort.

The FAA had formally established ARAC in 1991, to provide advice and recommendations concerning the full range of the FAA's safety-related rulemaking activity (56 FR 2190, January 22, 1991). The FAA sought this advice to develop better rules in less overall time and using fewer FAA

resources than previously needed. The committee provides the FAA firsthand information and insight from interested parties regarding potential new rules or revisions of existing rules.

There are 73 member organizations on the committee, representing a wide range of interests within the aviation community. Meetings of the committee are open to the public, except as authorized by section 10(d) of the Federal Advisory Committee Act.

The ARAC establishes working groups to develop recommendations for resolving specific airworthiness issues. Tasks assigned to working groups are published in the **Federal Register**. Although working group meetings are not generally open to the public, the FAA solicits participation in working groups from interested members of the public who possess knowledge or experience in the task areas. Working groups report directly to the ARAC, and the ARAC must accept a working group proposal before ARAC presents the proposal to the FAA as an advisory committee recommendation.

The activities of the ARAC will not, however, circumvent the public rulemaking procedures; nor is the FAA limited to the rule language ''recommended'' by ARAC. If the FAA accepts an ARAC recommendation, the agency proceeds with the normal public rulemaking procedures. Any ARAC participation in a rulemaking package is fully disclosed in the public docket.

What Did the FAA Propose?

The FAA proposed to amend § 25.819 by incorporating the ''more stringent'' requirements of the current JAR standard. The proposed amendment would require that two-way voice communication systems between lower deck service compartments and the flightdeck remain available following loss of the normal electrical power generating system, and seats installed in the lower deck compartment meet the requirements of § 25.785(d).

What Other Options Have Been Considered and Why Were They Not Selected?

The FAA considered two alternatives to this proposal: (1) No change to the existing standards. The FAA did not select this option because it would mean that the standards would continue to be ''unharmonized'' and manufacturers would continue to meet two different sets of standards when certificating their airplanes, and (2) The JAA could unilaterally adopt the standards of part 25. The FAA did not seriously consider this option, however, because where the part 25 standards are ''less stringent,'' this could potentially mean adopting a lower level of safety.

The FAA considered the proposal, to be the most appropriate method of ensuring that the highest level of safety is achieved and fulfilling the objectives of harmonizing the U.S. and European standards.

Is Existing FAA Advisory Material Adequate?

The FAA does consider that current guidance on this subject is adequate and that additional advisory material is not necessary as a result of this amendment.

What Comments Were Received in Response to the Proposal?

Notice of Proposed Rulemaking (NPRM) 02–06, was published in the **Federal Register** on January 24, 2002 (67 FR 3456). The comment period closed on March 25, 2002. Only one commenter responded to the request for comments. That commenter states that they have no comments at this time.

What Regulatory Analyses and Assessments Has the FAA Conducted?

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Agreements Act also requires the consideration of international standards and, where appropriate, that they be the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more annually (adjusted for inflation).

The FAA has determined that this amendment has no substantial costs, and that it is not ''a significant regulatory action'' as defined in Executive Order 12866, nor ''significant'' as defined in DOT's Regulatory Policies and Procedures. Further, this amendment does not have a significant economic impact on a substantial number of small entities, reduces barriers to international trade, and does not impose an Unfunded Mandate on state, local, or tribal governments, or on the private sector. The DOT Order 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If it is determined that the expected impact is so minimal that the amendment does not warrant a full evaluation, a statement to that effect and the basis for it is included in the amendment. Accordingly, the FAA has determined that the expected impact of this amendment is so minimal (no substantial costs) that the amendment does not warrant a full evaluation. We provide the basis for this determination as follows.

Currently, airplane manufacturers must satisfy both part 25 and the European JAR–25 standards to certificate transport category airplanes in both the United States and Europe. Meeting two sets of certification requirements raises the cost of developing a new transport category airplane often with no increase in safety. In the interest of fostering international trade, lowering the cost of airplane development, and making the certification process more efficient, the FAA, JAA, and airplane manufacturers have been working to create, to the maximum possible extent, a single set of certification requirements accepted in both the United States and Europe. As explained in detail previously, these efforts are referred to as ''harmonization.''

This amendment revises the FAA requirements for lower deck service compartments on transport category airplanes that are not certified to be occupied during takeoff and landing. As explained previously in this preamble, this amendment revises part 25 to include the following ''more stringent'' requirements of the JAR standards: (1) § 25.819(b), two-way voice communication systems between lower deck service compartments and the flightdeck remain available following loss of the normal electrical power generating system; and (2) § 25.819(f), seats installed in the lower deck compartment meet the requirements of § 25.785(d), which include safety belt and either a shoulder harness, and/or energy absorbing rest, and/or elimination of injurious objects in the head strike path.

This amendment results from the FAA's acceptance of recommendations made by ARAC. We have concluded that, for the reasons previously

discussed in the preamble, the adoption of the amendment in 14 CFR part 25 is the most efficient way to harmonize these sections and, in so doing, the existing level of safety will be preserved.

There was consensus within the ARAC members, comprised of representatives of the affected industry, that the requirements of the amendment do not impose additional costs on U.S. manufacturers of part 25 airplanes. Concerning the cost impact of complying with the standard, ARAC states there are apparent administrative savings for the relevant airworthiness authorities and indirect savings for the general public. In fact, ARAC believes that the industry would estimate the cost burden being at a neutral level. We have reviewed the cost analysis provided by industry through the ARAC process. Based on this analysis, we consider that a full regulatory evaluation is not necessary.

Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980, 50 U.S.C. 601–612, as amended, establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant impact on a substantial number of small entities. If the determination is that the rule will, the Agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA considers that this amendment does not have a significant impact on a substantial number of small entities for two reasons. First, the net effect of this amendment is minimum regulatory cost relief. The amendment requires that new transport category airplane manufacturers meet just one certification requirement, rather than different standards for the United States and Europe. Airplane manufacturers already meet or expect to meet this standard as well as the existing 14 CFR part 25 requirement. Second, all U.S. transport category airplane manufacturers exceed the Small Business Administration small-entity criteria of 1,500 employees for airplane manufacturers. The current U.S. part 25 airplane manufacturers include: Boeing, Cessna Aircraft, Gulfstream Aerospace, Learjet (owned by Bombardier), Lockheed Martin, McDonnell Douglas (a wholly-owned subsidiary of The Boeing Company), Raytheon Aircraft, and Sabreliner Corporation.

Given that this amendment is minimally cost-relieving and that there are no small entity manufacturers of part 25 airplanes, the FAA certifies that this amendment does not have a significant impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

In accordance with the above statute, the FAA has assessed the potential effect of this amendment and has determined that it complies with the Act because this rule would use European international standards as the basis for U.S. standards.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), codified in 2 U.S.C. sections 1532–1538, enacted as Public Law 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year.

This amendment does not contain a Federal intergovernmental or private sector mandate that exceeds $100 million in any year; therefore, the requirements of the Act do not apply.

What Other Assessments Has the FAA Conducted?

Executive Order 13132, Federalism

The FAA has analyzed this amendment and the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this amendment does not have federalism implications.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there are no new information collection requirements associated with this amendment.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that correspond to this amendment.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this amendment qualifies for a categorical exclusion.

Energy Impact

The energy impact of the amendment has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) and Public Law 94–163, as amended (43 U.S.C. 6362), and FAA Order 1053.1. It has been determined that it is not a major regulatory action under the provisions of the EPCA.

Regulations Affecting Intrastate Aviation in Alaska

Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213) requires the Administrator, when modifying regulations in Title 14 of the CFR in a manner affecting intrastate

aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish such regulatory distinctions as he or she considers appropriate. Because this amendment applies to the certification of future designs of transport category airplanes and their subsequent operation, it could, if adopted, affect intrastate aviation in Alaska. The FAA has determined that there is no justification for applying the amendment differently to intrastate operations in Alaska.

Plain Language

In response to the June 1, 1998, Presidential memorandum regarding the issue of plain language, the FAA re-examined the writing style currently used in the development of regulations. The memorandum requires Federal agencies to communicate clearly with the public. We are interested in your comments on whether the style of this document is clear, and in any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at *http://www.plainlanguage.gov.*

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends part 25 of Title 14, Code of Federal Regulations, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

■ 1. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702 and 44704.

■ 2. Amend § 25.819 by revising paragraphs (b) and (f) to read as follows:

§ 25.819 Lower deck surface compartments (including galleys).

* * * * *

(b) There must be a means for two-way voice communication between the flight deck and each lower deck service compartment, which remains available following loss of normal electrical power generating system.

* * * * *

(f) For each occupant permitted in a lower deck service compartment, there must be a forward or aft facing seat which meets the requirements of § 25.785(d), and must be able to withstand maximum flight loads when occupied.

* * * * *

Issued in Renton, Washington, on June 6, 2003.

Vi Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–15532 Filed 6–18–03; 8:45 am]

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/nara005.html*. Some laws may not yet be available.

H.R. 192/P.L. 108–31

To amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes. (June 17, 2003; 117 Stat. 775)

S. 273/P.L. 108–32

Grand Teton National Park Land Exchange Act (June 17, 2003; 117 Stat. 779)

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