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The President

Leif Erikson Day, 2003

By the President of the United States of America

A Proclamation

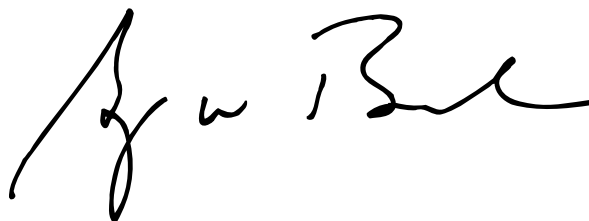
Traveling across the Atlantic as the first Nordic to lead an expedition to North America, Leif Erikson showed great courage in the face of danger. His actions marked the beginning of a longstanding exchange of people, ideas, and innovations between North America and the Nordic nations of Denmark, Finland, Iceland, Norway, and Sweden. As the United States celebrates Leif Erikson Day, we honor his historic voyage and give thanks for the many contributions of Nordic Americans to our Nation, and of our Nordic allies.

Since Leif Erikson's voyage, millions of immigrants from the Nordic countries have come to America. As teachers, lawyers, judges, doctors, authors, athletes, artists, scientists, and business people, and in many other occupations, Nordic Americans have contributed to America's cultural, political, and economic strength. America has also benefited from the diplomatic relationships we have long enjoyed with the Nordic nations.

To honor Leif Erikson, Nordic-American heritage, and America's continued relationship with Nordic countries, the Congress, by joint resolution (Public Law 88-566) approved on September 2, 1964, has authorized and requested the President to proclaim October 9 of each year as "Leif Erikson Day."

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim October 9, 2003, as Leif Erikson Day. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs to honor our rich Nordic-American heritage.

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



Rules and Regulations

Federal Register

Vol. 68, No. 199

Wednesday, October 15, 2003

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

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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 02–115–2]

Imported Fire Ant; Approved Treatments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the imported fire ant regulations by adding the insecticide methoprene (Extinguish®) to the list of chemicals that are authorized for the treatment of regulated articles. This product is registered by the U.S. Environmental Protection Agency for use against the imported fire ant and has been found efficacious based on testing by the Gulfport Plant Methods Center. This rule makes methoprene available for the treatment of containerized plants and field-grown woody ornamentals in the quarantined areas.

EFFECTIVE DATE: November 14, 2003.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Brown, Imported Fire Ant Program Manager, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The imported fire ant, *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, is an aggressive, stinging insect that, in large numbers, can seriously injure or even kill livestock, pets, and humans. The imported fire ant feeds on crops and builds large, hard mounds that damage farm and field machinery. Imported fire ants are notorious hitchhikers and are readily transported

long distances when articles such as soil and nursery stock are shipped outside the infested area.

The Animal and Plant Health Inspection Service (APHIS) works to prevent further imported fire ant spread by enforcing a Federal quarantine and cooperating with imported fire ant-infested States to mitigate the risks associated with the movement of regulated articles such as nursery stock and used soil-moving equipment. Also, APHIS evaluates the efficacy of regulatory treatments for preventing the artificial spread of imported fire ant and revises its regulations and procedures as necessary. APHIS works with States, industry, and other Federal agencies to develop and test promising new insecticides and biological control agents.

The regulations in “Subpart—Imported Fire Ant” (7 CFR 301.81 through 301.81–10, referred to below as the regulations) quarantine infested States or infested areas within States and impose restrictions on the interstate movement of certain regulated articles from those quarantined States or areas for the purpose of preventing the artificial spread of the imported fire ant.

Sections 301.81–4 and 301.81–5 of the regulations provide, among other things, that regulated articles requiring treatment prior to interstate movement must be treated in accordance with the methods and procedures prescribed in the appendix to the subpart, which sets forth the treatment provisions of the “Imported Fire Ant Program Manual.”

On March 21, 2003, we published in the **Federal Register** (68 FR 13859–13861, Docket No. 02–115–1) a proposal to amend the regulations by adding the insecticide methoprene (Extinguish®) to the list of chemicals that are authorized for the treatment of regulated articles and make methoprene available for the treatment of containerized plants and field-grown woody ornamentals in the quarantined areas.

We solicited comments concerning our proposal for 60 days ending May 20, 2003. We received two comments by that date. The comments were from State departments of agriculture. Both commenters were in favor of adding methoprene (Extinguish®) to the list of chemicals that are authorized for the treatment of regulated articles.

Therefore, for the reasons given in the proposed rule, we are adopting the

proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This final rule amends the appendix to the imported fire ant regulations to allow the use of the insecticide methoprene (Extinguish®) against the imported fire ant. Methoprene is registered by the U.S. Environmental Protection Agency for use against the imported fire ant in containerized plants and field-grown woody ornamentals and has been found to be efficacious against imported fire ant based on testing by the Gulfport Plant Methods Center in Mississippi.

Determining the cost to treat for imported fire ant in nursery operations is complicated because of the large number of insecticide products, varying soil conditions, and various types of nursery crops. For example, in two surveys conducted by Hall and Holloway (1994 and 1995) of 37 nursery crop growers in Texas, which represented more than half of all nursery crops produced in that State, chemical cost per treatment per acre for imported fire ant control averaged \$12.10, with treatment costs representing up to 4 percent of their production cost. Almost half (47 percent) of those growers reported treating for imported fire ant and most of them reported using more than one pesticide in their operations (range=1 to 3; average=1.5), making the average cost per acre for insecticides to control imported fire ant \$18.15 (*i.e.*, 1.5 × \$12.10).

Methoprene (Extinguish®) is the latest insecticide to be added to the regulations for the treatment of imported fire ant. The currently approved treatments—Fipronil (Chipco®), Pyriproxyfen (Distance®), Fenoxycarb (AWARD®), Hydramethylnon (AMDRO®), and Bifenthrin (Talstar®)—cost approximately the same in the bulk market, \$5 to \$12 per pound, with each pound treating 17 colonies (*i.e.*, mounds) of imported fire ant. However, any insecticide’s retail price depends on the price charged by its local distributor and may vary from State to State.

Although the insecticides generally do not differ greatly in price, at least some consumers can be expected to benefit from inclusion of methoprene as an alternative treatment.

Impact on Small Entities

Businesses such as nurseries that work with regulated articles are the entities most likely to be affected by this rule. This final rule will result in a wider selection of treatment options for imported fire ant. The economic effect on affected entities will either be positive, since a wider selection of insecticides will provide greater choice, or neutral, if they choose not to use methoprene.

The Regulatory Flexibility Act requires that agencies consider the economic effects of their rules on small businesses. Based on data from the 1997 Census of Agriculture, there were 14,762 nurseries and greenhouses in the 13 States that have been affected by imported fire ant plus Puerto Rico, of which 82 to 99 percent were small entities, according to the Small Business Administration criterion of annual sales of \$750,000 or less.

We expect that the economic effect of this final rule on these businesses will either be positive (a wider selection of insecticides will provide greater choice) or neutral (if they choose not to use methoprene). The majority (82 to 99 percent) of firms that may potentially be affected by this final rule are small entities.

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

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

Paperwork Reduction Act

This final rule contains no information collection or recordkeeping

requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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

Authority: 7 U.S.C. 7701–7772; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

Appendix to Subpart—Imported Fire Ant [Amended]

■ 2. In part 301, Subpart—Imported Fire Ant (§§ 301.81 through 301.81–10), the appendix to the subpart is amended as follows:

■ a. In paragraph III.B., under the heading INSECTICIDES, by adding, in alphabetical order, an entry for “Methoprene (Extinguish®)”.

■ b. In paragraph III.C.4., under the heading *Control*, by removing the word “or” immediately following the word “(AWARD®),” and by adding the words “, or methoprene (Extinguish®)” immediately following the word “(Distance®)”.

■ c. In paragraph III.C.5., in the paragraph titled *Material*, by removing the word “or” immediately following the word “(AMDRO®),” and by adding the words “, or methoprene (Extinguish®)” immediately following the word “(Distance®)”.

■ d. In paragraph III.C.5., in the paragraph titled *Dosage*, by removing the word “or” immediately following the word “(AMDRO®),” and by adding the words “, or methoprene (Extinguish®)” immediately following the word “(Distance®)”.

■ e. In paragraph III.C.5., in the paragraph titled *Method*, in the first and third sentences, by removing the word “or” immediately following the word “(AMDRO®),” and by adding the words “, or methoprene (Extinguish®)” immediately following the word “(Distance®)”.

■ f. In paragraph III.C.5., by amending the paragraph titled *Special Information* as follows:

■ i. In the first and third sentences, by removing the word “or” immediately following the word “(AMDRO®)” and by adding the words “, or methoprene (Extinguish®)” immediately following the word “(Distance®)”.

■ ii. In the second sentence, by removing the word “or” immediately following the word “(AWARD®)” and by adding the words “, pyriproxyfen (Distance®), or methoprene (Extinguish®)” immediately following the word “(AMDRO®)”.

Done in Washington, DC, this 9th day of October, 2003.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–26043 Filed 10–14–03; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 910 and 913

[No. 2003–25]

RIN 3069–AB07

Amendments to the Privacy Act and Freedom of Information Act; Implementation

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is adopting as a final rule the interim final rule that revised its Privacy Act regulation to reflect an agency reorganization and to make it more “user-friendly” by using plain language and where appropriate, a question-and-answer format. The rule also amended the fee schedule in the Freedom of Information Act (FOIA) regulation, which the Finance Board uses to determine the amount of the fee it charges to duplicate records under both the FOIA and the Privacy Act, to take into account increased salary and operating costs.

EFFECTIVE DATE: The final rule will become effective on November 14, 2003.

FOR FURTHER INFORMATION CONTACT: Janice A. Kaye, Senior Attorney-Advisor, Office of General Counsel, by electronic mail at kayej@fhfb.gov, by telephone at 202/408–2505, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Background

In July 2003, the Finance Board published an interim final rule with request for comments that revised its

Privacy Act and FOIA regulations. *See* 68 FR 39810 (July 3, 2003). The revised Privacy Act regulation (12 CFR part 913) is written in a "user-friendly" format using plain language and, where appropriate, a question-and-answer format. It reflects a reassignment of responsibility and authority for the agency's Privacy Act program to the Office of General Counsel. The rule also amended the fee schedule in the FOIA regulation (12 CFR 910.9), which the Finance Board uses to determine the amount of the fee it charges to duplicate records under both the FOIA and the Privacy Act, to take into account increased salary and operating costs. The 60-day public comment period for the interim final rule closed on September 2, 2003. *See* 68 FR at 39811.

II. Analysis of Public Comments and the Final Rule

The Finance Board received no comments in response to the interim final rule. Thus, for the reasons set forth in detail in the interim final rulemaking, the Finance Board is adopting the interim final rule as a final rule with one technical change to redesignate § 913.7(c)(1)(vii) as § 913.7(c)(1)(vi).

III. Regulatory Flexibility Act

The Finance Board adopted the amendments to parts 910 and 913 in the form of an interim final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply. *See* 5 U.S.C. 601(2), 603(a).

IV. Paperwork Reduction Act

The final rule does not contain any collections of information under the Paperwork Reduction Act of 1995. *See* 44 U.S.C. 3501 *et seq.* Consequently, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects

12 CFR Part 910

Administrative practice and procedure, Archives and records, Confidential business information, Federal home loan banks, Freedom of information.

12 CFR Part 913

Administrative practice and procedure, Archives and records, Freedom of information, Privacy.

■ For the reasons stated in the preamble, the Finance Board hereby adopts the interim final rule revising 12 CFR parts 910 and 913 that was published at 68 FR 39810 on July 3, 2003, as a final rule with the following change:

PART 913—PRIVACY ACT REGULATION

■ 1. The authority citation for part 913 continues to read as follows:

Authority: 5 U.S.C. 552a.

■ 2. Redesignate § 913.7(c)(1)(vii) as § 913.7(c)(1)(vi).

Dated: October 9, 2003.

By the Board of Directors of the Federal Housing Finance Board.

John T. Korsmo,
Chairman.

[FR Doc. 03-26076 Filed 10-14-03; 8:45 am]

BILLING CODE 6725-01-P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245-AF03

Small Business Size Standards; Facilities Support Services (Including Base Maintenance)

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: The U.S. Small Business Administration (SBA) is adopting an increase to the size standard for the Facilities Support Services industry (North American Industry Classification System (NAICS) code 561210) from \$6 million in average annual receipts to \$30 million and increases the size standard for the sub-category of Base Maintenance from \$23 million to \$30 million. These increased standards better define the size of businesses in this industry that the SBA believes should be eligible for Federal small business assistance programs. This final rule also changes the title of "Base Housing Maintenance" under NAICS code 238990 to "Building and Property Specialty Trade Services" to better identify the type of activities that fall under this category.

DATES: This rule is effective November 14, 2003.

FOR FURTHER INFORMATION CONTACT:

Diane Heal, Program Analyst, Office of Size Standards, Office of Government Contracting and Business Development, (202) 205-6618 or sizestandards@sba.gov.

SUPPLEMENTARY INFORMATION: On February 3, 2003, the SBA published a proposed rule in the **Federal Register** (68 FR 5234) to increase the size standard for the Facilities Support Services industry (NAICS code 561210) from \$6 million in average annual receipts to \$30 million and the size

standard for the sub-category of Base Maintenance from \$23 million to \$30 million. The SBA proposed this increase after reviewing requests from firms in the Facilities Support Services industry to review the \$6 million size standard for this industry and the \$23 million size standard for Base Maintenance, a sub-category of the industry. These size standards are based on annual receipts of the business, as described in 13 CFR 121.104. These firms argued that a size standard increase is warranted to reflect the size of Federal contracts issued in this industry. These contracts include a broad spectrum of services involving administrative support, custodial services, facilities repair and maintenance, and technical services, which often are \$10 million per year or more in value. A small business can lose its small business status with only one or two contracts. Costs on these types of contracts have increased greater than the general inflation rate, especially due to changes in the mandated labor rates under the Service Contract Act and increased health insurance costs. The requestors believed that to help develop small businesses to be competitive with large businesses in this industry, the size standard should be increased to the \$25 million to \$30 million range.

Based on these concerns, the SBA conducted a review of this industry's size standards. In addition to reviewing patterns of Federal procurement in this industry, it collected and evaluated data on the industry's structure. This review involved comparisons of average firm size, the size distribution of firms, measures of start-up costs, and the degree of concentration of economic activity among very large firms in the industry. Based on its review of each of these evaluation factors, and the nature and patterns of Federal contracting for Facility Support Services, the SBA concluded that the activities comprising this industry and the characteristics of firms in the industry no longer support the need for separate size standards for Base Maintenance and for all other facilities support activities. The SBA also found that the data supported an increase in the size standards for all activities comprising Facility Support Services to \$30 million in average annual receipts. (For more information on the reasons for the proposed size standard increase to \$30 million, see the February 3, 2003, proposed rule, 68 FR 5234).

The SBA received 16 comments on the proposed size standard. After giving careful consideration to the comments, the SBA has decided to adopt its proposed size standard of \$30 million.

Discussion of Comments on the Proposed Rule

The SBA received 16 timely comments on the proposed size standard from various business concerns. Nine commenters supported the proposed size standard and seven commenters opposed the change. The SBA also received a recommendation from its Office of Hearings and Appeals (OHA) to clarify the footnote. Below is a summary of the major issues raised by the comments received on the proposed rule and the SBA's position on those issues.

Comments Supporting a Higher Size Standard

Four commenters remarked that increased costs, such as start up costs, wages, workers compensation, health insurance, fuels, and materials, have increased their revenues to the point where after two or three contracts their firms exceed the current size standard. One commenter pointed out that salary, wages, and taxes are the major costs and will normally comprise more than 50% of the contract expense. Two commenters acknowledged that the U.S. Department of Labor's increase in Service Contract Act wage determinations has had a direct impact on the costs of Facility Support Services contracts.

The SBA agrees that increased costs have caused small business to exceed the current size standard with only two or three contracts. Facility Support Services contracts are larger requirements that include varied tasks from Base Maintenance to engineering and technical support. Because of the nature of these requirements, more than two-thirds of total industry revenues go to large firms at or exceeding the current size standard. As presented in the preamble of the proposed rule, industry data on the distribution of revenues by firm size and other industry characteristics show that firms in the Facilities Support Services do have high costs and are much larger in size than firms in most other service industries.

All nine supportive commenters pointed out that the increase in the size standard would increase competition and participation in Federal contracts. Two commenters stated that firms growing beyond the \$6 million size standard are not ready to compete with large firms. One commenter stated that the increased size standard would allow firms a longer period for growth and maturity. One commenter stated that the increase will secure a future for small businesses in this industry, as the

current size standard limits a firm's ability to serve the Federal Government.

The SBA agrees that an increase to the size standard will make small businesses more competitive in this industry. As stated in the preamble to the proposed rule, the share of Federal contracts awarded to small businesses supports an increase to the current size standard. During 1999 to 2001, small businesses accounted for 30.5% of total industry receipts but these firms received only 12% of the dollar value of Federal contracts. This is a disproportionate share of Federal contract dollars relative to industry receipts. Contract requirements make it difficult for smaller firms to perform on Federal Facilities Support Services contracts. For example, contracting data show that two-thirds of small business awards in this industry are made through programs reserved for small businesses rather than through full and open competition. The SBA believes that the increase in size standard will allow firms in this industry to grow to a more competitive size.

Two commenters supported the SBA's proposal to give Facilities Support Services and Base Maintenance the same size standard. One of these commenters acknowledged that "the same companies are likely to compete for contracts with either designation."

The SBA agrees with these comments. As stated in the preamble to the proposed rule, the SBA believes that the activities comprising this industry and the characteristics of firms in the industry no longer require separate size standards for Base Maintenance and for all other facilities support activities. The NAICS 2002 industry description of Facilities Support Services is very similar to the SBA's description of Base Maintenance (see footnotes 12 and 13 of the current 13 CFR 121.201). The SBA believes that the firms performing Base Maintenance services also perform, or have the capability to perform, most other facilities support activities. Given the close similarity of the descriptions of Facilities Support Services and Base Maintenance, the SBA believes that a single size standard is appropriate for all activities within the Facilities Support Services industry.

The SBA received a recommendation from OHA to clarify the title of "Base Housing Maintenance," an exception to NAICS 238990, "All Other Specialty Trade Contractors," as it is often confused with "Base Maintenance," an activity under Facilities Support Services. OHA suggested that the "Base Housing Maintenance" title should be revised to more accurately reflect the

description of that category in Footnote 13.

The SBA agrees with this recommendation and has revised the title for the exception to NAICS code 238990 from "Base Housing Maintenance" to "Building and Property Specialty Trade Services." This revision is appropriate in this rule making process as it does not change the meaning of the exception or the size standard for NAICS code 238990. The new title better identifies the activities that fall under this category.

Comments Opposing a Size Standard Increase

The SBA received four comments which stated that entry costs for this industry are low and that Facility Support Services contracts are performed in Government-provided facilities using Government-provided equipment. Five comments asserted that the increase is detrimental to emerging small businesses and that it will hinder small business growth. Four comments stated that the current size standard encourages large businesses to mentor "emerging small businesses."

The SBA does not concur with these comments, and believes that these comments do not accurately characterize the Facility Support Services industry. The SBA does recognize that a higher size standard could have an impact on the smallest businesses in this industry. However, the smallest firms are usually limited to contracts for one type of industry or to work as subcontractors. The nature of the industry and the data presented in the preamble of the proposed rule show that the Facility Support Services industry is comprised predominately of larger firms. The industry characteristics show that start-up costs are high, and that Federal contracts for Facility Support Services contain varied tasks, including engineering and other technical support tasks, administrative functions, specialty trade tasks, and high-end equipment maintenance. Often, after two or three contracts, firms in this industry find that they have outgrown the current size standard. In addition, the SBA believes this increase will expand small business subcontracting opportunities and mentoring with large businesses. All requirements over \$500,000 for Facility Support Services awarded to large businesses include incentives and goals for subcontracting with small businesses. The fact that an industry's size standard is \$6 million or \$30 million will not have a detrimental bearing on a large business's plans to subcontract to or mentor a small

business. The higher size standard would likely encourage more subcontracting with all small businesses since they would be able to remain as small subcontractors for a longer period of time and offer more capabilities to the large business contractor.

The comments received supporting the SBA's actions agree that the increase is reasonable. They endorsed the SBA's findings that firms are quickly outgrowing the current size standard, that costs are high, and that the increase will augment the number of small business set-aside awards, thereby increasing competition in this industry. This increase will add to a small business's maturity and encourage small business growth.

Recommended Alternative Size Standards

One commenter only supported an increase of 50%. However, the commenter did not provide any data to justify this alternative, nor did the commenter indicate whether the 50% increase was appropriate for both the \$6 million and \$23 million size standards. The SBA can only assume that the commenter meant 50% of the \$6 million size standard, which equates to \$9 million, and 50% of the \$23 million which would put the size standard above \$30 million.

One commenter recommended a \$12 million size standard. This commenter stated that \$12 million will enable small businesses additional opportunities within the Facilities Support Services industry without forcing emerging small businesses to compete against larger firms.

The SBA disagrees with both of these alternatives. Neither an increase to \$9 million or \$12 million would be representative of the overall characteristics of firms in the industry, nor would either alternative provide competition and growth for small businesses. In addition, Federal contract award data show that firms under the current \$23 million size standard have only been able to obtain a relatively small share of Facilities Support Services contracts.

Non-Related Comments

One commenter pointed out that the increase in bundled contracts has caused Federal agencies to contract with larger firms. This commenter called for a 12 month moratorium on any changes so that the effect of combining contracts and its impact on small businesses can be further analyzed.

One commenter alleged that all mid-sized businesses are 8(a) firms and alleges that 8(a) certification is being

abused. Another commenter stated that the 8(a) program (13 CFR 124) and the HUBZone program (13 CFR 126) usually serve the same companies and that the success rate of companies after graduating from the 8(a) program will be hampered by this increase.

The issues regarding the SBA's 8(a) and HUBZone programs concern program policy, and the issues concerning contract bundling relate to the structuring of individual procurements and therefore are separate from the SBA's determination of the appropriate small business size standard for a particular industry. For more information about the SBA's efforts to address the impact of contract bundling on small businesses, see the recently proposed rule on this issue (68 FR 5134, dated January 31, 2003).

One commenter stated that the definition of a small business is causing problems with emerging businesses, as it relates to the current set of NAICS codes for the Information Technology industry, which are "\$6 million and \$21 million." This commenter emphasized that emerging small businesses cannot compete with firms that produce \$21 million in revenues. This commenter recommended that there be a category to identify mid-sized businesses.

This comment does not relate specifically to the SBA's proposal to increase the size standard for Facilities Support Services. The commenter refers to the size standard of \$6 million and \$21 million for the Information Technology industry. With respect to that industry, the SBA published a proposed rule that would create a separate size standard for Information Technology Value Added Resellers (67 FR 48479, July 24, 2002). Additionally, the size standards are intended to define only small businesses, not a separate category of mid-size firms.

Compliance With Executive Orders 12866, 12988, and 13132; the Regulatory Flexibility Act (5 U.S.C. 601-612); and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

The Office of Management and Budget (OMB) has determined that this rule is a significant regulatory action for purposes of Executive Order 12866 because size standards determine which businesses are eligible for Federal small business programs. This is not a major rule under the Congressional Review Act, 5 U.S.C. 800. For the purpose of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, the SBA has determined that this rule would not impose new reporting or recordkeeping requirements. For purposes of Executive Order 13132, the SBA has determined that this rule does

not have any federalism implications warranting the preparation of a Federalism Assessment. For purposes of Executive Order 12988, the SBA has determined that this rule is drafted, to the extent practicable, in accordance with the standards set forth in that order. Our Regulatory Impact Analysis follows.

Regulatory Impact Analysis

1. Is There a Need for This Regulatory Action?

The SBA is chartered to aid and assist small businesses through a variety of financial, procurement, business development, and advocacy programs. To effectively assist the intended beneficiaries of these programs, the SBA must establish distinct definitions of which businesses are deemed small businesses. The Small Business Act (15 U.S.C. 632(a)) delegates to the SBA Administrator the responsibility for establishing small business definitions. The Act also requires that small business definitions vary to reflect industry differences. The supplementary information to the final rule explains the approach the SBA follows when analyzing a size standard for a particular industry. Based on that analysis, the SBA believes that a change in the Facilities Support Services size standard is needed to better reflect small businesses in this industry.

2. What Are the Potential Benefits and Costs of This Regulatory Action?

The most significant benefit to businesses obtaining small business status as a result of this rule will be eligibility for Federal small business assistance programs. Under this rule, 177 additional firms may obtain small business status and become eligible for these programs. Of these 177, 19 are between the current \$23 million Base Maintenance size standards and the \$30 million proposed size standard. These programs include the SBA's financial assistance programs, economic injury disaster loans (EIDL), and Federal procurement preference programs for small businesses, 8(a) firms, small disadvantaged businesses (SDB), small businesses located in Historically Underutilized Business Zones (HUBZone), as well as those awarded through full and open competition after application of the HUBZone or SDB price evaluation adjustment. Through the assistance of these programs, small businesses may benefit by becoming more knowledgeable, stable, and competitive businesses.

Other Federal agencies also use the SBA's size standards for their programs

for a variety of regulatory and program purposes. The SBA does not have information on each of these uses sufficient to evaluate the impact of the size standard change. If an agency believes that a different size standard is appropriate for its programs, it must contact the SBA. If an agency is seeking to change size standards in a general rulemaking context, then the agency should contact the SBA's Office of Size Standards (13 CFR 121.901-904). If the agency is seeking to change size standards for the purposes of a Regulatory Flexibility Act (RFA) analysis then the SBA's Office of Advocacy should be contacted pursuant to section 601(3) of the RFA. Section 601(3) of the RFA requires the agency to consult with the Office of Advocacy and provide an opportunity for public comment when using a different size standard for the RFA analysis.

The benefits of a size standard increase to a more appropriate level would affect three groups: (1) Businesses that benefit by gaining small business status from the proposed size standard and use small business assistance programs; (2) growing small businesses that may exceed the current size standard in the near future and who will retain small business status under the proposed size standard; and (3) Federal agencies that award contracts under procurement programs that require small business status.

Newly defined small businesses would benefit from the SBA's 7(a) Guaranteed Loan Program. The SBA estimates that approximately \$2.5 million to \$5.5 million in new Federal loan guarantees could be made to these newly defined small businesses. Because of the \$2 million maximum size of the SBA 7(a) loan guarantees, most loans are made to small businesses well below the size standard. Thus increasing the size standard will likely result in a smaller increase in guaranteed loans to small businesses than the estimated range. These additional loan guarantees, because of their limited magnitude, will have virtually no impact on the overall availability of loans for the SBA's loan programs, which have averaged about 40,000 loans totaling about \$10 billion per year in recent years.

The newly defined small businesses would also benefit from the SBA's economic injury disaster loan program. Since this program is contingent upon the occurrence and severity of a disaster, no meaningful estimate of benefits can be projected.

The SBA estimates that firms gaining small business status could potentially obtain Federal contracts worth \$65

million to \$95 million under the small business set-aside program, the 8(a), SDB, and HUBZone programs, or unrestricted contracts. This estimate is based on an analysis of small business participation in Federal contracting and the industry market share of businesses between the current and proposed size standards. During fiscal years 1999-2001, small businesses obtained 11.8% of Facilities Support Services contract dollars out of approximately \$12 billion in total Federal Facilities Support Services contracts. About two-thirds of small business awards were made as small business set-aside or 8(a) contracts. Most Facilities Support Services contracts are for Base Maintenance services, which has a \$23 million size standard. Businesses between \$23 million and \$30 million account for 3.6% of industry sales.

Federal agencies may benefit from the higher size standards if the newly defined and expanding small businesses compete for more set-aside procurements. The larger base of small businesses would likely increase competition and would lower the prices on set-aside procurements. A large base of small businesses may create an incentive for Federal agencies to set aside more procurements creating greater opportunities for all small businesses. Small business opportunities will be enhanced in open procurements as they gain experience in Federal contracting through the set-aside and other small business procurement preference programs. Large businesses with small business subcontracting goals may also benefit from a larger pool of small businesses by enabling them to better achieve their subcontracting goals and obtain lower subcontract prices. No estimate of cost savings from these contracting decisions can be made since data are not available to directly measure price or competitive trends on Federal contracts.

To the extent that 177 additional firms become active in Government programs, this may entail some additional administrative costs to the Federal Government associated with additional bidders for Federal small business procurement programs, additional firms seeking access to the SBA guaranteed lending programs, and additional firms eligible for enrollment in the SBA's PRO-Net data base program. Among businesses in this group seeking the SBA's assistance, there will be some additional costs associated with compliance and verification associated with certification of small business status and protests of small business status. These costs are likely to generate minimal incremental

costs since mechanisms are currently in place to handle these administrative requirements.

The costs to the Federal Government may be higher on some Federal contracts. With greater number of businesses defined as small, Federal agencies may choose to set-aside more contracts for competition among small businesses rather than using full and open competition. The movement from unrestricted to set-aside contracting is likely to result in competition among fewer bidders. Also, higher costs may result if additional full and open contracts are awarded to HUBZone and SDB businesses as a result of a price evaluation preference. The additional costs associated with fewer bidders, however, are likely to be minor since, as a matter of policy, procurements may be set aside for small businesses or reserved for the 8(a) or HUBZone Programs only if awards are expected to be made at fair and reasonable prices.

The proposed size standard may have distributional effects among large and small businesses. Although the actual outcome of the gains and losses among small and large businesses cannot be estimated with certainty, several trends are likely to emerge. First, there will likely be a transfer of some Federal contracts to small businesses from large businesses. Large businesses may have fewer Federal contract opportunities as Federal agencies decide to set aside more Federal procurements for small businesses. Also, some Federal contracts may be awarded to HUBZone or SDB concerns instead of large businesses since those two categories of small businesses may be eligible for a price evaluation adjustment for contracts competed on a full and open basis. Similarly, currently defined small businesses may obtain fewer Federal contracts due to the increased competition from more businesses defined as small. This transfer may be offset by a greater number of Federal procurements set aside for all small businesses. The number of newly defined and expanding small businesses that are willing and able to sell to the Federal government will limit the potential transfer of contracts away from large and currently defined small businesses. The potential distributional impacts of these transfers may not be estimated with any degree of precision because the data on the size of business receiving a Federal contract are limited to identifying small or other-than-small businesses, without regard to the exact size of the business.

The revision to current size standards for Facilities Support Services is consistent with the SBA's statutory

mandate to assist small businesses. This regulatory action promotes the Administrator's objectives. One of the SBA's goals in support of the Administrator's objectives is to help individual small businesses succeed through fair and equitable access to capital and credit, Government contracts, and management and technical assistance. Reviewing and modifying size standards when appropriate ensures that intended beneficiaries have access to small business programs designed to assist them. Size standards do not interfere with state, local, and tribal governments in the exercise of their government functions. In a few cases, state and local governments have voluntarily adopted the SBA's size standards for their programs to eliminate the need to establish an administrative mechanism for developing their own size standards.

Final Regulatory Flexibility Analysis

Under the RFA, this rule may have a significant impact on a substantial number of small entities. This rule may impact small entities in two ways. The SBA estimates that an additional 177 businesses may obtain small business status as a result of this rule. Also small businesses may obtain an additional \$65 to \$95 million in Federal contracts.

The size standard may also affect small businesses participating in programs of other agencies that use the SBA size standards. As a practical matter, the SBA cannot fully estimate the impact of a size standard change on each and every Federal program that uses its size standards. In cases where an SBA's size standard is not appropriate, the Small Business Act and the SBA's regulations allow Federal agencies to develop different size standards with the approval of the SBA Administrator (13 CFR 121.902). For purposes of a regulatory flexibility analysis, agencies must consult with the SBA's Office of Advocacy when developing different size standards for their programs.

Immediately below, the SBA sets forth a final regulatory flexibility analysis (FRFA), addressing the need for and objective of the rule; description and estimate of the number of small entities to which the rule will apply; the projected reporting, recordkeeping, and other compliance requirements of the rule; the relevant Federal rules which may duplicate, overlap or conflict with the final rule; and alternatives to the final rule considered by the SBA that minimize the impact on small businesses.

(1) What Is the Need for and Objective of the Rule?

The revision to the size standards for Facilities Support Services more appropriately defines the size of businesses in these industries that the SBA believes should be eligible for Federal small business assistance programs. A review of the latest available industry data supports a change to the size standard.

(2) What Significant Issues Were Raised by the Public Comments in Response to the Initial Regulatory Flexibility Act (IRFA)?

The SBA received no comments in response to the IRFA of this rule.

(3) What Is the SBA's Description and Estimate of the Number of Small Entities to Which the Rule Will Apply?

Within the Facilities Support Services industry, 896 out of 1,219 businesses are currently small. With the adoption of this rule, the SBA estimates that 177 additional businesses out of 1,219 firms will be considered small. Of these 177, 19 are between the current \$23 million Base Maintenance size standards and the new \$30 million size standard. These businesses will be eligible to seek available SBA assistance provided that they meet other program requirements. As a result of this rule, businesses becoming eligible for SBA assistance cumulatively will generate approximately \$25.8 billion out of a total of \$75.8 billion in receipts, or 34.1% of industry receipts. The small business coverage in the Facilities Support Services industry will increase by 3.6% of total receipts.

(4) Will This Rule Impose Any Additional Reporting or Recordkeeping Requirements on Small Businesses?

A new size standard does not impose any additional reporting, recordkeeping or other compliance requirements on small entities for the SBA programs. A change in a size standard would not create additional costs on a business to determine whether or not it qualifies as a small business. A business needs to only examine existing information to determine its size, such as Federal tax returns, payroll records, and accounting records. Size standards determine "voluntary" access to the SBA and other Federal programs that assist small businesses, but do not impose a regulatory burden as they neither regulate nor control business behavior. In addition, this rule does not impose any new information collecting requirements from the SBA which requires approval by OMB under the

Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520.

(5) What Are the Steps the SBA Has Taken To Minimize the Significant Economic Impact on Small Business?

Most of the economic impact on small businesses will be positive. The most significant benefits to businesses that will obtain small business status as a result of this final rule are (1) eligibility for the Federal Government's procurement preference programs for small businesses, 8(a) firms, SDBs, and businesses located in HUBZones; and (2) eligibility for the SBA's financial assistance programs such as 7(a) business loans, 504 business loans, and EIDL assistance. The SBA estimates that firms gaining small business status could potentially obtain Federal contracts worth \$65 million to \$95 million per year under the small business set-aside programs, the 8(a) program, the HUBZone program, or unrestricted contracts. This represents less than 1% of the \$12 billion in total Federal expenditures for Facility Support Services. The SBA estimates that approximately \$2.5 million to \$5.5 million in new Federal loan guarantees could be made to these newly defined small businesses. Because of the \$2 million maximum size of the SBA 7(a) loan guarantees, most loans are made to small businesses well below the size standard.

(6) Alternatives

(a) What Alternatives Will Allow the Agency To Accomplish Its Regulatory Objectives While Minimizing the Impact on Small Entities?

As stated in the Small Business Act, 15 U.S.C. 632, and 13 CFR part 121, the SBA establishes size standards based on industry characteristics and for non-manufacturing concerns on the basis of gross receipts of a business concern over a period of 3 years. The SBA's research showed that Facility Support Services contracts include a broad spectrum of services involving administrative support, custodial services, janitorial, facilities repair and maintenance, and technical services. The size standards for many of these industries, such as security guard services, janitorial services, and technical support for navigational waterways and military weapons systems, are well in excess of \$6 million. Contract costs often are \$10 million per year or more in value. A small business can lose its small business status with only one or two contracts. Costs on these types of contracts have increased greater than the general inflation rate, especially due

to changes in the mandated labor rates under the Service Contract Act and increased health insurance costs.

The SBA's review of these issues and data on the Facilities Support Services industry, as described in the February 3, 2003, proposed rule, support increasing the size standard to \$30 million.

(b) What Alternatives Did the SBA Reject?

One commenter opposed to any increase except an increase of 50%, but no data was provided to justify this alternative. The commenter did not state 50% of which current size standard, \$6 million or \$23 million. The SBA can only assume that the commenter meant 50% of the \$6 million size standard, which equates to \$9 million. A 50% increase to the \$23 million would put the size standard above \$30 million.

One commenter recommended a \$12 million size standard. This commenter stated that \$12 million will enable small businesses additional opportunities within the Facilities Support Services

industry without forcing emerging small businesses to compete against larger firms.

The SBA rejects both of these alternatives. Neither an increase to \$9 million or \$12 million would be representative of this industry, nor would either alternative provide competition and growth for small businesses. The industry data provided in the preamble to the proposed rule show that all of the characteristics measured firms in the Facilities Support Services industry were much larger than firms in most nonmanufacturing industries. This finding supports a size standard at the highest receipts levels. In addition, Federal contract award data show that firms under the current \$23 million size standard have only been able to obtain a relatively small share of Facilities Support Services contracts.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement,

Government property, Grant programs-business, Loan programs-business, Small businesses.

■ For the reasons stated in the preamble, amend part 121 of title 13 Code of Federal Regulations as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority citation of part 121 continues to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 637(a), 644(c) and 662(5) and Sec. 304, Pub. L. 103-403, 108 Stat. 4175, 4188.

■ 2. Amend § 121.201 as follows:

■ a. In the table "Small Business Size Standards by NAICS Industry," under the heading NAICS Subsector 238, "Specialty Trade Contractors," revise the entry for 238990; and under the heading NAICS Subsector 561, "Administrative and Support Services," revise the entry for 561210, to read as follows; and,

■ b. Revise footnotes 12 and 13 to read as follows:

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
Subsector 238—Specialty Trade Contractors			
* * * * *			
238990	All Other Specialty Trade Contractors	\$12.0	
	Except, Building and Property Specialty Trade Services ¹³	¹³ 12.0	
* * * * *			
Subsector 561—Administrative and Support Services			
* * * * *			
561210	Facilities Support Services ¹²	¹² 30.0	

¹² NAICS code 561210—Facilities Support Services:

(a) If one or more activities of Facilities Support Services as defined in paragraph (b) (below in this footnote) can be identified with a specific industry and that industry accounts for 50% or more of the value of an entire procurement, then the proper classification of the procurement is that of the specific industry, not Facilities Support Services.

(b) "Facilities Support Services" requires the performance of three or more separate activities in the areas of services or specialty trade contractors industries. If services are performed, these service activities must each be in a separate NAICS industry. If the procurement requires the use of specialty trade contractors (plumbing, painting, plastering, carpentry, etc.), all such specialty trade contractors activities are considered a single activity and classified as "Building and Property Specialty Trade Services." Since "Building and Property Specialty Trade Services" is only one activity, two additional activities of separate NAICS industries are required for a procurement to be classified as "Facilities Support Services."

¹³ NAICS code 238990—Building and Property Specialty Trade Services: If a procurement requires the use of multiple specialty trade contractors (i.e., plumbing, painting, plastering, carpentry, etc.), and no specialty trade accounts for 50% or more of the value of the procurement, all such specialty trade contractors activities are considered a single activity and classified as Building and Property Specialty Trade Services.

Dated: August 20, 2003.

Hector V. Barreto,
Administrator.

[FR Doc. 03-26036 Filed 10-14-03; 8:45 am]

BILLING CODE 8025-01-P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in November 2003. Interest assumptions are also published on the PBGC's Web site (<http://www.pbtc.gov>).
EFFECTIVE DATE: November 1, 2003.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) a set for the valuation of benefits for allocation purposes under

section 4044 (found in appendix B to part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in appendix B to part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in appendix C to part 4022).

Accordingly, this amendment (1) adds to appendix B to part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during November 2003, (2) adds to appendix B to part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during November 2003, and (3) adds to appendix C to part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during November 2003.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in appendix B to part 4044) will be 4.60 percent for the first 20 years following the valuation date and 5.25 percent thereafter. These interest assumptions represent a decrease (from those in effect for October 2003) of 0.30 percent for the first 20 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in appendix B to part 4022) will be 3.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for October 2003) of 0.25 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during November 2003, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 121, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
121	11-1-03	12-1-03	3.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 121, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
121	11-1-03	12-1-03	3.25	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry, as set forth below, is added to the

table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—			The values of i_t are:							
			i_t		for $t=$		i_t		for $t=$	
*	*	*	*		*	*		*	*	
November 2003	.....		.0460	1–20	.0525	20	N/A	N/A		

Issued in Washington, DC, on this 7th day of October 2003.

Joseph H. Grant,

Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 03-26026 Filed 10-14-03; 8:45 am]

BILLING CODE 7708-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08-03-026]

RIN 1625-AA09

Drawbridge Operation Regulation; Illinois Waterway, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Commander, Eighth Coast Guard District is temporarily changing the regulation governing the McDonough Street Bridge, mile 287.3; Jefferson Street Bridge, mile 287.9; Cass Street Bridge, mile 288.1; Jackson Street Bridge, mile 288.4; and the Ruby Street Bridge, mile 288.7, across the Illinois Waterway at Joliet, Illinois. The drawbridges, with the exception of the Jefferson Street Bridge, will be allowed to remain closed to navigation from 7:30 a.m. to 9 a.m. and 4 p.m. to 5:30 p.m.,

Monday through Saturday. The Jefferson Street Bridge will remain in the open to navigation position while unscheduled structural steel repairs are made. This temporary rule is issued to facilitate vehicle traffic management and structural steel repairs to the Jefferson Street Bridge.

DATES: This temporary rule is effective from 7:30 a.m., July 18, 2003 until 7:30 a.m., November 1, 2003.

ADDRESSES: Documents referred to in this rule are available for inspection or copying at room 2.107f in the Robert A. Young Federal Building at Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103-2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (314) 539-3900, extension 2378. The Bridge Branch maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. Roger K. Wiebusch, Bridge Administrator, (314) 539-3900, extension 2378.

SUPPLEMENTARY INFORMATION:

Good Cause for Not Publishing an NPRM

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. Structural steel deficiencies developed after a barge allided with the Jefferson Street

Bridge, requiring the bridge to be closed to vehicular traffic and remain open to navigation. Until such time as the Jefferson Street Bridge is repaired, vehicular traffic in the City of Joliet, Illinois must be diverted to other bridges in the area, resulting in greater congestion and an increased likelihood of vehicular accidents and injuries. Since the repairs will take approximately four months to complete, it is important that the other bridges in the area immediately modify their hours to allow rush hour traffic to flow efficiently, reducing the likelihood of accident or injury.

Good Cause for Making Rule Effective in Less Than 30 Days

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Structural steel deficiencies developed after a barge allided with the Jefferson Street Bridge, requiring the bridge to be closed to vehicular traffic and remain open to navigation. Until such time as the Jefferson Street Bridge is repaired, vehicular traffic in the City of Joliet, Illinois must be diverted to other bridges in the area, resulting in greater congestion and an increased likelihood of vehicular accidents and injuries. Since the repairs will take approximately four months to complete, it is important that the other bridges in the area immediately modify their hours to allow rush hour traffic to flow

efficiently, reducing the likelihood of accident or injury.

Background and Purpose

Due to structural steel damage sustained from a barge allision to the Jefferson Street Bridge, mile 287.9, Illinois Waterway, the bridge must remain in the open to navigation (closed to motor vehicle traffic) position at all times. As a result, the Illinois Department of Transportation requested a temporary change to the current regulations for the remaining four bascule leaf drawbridges within the city of Joliet that carry vehicular traffic across the Illinois Waterway. Increasing the hours that the four remaining bridges are closed to navigation and available for vehicle use only during peak traffic periods will reduce traffic jams in the City of Joliet while having minimal impact on vessel traffic on the Illinois Waterway. Repairs to the Jefferson Street Bridge are expected to be complete by November 1, 2003.

The current regulations permit the bridges to remain closed to navigation during the commuter hours of 7:30 a.m. to 8:30 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Saturday. By increasing the time the remaining bridges may remain closed to navigation by thirty minutes in the morning and afternoon, traffic buildup in the city will be greatly alleviated. This regulation will result in these bridges, with the exception of the Jefferson Street Bridge being closed to navigation from 7:30 a.m. to 9 a.m. and from 4 p.m. to 5:30 p.m., Monday through Saturday. The Jefferson Street Bridge will be in the open to navigation position for structural steel repairs. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary drawbridge operation regulation has been coordinated with commercial waterway operators. No objections to the proposed temporary rule were raised.

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).

The Coast Guard expects that this temporary final rule will have minimal economic impact on the City of Joliet, Illinois and users of the affected

waterways. This temporary final rule has been written in such a manner as to allow for the prompt and necessary repair of the Jefferson Street Bridge while facilitating vessel and vehicular traffic in the area.

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 temporary rule will have a negligible impact on vessel traffic. The primary users of the Illinois Waterway in Joliet, IL are commercial towboat operators. On average, eight vessels per day transit the affected bridges. Of these, one or two may have to adjust their speed and schedules to arrive at the affected bridges prior to, or after, the times the bridges are closed to navigation.

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.

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 can better evaluate its effects on them and participate in the rulemaking process. Any individual that qualifies or believes he or she qualifies as a small entity and requires assistance with the provisions of this rule, may contact Mr. Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, Bridge Branch, at (314) 539–3900, extension 2378.

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 contains 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 affect 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 concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

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

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), 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 32(e), of the Instruction, from further environmental documentation.

A final "Categorical Exclusion Determination" is available in the docket where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. From 7:30 a.m. on July 18, 2003, through 7:30 a.m. on November 1, 2003, paragraph (c) of § 117.393, is suspended and a new paragraph (e) is added to read as follows:

§117.393 Illinois waterway.

* * * * *

(e) The draws of the McDonough Street Bridge, mile 287.3; Cass Street Bridge, mile 288.1; Jackson Street

Bridge, mile 288.4; Ruby Street Bridge, mile 288.7; all of Joliet, shall open on signal, except that they need not open from 7:30 a.m. to 9 a.m. and from 4 p.m. to 5:30 p.m. Monday through Saturday. The Jefferson Street Bridge shall remain in the open to navigation position from 7:30 a.m., July 18, 2003, through 7:30 a.m. on November 1, 2003.

Dated: July 10, 2003.

Robert F. Duncan,

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

[FR Doc. 03–26032 Filed 10–14–03; 8:45 am]

BILLING CODE 4910–15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA208–4216a; FRL–7569–1]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Three Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for three major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) located in Pennsylvania. EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on December 15, 2003 without further notice, unless EPA receives adverse written comment by November 14, 2003. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be submitted either by mail or electronically. Written comments should be mailed to Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Electronic comments should be sent either to morris.makeba@epa.gov or

to <http://www.regulations.gov>, which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in Part IV of the Supplementary Information section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by e-mail at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the CAA, the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_x sources. The major source size is determined by its location, the classification of that area, and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT, as specified in sections 182(b)(2) and 182(f) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

II. Summary of SIP Revision

On July 2, 2003, the Pennsylvania Department of Environmental Protection (PADEP) submitted formal revisions to its SIP to establish and impose case-by-case RACT for several major sources of VOC and NO_x. This rulemaking pertains to three of those sources. The other sources are subject to separate rulemaking actions. The RACT determinations and requirements in this SIP revision are included in plan approvals (PA) and operating permits (OP) issued by PADEP.

The following identifies the individual PA or OP that EPA is approving for each source.

A. Andritz, Inc.

Andritz, Inc. is a facility with foundry operations located in Lycoming County, Pennsylvania and is considered a major VOC emitting facility. In this instance, RACT has been established and

imposed by PADEP in a plan approval. On July 2, 2003, PADEP submitted plan approval No. 41-00010C to EPA as a SIP revision. This plan approval incorporates RACT determinations as required by the provisions of Title I of the CAA and sections 129.91 through 129.95 of Chapter 129 of Article III of the rules and regulations of PADEP for the refiner plate molding line, the green sand molding line, the no-bake floor molding line and a core making operation, propane generators and several other minor sources. In any 12 consecutive month period, the total combined VOC emissions from the refiner plate molding shall not exceed 57.99 tons and the line shall not be operated more than 7,000 hours. The total amount of steel processed by the refiner plate molding line shall not exceed 11,000 tons in any 12 consecutive month period. The total combined VOC emissions from the green sand molding line, the no-bake floor molding line and the core making operation, plus the combined VOC emissions from the propane-fired generators and minor sources identified below, shall not exceed a total of 69.86 tons in any 12 consecutive month period. The total combined amount of steel processed by the green sand molding line and the no-bake floor molding line shall not exceed 8,000 tons and these lines shall not be operated more than 7,000 hours in any 12 consecutive month period. In addition, the total combined VOC from the core making operation shall not exceed 2.70 tons in any 12 consecutive month period.

The facility shall maintain accurate and comprehensive records of the following: (1) The amount of steel processed each month by the refiner plate molding line, the green sand molding line, and the no-bake floor molding line; (2) the number of hours of operation each month of the refiner plate molding line, the green sand molding line, and the no-bake floor molding line; and (3) the amount of binders/resins used in the core making operation each month. These records shall be used by the facility to calculate the monthly emission of VOCs from the refiner plate molding line, the green sand molding line, the no-bake floor molding line and the core making operation. All records generated, including the VOC emissions calculations, shall be retained on site for at least five years from the date of generation and shall be provided to PADEP upon request. The monthly emissions report shall include all background information and

calculations used in the derivation of these emissions.

B. Brodart Company

Brodart Company is a wood furniture finishing operation facility located in Clinton County, Pennsylvania and is considered a major VOC emitting facility. In this instance, RACT has been established and imposed by PADEP in a plan approval. On July 2, 2003, PADEP submitted plan approval No. 18-0007A to EPA as a SIP revision. This plan approval also incorporates RACT determinations as required by the provisions of Title I of the CAA and sections 129.91 through 129.95 of Chapter 129 of Article III of the Rules and Regulations of PADEP for the following: (1) A 2.6 million BTU per hour (MMBTU/hr) De Burg natural gas-fired oven; (2) a 2.5 MMBTU/hr North American natural gas-fired oven; (3) a 2.5 MMBTU/hr Weil McLain natural gas/#2 oil-fired boiler; (4) a 15 kW Kohler natural gas-fired emergency generator that shall not be operated more than 500 hours in any 12 consecutive month period; (5) gluing operations and several miscellaneous sources.

The total combined VOC emissions from these sources shall not exceed 2.70 tons in any 12 consecutive month period. The 15 KW natural gas energy generator shall not be operated more than 500 hours in any 12 consecutive month period. In addition, the plan approval contains reference to specific low VOC content glues and adhesives that shall be used in the gluing operation. The facility shall maintain accurate and comprehensive records of the number of hours the emergency generator was operated during each month. All records generated shall be retained on site for a period of at least five years from the date of generation and shall be provided to PADEP upon request. In addition, all records generated for each calendar quarter, including air contaminant emission calculations, shall be submitted to PADEP by no later than the 30th day following the respective calendar quarter (reports due on January 30, April 30, July 30 and October 30). This report shall include all background information and calculations used in the derivation of the reported values.

C. Erie Sewer Authority

The Erie Sewer Authority is a waste water treatment plant (WWTP) located in Erie County, Pennsylvania and is considered a NO_x emitting facility. The Erie WWTP is a secondary activated sludge treatment plant. In this instance, RACT has been established and imposed by PADEP in an operating

permit. On July 2, 2003, PADEP submitted operating permit No. OP-25-179 to EPA as a SIP revision. The sources in this facility are seven space heaters, four emergency generators, and two sewage sludge incinerators.

RACT for the seven (7) heaters, with individual rated gross heat inputs less than 20 MMBTU/hr, shall be installation, maintenance, and operation in accordance with the manufacturer's specifications. These sources shall also be operated and maintained in accordance with good air pollution control practices.

RACT for the four (4) emergency generators, operating less than 500 hours in a consecutive 12-month period, shall be installation, maintenance, and operation in accordance with the manufacturer's specifications. These sources shall also be operated and maintained in accordance with good air pollution control practices.

RACT for the two (2) sewage sludge incinerators shall be the continued management of the units to ensure proper combustion. This includes operation and maintenance of the sources and associated control devices in accordance with the manufacturer's specifications and consistent with good operating and maintenance practices. The NO_x emissions from each of the sewage sludge incinerators shall not exceed 10.0 pound per ton of sewage sludge (on a dry basis). The facility shall test each of the incinerators at least once every five years. The stack tests shall be performed at maximum rated capacity following the procedures in 25 Pa Code chapter 139.

The facility shall maintain records in accordance with the recordkeeping requirements of 25 Pa Code section 129.95 that will include at a minimum: (a) Records that indicate that each of the four emergency generators did not operate more than 500 hours in a consecutive 12-month period; (b) records that indicate that each of the four emergency generators are maintained and operated in accordance with the manufacturer's specifications; and (c) records that indicate that each of the seven space heaters are maintained and operated in accordance with manufacturer's specifications.

III. EPA's Evaluation of the SIP Revisions

EPA is approving these SIP submittals because the Commonwealth established and imposed requirements in accordance with the criteria set forth in SIP-approved regulations for imposing RACT or for limiting a source's potential to emit. The Commonwealth has also imposed record-keeping, monitoring,

and testing requirements on these sources sufficient to determine compliance with these requirements.

IV. Final Action

EPA is approving revisions to the Commonwealth of Pennsylvania's SIP which establish and require RACT for the three major sources of VOC and NO_x listed in this document. EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This direct final rule will be effective on December 15, 2003, without further notice unless we receive adverse comment by November 14, 2003. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number *PA208-4216* in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD-ROM you submit, and in any cover letter accompanying the disk or CD-ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA

will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to *morris.makeba@epa.gov*, attention: *PA208-4216*. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through *Regulations.gov*, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

ii. *Regulations.gov.* Your use of *Regulation.gov* is an alternative method of submitting electronic comments to EPA. Go directly to *http://www.regulations.gov*, then select "Environmental Protection Agency" at the top of the page and use the "go" button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

iii. *Disk or CD-ROM.* You may submit comments on a disk or CD-ROM that you mail to the mailing address identified in the **ADDRESSES** section of this document. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Written comments should be addressed to the EPA Regional office listed in the **ADDRESSES** section of this document.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the

copyrighted material, will be available at the Regional Office for public inspection.

Submittal of CBI Comments

Do not submit information that you consider to be CBI electronically to EPA. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD-ROM, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD-ROM, mark the outside of the disk or CD-ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

Considerations When Preparing Comments to EPA

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (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 approves 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 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 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.*).

B. Submission to Congress and the Comptroller General

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. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today’s action under section 801 because this is a rule of particular applicability establishing source-specific requirements for three named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 15, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, approving Pennsylvania’s VOC and NO_x RACT determinations for three individual sources, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Nitrogen dioxide, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 29, 2003.

James W. Newsom,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

■ 2. Section 52.2020 is amended by adding paragraph (c)(214) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(214) Revisions to the Pennsylvania Regulations pertaining to VOC and NO_x RACT for major sources submitted on July 2, 2003 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter of July 2, 2003 from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_x RACT determinations in the form of plan approvals or operating permits.

(B) Plan Approval (PA); Operating Permit (OP):

(1) Andritz, Inc., Lycoming County, 41–00010C, effective April 30, 2003.

(2) Brodart Company, Clinton County, 18–0007A, effective April 8, 2003.

(3) Erie Sewer Authority, Erie County, OP–25–179, effective June 5, 2003.

(ii) Additional Material.—Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(214)(i) of this section.

[FR Doc. 03–25929 Filed 10–14–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA208–4214a; FRL–7570–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Six Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for six major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) located in Pennsylvania. EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on December 15, 2003 without further notice, unless EPA receives adverse written comment by November 14, 2003. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be submitted either by mail or electronically. Written comments should be mailed to Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650

Arch Street, Philadelphia, Pennsylvania 19103. Electronic comments should be sent either to morris.makeba@epa.gov or to <http://www.regulations.gov>, which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in Part III of the Supplementary Information section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ellen Wentworth at (215) 814-2034, or by e-mail at wentworth.ellen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the CAA, the Commonwealth

of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_x sources. The major source size is determined by its location, the classification of that area, and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT, as specified in sections 812(b)(2) and 182(f) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

II. Summary of the SIP Revision

On July 2, 2003, PADEP submitted formal revisions to its SIP to establish and impose case-by-case RACT for several major sources of VOC and NO_x. This rulemaking pertains to six of those sources. The other sources are subject to separate rulemaking actions. The RACT determinations and requirements in this SIP revision are included in operating permits (OP) issued by PADEP.

The following table identifies the individual operating permits that EPA is approving for each source located in Pennsylvania.

VOC AND NO_x RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	OP number	Source type	Major source pollutant
GPU Generation Corporation—Homer City Station.	Indiana	32-000-055	Boilers; Low NO _x Burners	NO _x /VOC
GPU Generation Corporation—Seward Station	Indiana	32-000-040	Steam-Fired Boilers, Diesels, Space Heaters ..	NO _x /VOC
Ebensburg Power Company	Cambria	11-000-318	CFB Boiler; Gas-Fired Boiler, Diesel Genera-	NO _x /VOC
Stithe Pennsylvania Holdings, L.L.C.—Warren Station.	Warren	OP-62-012B	tors. Boilers; Combustion Turbines; Diesel Genera-	NO _x /VOC
Pennsylvania Power & Light Company—Sunbury SES.	Snyder	OP-55-0001A	tors. Boilers; Combustion Turbines; Diesel Genera-	NO _x /VOC
Lakeview Landfill	Erie	OP-25-920	tors. Enclosed Flare	VOC

A. GPU Generation Corporation-Homer City Station

GPU Generation Corporation's Homer City Power Station is located in Center Township, Indiana County, Pennsylvania. GPU Generation's Homer City Power Station is a major NO_x and VOC emitting facility. In this instance, RACT has been established and imposed by the PADEP in an OP. On July 2, 2003, PADEP submitted permit No. 32-000-055 to EPA as a SIP revision. This operating permit incorporates RACT determinations for NO_x and VOCs for the following sources at the Homer City facility: Three (3) Main Boilers, Units 1, 2, and 3; two (2) auxiliary boilers, Units A and B; and

several miscellaneous sources, consisting of two (2) small diesels, one (1) diesel fire pump, and twenty-five (25) space heaters.

NO_x RACT for the three main boilers, Units, 1, 2, and Unit 3 shall consist of an emission limit of .5 lb/MMBtu based on a 30-day rolling average. Annual NO_x emission limits shall be 13,076 tons per year (tpy) for Unit 1, 12,825 tpy for Unit 2, and 13,753 tpy for Unit 3. All annual limits must be met on a rolling monthly basis over every consecutive 12-month period. Compliance with these NO_x emission limits shall be established based on emission data obtained from continuous emissions monitoring (CEM) approved by PADEP. The CEM system shall be installed,

approved, maintained, and operated in accordance with 25 PA Code Chapters 123 and 139. VOC RACT for Units 1, 2, and 3 shall be the operation and maintenance of the sources according to the manufacturer's specifications, and good air pollution control practices. NO_x and VOC RACT for auxiliary Units A and B shall be the operation and maintenance of the sources according to the manufacturer's specifications, and good air pollution control practices. These units shall use only No. 2 fuel oil, and shall be limited to an annual capacity factor of 10 percent. RACT for the two emergency diesels and the diesel fire pump shall be the installation, maintenance, and operation

of the sources in accordance with the manufacturer's specifications under the presumptive RACT emission limitations found in 25 PA Code, Chapter 129, section 129.93(c)(5). These units shall be operated less than 500 hours in a consecutive 12-month period. GPU's Homer City facility shall maintain an open log to verify compliance for the auxiliary Units A and B, emergency diesels, and fire pump. This log shall include: hours of operation, fuel characteristics (specifications) and the amount and type of fuel (fuel consumption). The space heaters are combustion sources with individual rated gross heat inputs of less than 20 MMBtu per hour qualifying them for the presumptive RACT emission limitation found in 25 PA Code, Chapter 129.93(c)(1). RACT for these sources shall be the installation, maintenance and operation of these sources in accordance with the manufacturer's specifications.

GPU Generation Corporation's Homer City Station is also subject to the requirements of 25 PA Code, Chapter 129, sections 129.91–129.95.

B. GPU Generation Corporation-Seward Station

GPU Generation Corporation's Seward Power Station is located in East Wheatfield Township, Indiana County, Pennsylvania. GPU Generation Corporation's Seward Power Station is a major NO_x and VOC emitting facility. In this instance, RACT has been established and imposed by the PADEP in an OP. On July 2, 2003, the PADEP submitted permit No. 32–000–040 to EPA as a SIP revision. This operating permit incorporates RACT determinations for NO_x and VOCs for the following sources: Three (3) coal-fired boilers, Boilers 12, 14, and 15; two (2) emergency diesels; and thirteen (13) space heaters.

NO_x RACT for Boiler 12 shall be the implementation of bias firing operating procedures, with an annual NO_x emissions limit of 808.11 tpy. All annual limits must be met on a rolling monthly basis over every consecutive 12-month period. NO_x emissions from Boiler 12 shall not exceed 0.82 lb/MMBtu based on a 30-day rolling average. NO_x RACT for Boiler 14 shall be the emissions limit of 0.50 lb/MMBtu based on a 30-day rolling average. NO_x emissions from Boiler 15 shall not exceed 0.51 lb/MMBtu based on a 30-day rolling average. VOC RACT for the three boilers shall be the operation and maintenance in accordance with the manufacturer's recommendations.

RACT for the two emergency power diesel engines shall be the operation

and maintenance of the sources according to the manufacturer's specifications in accordance with the presumptive RACT emission limitations found in 25 PA Code, Chapter 129, section 129.93(c)(5). These emergency diesels shall each be limited to operating less than 500 hours in any consecutive 12-month period. The space and portable heaters are combustion sources with individual rated gross heat inputs of less than 20 MMBtu per hour of operation, qualifying them for presumptive RACT under 25 PA Code, Chapter 129, section 129.93(c)(1). The total amount and type of fuel burned in the two emergency diesels and 13 space heaters shall be recorded and used as the basis for annual reporting of the emissions to verify compliance with the limits noted above. GPU's Seward Station shall maintain an operating log for the emergency diesels to verify compliance with the restriction on hours of operation and the presumptive RACT limitations. All sources and air cleaning devices shall be operated and maintained in accordance with good air pollution control practices.

In accordance with 25 PA Code, Chapter 129, section 129.95, GPU's Seward Station is required to keep sufficient records to demonstrate compliance with the limitations, restrictions, and requirements of this RACT permit. These records shall provide sufficient data and calculations to clearly demonstrate compliance consistent with all averaging times and periods. These records shall be maintained for at least two years and be made available to the Department upon request.

C. Ebensburg Power Company

Ebensburg Power Company is a cogeneration facility located in Cambria Township, Cambria County, Pennsylvania. The Ebensburg Power Company is a major NO_x and VOC emitting facility. In this instance, RACT has been established and imposed by the PADEP in an OP. On July 2, 2003, the PADEP submitted permit No. 11–000–318 to EPA as a SIP revision. This operating permit incorporates RACT determinations for NO_x and VOC for the following sources: One (1) circulating fluidized bed boiler (CFB); one (1) auxiliary boiler; two (2) diesel generators; and one (1) diesel driven fire pump.

NO_x RACT for the CFB boiler shall consist of an emission limit of .18 lbs/MMBtu based on a 30-day rolling basis, and a limit of 555.83 tpy. All annual limits must be met on a rolling monthly basis over every consecutive 12-month period. VOC emissions from the CFB

boiler shall not exceed 15 lbs/hr. The Ebensburg Power Company shall operate and maintain a continuous emission monitoring system for as-fired coal analysis for the CFB boiler in accordance with the requirements of 25 PA Code Chapter 139. A NO_x analysis shall be determined on a daily basis and used to calculate the CFB boiler's NO_x control efficiency. Emissions of NO_x from the auxiliary boiler shall not exceed 8.04 tpy. All annual limits must be met on a rolling monthly basis over every 12-month period.

NO_x RACT for the 1592 BHP diesel generator shall consist of an operational limit of no more than 800 hours in any consecutive 12-month period. The presumptive NO_x RACT requirements outlined in 25 PA Code, Chapter 129.93(c)(5) apply to the 600 BHP diesel generator, and the 244 BHP Diesel Fire Pump. The presumptive RACT emission limitations for these sources are the maintenance, and operation of these sources in accordance with the manufacturer's specifications. These sources are limited to operating no more than 500 hours in a consecutive 12-month period. All sources and air cleaning devices shall be operated and maintained in accordance with good air pollution control and engineering practices and also with the manufacturer's specifications.

In accordance with 25 PA Code, Chapter 129, section 129.95, the owner/operator of the Ebensburg Power Company shall keep sufficient records to demonstrate compliance with the limitations, restrictions, and requirements of this RACT permit. These records shall provide sufficient data and calculations to clearly demonstrate compliance consistent with all averaging times and periods. These records shall be retained for at least two years and be made available to the Department upon request.

D. Sithe Pennsylvania Holdings, LLC-Warren Generating Station

Sithe Pennsylvania Holdings, LLC owns and operates the Warren Generating Station in Warren County, Pennsylvania. Sithe Pennsylvania Holdings, LLC's Warren Generation Station is a major NO_x and VOC emitting facility. In this instance, RACT has been established and imposed by the PADEP in an OP. On July 2, 2003, the PADEP submitted OP–62–012B to EPA as a SIP revision. This operating permit incorporates RACT determinations for NO_x and VOCs for the following sources at the Warren Station facility: Four (4) boilers, Boilers 1, 2, 3, and 4; one (1) gas/oil-fired

combustion turbine unit; and one (1) oil-fired emergency diesel generator.

NO_x RACT for each boiler (boiler 1, 2, 3, and 4) will be bias firing with an annual capacity factor not to exceed 65.1 percent. Based upon a nominal heat input of 286.5 MMBtu/hr, each boiler shall be limited to an annual heat input of 1.634 million MMBtu/year on a 12-month rolling basis. Each boiler shall be operated and maintained in accordance with the manufacturer's specifications and good air pollution control practices. Combined emissions from Boilers 1, 2, 3, and 4 shall not exceed 2025.9 tpy. All annual limits must be met on a rolling monthly basis over every consecutive 12-month period. NO_x emissions from Boilers 1, 2, 3, and 4 combined, shall not exceed 0.62 lb/MMBtu based on a 30-day rolling average. A CEMS shall be operated and maintained to monitor NO_x emissions from the four boilers. All four boilers shall exhaust into a common stack containing a single CEMS. The CEMS shall comply with 25 PA Code, Chapter 139, and the requirements of the Continuous Source Monitoring Manual.

NO_x RACT for the combustion turbine shall be the operation and maintenance in accordance with the manufacturer's specifications with an annual limit on NO_x emissions of 400 tons on a 12-month rolling basis. When burning natural gas in the combustion turbine, the emissions rate shall not exceed 0.499 lb/MMBtu. The heat input shall not exceed 2.005×10^{12} BTU/yr or 1.944×10^9 CF/yr., and the annual capacity factor shall not exceed 18.3 percent on a heat input basis. When burning No. 2 oil in the combustion turbine, the emissions rate shall not exceed 0.9 lb/MMBtu. The heat input shall not exceed 1.091×10^{12} BTU/yr or 7,905,000 gal/yr., and the annual capacity factor shall not exceed 9.98 percent on a heat input basis. For each gallon of No. 2 fuel oil used, the natural gas limit in the above statement shall decrease by 246 cubic feet. The turbine shall also be operated and maintained in accordance with the manufacturer's specifications and good air pollution control practices. Compliance with the short-term NO_x emission limit for the combustion turbine shall be established based on the average of three (3) one-hour stack tests. Prior to testing, the procedure shall be approved by the Department, with at least two weeks notice given of the date and time of the test. By September 30, 2002, stack tests shall have been performed in accordance with the provisions of 25 PA Code, Chapter 139 to show compliance with the short-term NO_x emission limit. Within 60 days after the test, two copies

of the completed test report, including all operating conditions, shall be submitted to the Department for approval.

Within 30 days after the end of each calendar quarter, quarterly reports shall be submitted to the Department to show compliance with the RACT requirements for Boilers 1, 2, 3, and 4 and the combustion turbine.

NO_x RACT for the emergency diesel generator shall be the installation, maintenance and operation of the source in accordance with the manufacturer's specifications and good air pollution control practices, in accordance with the presumptive RACT emission limitations as specified under 25 PA Code, Chapter 129, section 129.93(c)(5). The generator shall not exceed an operating schedule of 500 hours in a consecutive 12-month period. Within 30 days of the end of the calendar year, the owner or operator shall submit annual operating reports to show compliance with the RACT requirements for the emergency diesel generator.

VOC RACT for all sources shall be the operation and maintenance in accordance with the manufacturer's specifications and good air pollution control practices. Fugitive evaporative sources of VOCs shall comply with the requirements of 25 PA Code, sections 129.51, 129.54–129.72, 129.81, and 129.82, as applicable.

E. Pennsylvania Power & Light Company-Sunbury SES

Pennsylvania Power & Light Company's (PP&L) Sunbury Steam Electric Station (SES) is located in the Borough of Shamokin, Snyder County, Pennsylvania. PP&L's Sunbury Power Station is a major NO_x and VOC emitting facility. In this instance, RACT has been established and imposed by the PADEP in an OP. On July 2, 2003, PADEP submitted OP–55–0001A to EPA as a SIP revision. This operating permit incorporates RACT determinations for NO_x and VOC for the following sources at the Sunbury facility: Four (4) arch fired boilers 1A, 1B, 2A, and 2B; two (2) front wall-fired steam generators, Boilers 3 and 4; two (2) combustion turbine generators; and two (2) diesel generators.

Pursuant to the RACT provisions of 25 PA Code, Chapter 129, sections 129.91–95, Units 1A, 1B, 2A, and 2B shall be operated and maintained in accordance with the manufacturer's specifications and good air pollution control practice. The NO_x emissions from Units 1A, 1B, 2A, and 2B shall not exceed the following limits: NO_x emissions from Stack #1 (Boilers 1A and

1B) shall not exceed 1.10 lb/MMBtu, based on a 30-day rolling average; NO_x emissions from Stack #2 (Boilers 2A and 2B) shall not exceed 1.16 lb/MMBtu, based on a 30-day rolling average; NO_x emissions from Unit #3 shall not exceed .50 lb/MMBtu based on a 30-day rolling average and NO_x emissions from Unit #4 shall not exceed .50 lb/MMBtu based on a 30-day rolling average. VOC RACT for Units 1A, 1B, 2A, 2B, 3, and 4 shall be in accordance with the manufacturers' specifications and good air pollution control practices.

NO_x and VOC RACT for the two combustion turbines shall be the operation and maintenance in accordance with the manufacturer's specifications and good air pollution control practices. Additionally, the capacity factor of each of these turbines shall be less than 50 percent for any consecutive 12-month period.

NO_x and VOC RACT for the two diesel generators at the facility shall be the operation and maintenance in accordance with the manufacturer's specifications and good air pollution control practices. These generators shall be operated less than 500 hours in a consecutive 12-month period. PP&L's Sunbury Station shall maintain records in accordance with the recordkeeping requirements of 25 PA Code, Chapter 129, section 129.95, and shall include, at a minimum, the following: (a) Data which clearly demonstrates the capacity factor of the combustion turbines (which shall include, but not necessarily be limited to, the number of hours each turbine operates in each month), (b) the number of hours per month that each diesel generator is operated, and (c) all NO_x emissions data generated for Units 1A, 1B, 2A, 2B, 3, and 4, using continuous NO_x emission monitoring systems as specified in 25 PA Code, Chapter 139. These records shall be retained for at least 2 years and shall be made available to the Department upon request except for the NO_x emission data generated by the continuous NO_x emission monitoring systems which shall be submitted in accordance with the applicable requirements specified in 25 PA Code, Chapter 139, "Sampling and Testing", and the Department's "Continuous Source Monitoring Manual."

PP&L's Sunbury Station shall operate and maintain continuous NO_x emissions monitoring systems on Units 1A, 1B, 2A, 2B, 3, and 4, in accordance with all applicable requirements of 25 PA Code, Chapter 139, "Sampling and Testing," and the Department's "Continuous Source Monitoring Manual."

F. Lakeview Landfill

Lakeview Landfill is located in Summit Township, Erie County, Pennsylvania. The Lakeview Landfill is a major VOC emitting facility. In this instance, RACT has been established and imposed by the PADEP in an OP. On July 2, 2003, PADEP submitted OP-25-920 to EPA as a SIP revision. This operating permit incorporates RACT determinations for VOCs for the following source at the Sunbury facility: One (1) enclosed flare.

RACT for the enclosed flare at the Lakeview Landfill facility shall be the installation, maintenance, and operation in accordance with the manufacturer's specifications and with good air pollution control practices. The enclosed flare shall also comply with the destruction/removal efficiency (DRE) of at least 98 percent (by weight) for non-methane organic compounds (NMOC). An inspection and cleaning of the enclosed flare shall be conducted annually. This inspection shall include the fuel nozzles or the flame pattern or characteristics. Adjustments in the combustion process shall be conducted if necessary to minimize the formation of NO_x. A log shall be kept to record the annual inspection, cleaning (if necessary) and adjustments performed. This log shall contain at a minimum: the date of the maintenance procedure, the name of the technician(s) performing the service, and the operating rate after the procedure has been completed.

Lakeview Landfill shall comply with the recordkeeping requirements of 25 PA Code, section 129.95. Records of fuel quantity and consumption shall be maintained by the facility and forwarded to the Department upon request.

III. Final Action

EPA is approving these RACT SIP submittals because the Commonwealth established and imposed these RACT requirements in accordance with the criteria set forth in the SIP-approved regulations for imposing RACT or for limiting a source's potential to emit. The Commonwealth has also imposed recordkeeping, monitoring, and testing requirements on these sources sufficient to determine compliance with these requirements.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse

comments are filed. This rule will be effective on December 15, 2003 without further notice unless EPA receives adverse comment by November 14, 2003. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number PA208-4214 in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to morris.makeba@epa.gov attention: PA208-4214. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through [Regulations.gov](http://www.regulations.gov), EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically

captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

ii. *Regulations.gov.* Your use of [Regulations.gov](http://www.regulations.gov) is an alternative method of submitting electronic comments to EPA. Go directly to <http://www.regulations.gov>, then select "Environmental Protection Agency" at the top of the page and use the "go" button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

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

2. *By Mail.* Written comments should be addressed to the EPA Regional office listed in the **ADDRESSES** section of this document.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

Submittal of CBI Comments

Do not submit information that you consider to be CBI electronically to EPA. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

Considerations When Preparing Comments to EPA

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule

will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (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 approves 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 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 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.*).

B. Submission to Congress and the Comptroller General

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. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for six named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 15, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving Pennsylvania's source-specific RACT requirements to control VOC and NO_x from six individual sources may be not challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 29, 2003.

James W. Newsom,
Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

■ 2. Section 52.2020 is amended by adding paragraph (c)(212) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(212) Revisions to the Pennsylvania Regulations pertaining to VOC and NO_x RACT for major sources submitted on July 2, 2003 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of July 2, 2003 by the Pennsylvania Department of Environmental Protection transmitting source-specific NO_x and VOC RACT determinations.

(B) The following operating permits (OP):

(1) GPU Generation Corp., Homer City Station, Indiana County, 32-000-055, effective October 29, 1998.

(2) GPU Generation Corp., Seward Station, Indiana County, 32-000-040, effective April 30, 1998.

(3) Ebensburg Power Company, Ebensburg Cogeneration Plant, Cambria County, 11-000-318, effective March 28, 2001.

(4) Sithe Pennsylvania Holdings LLC, Warren Station, Warren County, OP-62-012B, effective January 20, 2000.

(5) Pennsylvania Power & Light Company, Sunbury SES, Snyder County, OP-55-0001A, effective July 7, 1997.

(6) Lakeview Landfill, Erie County, OP-25-920, effective May 29, 1997.

(ii) Additional Material.—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(212)(i) of this section.

[FR Doc. 03-25931 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-52-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[SIP No. UT-001-0048, UT-001-0049, FRL-7573-8]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: When EPA approved Utah State Implementation Plan (SIP) revisions regarding the numbering and format of the SIP on June 25, 2003, we

inadvertently submitted incorrect material for incorporation by reference and incorrectly referenced a SIP section. EPA is correcting these errors with this document.

EFFECTIVE DATE: This final rule is effective November 14, 2003.

FOR FURTHER INFORMATION CONTACT: Laurel Dygowski, EPA, Region 8, (303) 312-6144.

SUPPLEMENTARY INFORMATION:

Throughout this document, wherever “we” or “our” is used it means the EPA.

Section 553 of the Administrative Procedures Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today’s rule final without prior proposal and opportunity for comment because we are merely correcting incorrect text in a previous rulemaking. Thus notice and public procedures are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

I. Correction

Correction to Federal Register Document Published on June 25, 2003 (68 FR 37744)

On June 25, 2003, we published a final rule approving Utah SIP revisions pertaining to the numbering and format of the SIP (68 FR 37744). When we published this rule, we incorporated by reference changes to Section IX.D.2.h. In the incorporation by reference material for Section IX.D.2.h, we inadvertently incorporated by reference changes to Section IX.D.2.h(2) that should not have been incorporated by reference. The incorporation by reference material submitted with the June 25, 2003 final rule had changes to Section IX.D.2.h(2) that are part of a February 22, 1999 SIP submittal that we have not approved. Therefore, we are correcting this error by resubmitting the incorporation by reference material for 40 CFR 52.2320(c)(56)(i)(C) to the Air and Radiation Docket and Information Center and the Office of the Federal Register. In addition, we are correcting the regulatory text in 40 CFR 52.2320(c)(56)(i)(C) to change the reference to Section IX, Part “IX.D.2.h” to read “IX.D.2.h (except IX.D.2.h(2))”.

II. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is

not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; 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. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental

Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rules are discussed in the June 25, 2003 rule approving the revisions to the numbering and formatting of the Utah SIP.

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of November 14, 2003. 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**. These corrections to the identification of plan for Utah is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

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

Dated: October 1, 2003.

Robert E. Roberts,

Regional Administrator, Region 8.

■ 40 CFR part 52 is amended to read as follows:

PART 52—[CORRECTED]

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

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

Subpart TT—Utah

■ 2. Section 52.2320 is amended in paragraph (c)(56)(i)(C) by revising "IX.D.2.h" to read "IX.D.2.h (except IX.D.2.h(2))".

[FR Doc. 03-25933 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[Docket ID No. OAR-2002-0046; FRL-7566-2]

RIN 2060-AJ53

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendments.

SUMMARY: On April 8, 1987, the EPA promulgated the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. On March 27, 2000, the EPA issued a memorandum which stated that process tanks are "storage vessels" under the definition in the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. On May 26, 2000, the American Forest and Paper Association (AF&PA) filed a petition for judicial review of the March 27, 2000 memorandum. In this action, we are promulgating final rule amendments which were proposed pursuant to a settlement agreement with the American Forest and Paper Association (AF&PA) regarding their petition for judicial review of the March 27, 2000 memorandum. The final rule amendments will exempt certain storage vessels by capacity and vapor pressure, exempt process tanks, and add the process tank definition. The EPA is also amending the performance standards to exempt storage vessels that are subject to the National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.

EFFECTIVE DATE: October 15, 2003.

ADDRESSES: Docket No. OAR-2002-0046 is located at the EPA Docket

Center, EPA West, U.S. EPA (6102T), Room B102, 1301 Constitution Avenue, NW., Washington, DC 20460.

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

SUPPLEMENTARY INFORMATION: *Docket.* The EPA has established an official public docket for this action under Docket ID No. OAR-2002-0046. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Avenue, NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742.

Electronic Docket Access. You may access the final rule amendments 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 in the above paragraph entitled "Docket." Once in the system, select "search," then key in the appropriate docket identification number.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of the final rule amendments will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the final rule amendments will be posted on the

TTN's policy and guidance page for newly proposed or promulgated rules <http://www.epa.gov/ttn/oarpg>.

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

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

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

Judicial Review. Under Clean Air Act (CAA) section 307(b), judicial review of the final amendments is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by December 15, 2003. Only those objections to the final amendments which were raised with reasonable specificity during the period for public comment may be raised during judicial review. Under section 307(b)(2) of the CAA, the requirements established by the final amendments may not be challenged separately in any civil or criminal proceeding we bring to enforce such requirements.

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

- I. What Is the Background for this Action?
- II. What Standards Are We Amending and how Does this Action Relate to the Overall Scope of the Subpart Kb Rule?
- III. What Were the Comments Received on the Proposed Amendments?
- IV. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review
 - B. Paperwork Reduction Act
 - C. Regulatory Flexibility Act
 - D. Unfunded Mandates Reform Act
 - E. Executive Order 13132: Federalism
 - F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
 - G. Executive Order 13045: Protection of Children from Environmental Health & Safety Risks
 - H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use
 - I. National Technology Transfer Advancement Act
 - J. Congressional Review Act

I. What Is the Background for This Action?

The EPA proposed the 40 CFR part 60, subpart Kb, rules on July 23, 1984 (49 FR 29698) and promulgated them on April 8, 1987 (52 FR 11420). The performance standards implement section 111 of the CAA and are based on the Administrator's determination that volatile organic liquid (VOL) storage vessels cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare.

On March 27, 2000, the EPA issued a memorandum which stated that process tanks are "storage vessels" under the definition in the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.

On May 26, 2000, the AF&PA filed a petition for judicial review of the March 27, 2000 memorandum. The petitioner felt that the EPA had inappropriately expanded the scope of "storage vessels" with the interpretation in the 2000 memorandum. On August 23, 2001 (66 FR 44342), AF&PA and the EPA signed a settlement agreement that EPA would propose to amend subpart Kb to exclude from its applicability storage vessels that have a capacity less than 75 cubic meters (m³) or that contain a liquid with a maximum true vapor pressure below 3.5 kilopascals (kPa), and take final action on that proposal within a reasonable time.

On February 24, 2003 (68 FR 8574), we proposed amendments to subpart Kb pursuant to the agreement with AF&PA, as well as concerns raised by parties other than the petitioner. One party commented that in addition to the proposed amendments required by the settlement agreement, the EPA should exempt process tanks from subpart Kb. Another party commented that the regulatory overlap between subpart Kb and the National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production (40 CFR part 63, subpart GGGG) should be addressed. Today's final rule

amendments address the issues raised by AF&PA and other parties.

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

We are amending various provisions in 40 CFR part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. For further details, please refer to the February 24, 2003 proposed rule amendments (68 FR 8574). In doing so, we are indicating by necessary implication that subpart Kb applies to all industries where volatile organic liquid (as defined in § 60.111b(k)) is stored, and thus applies to other industries in addition to the petroleum and synthetic organic chemical manufacturing industries.

Exemption of Certain Storage Vessels by Capacity and Vapor Pressure. Today's action amends the final rule by eliminating recordkeeping requirements for storage vessels with a capacity less than 75 m³, for storage vessels with a capacity between 75 and 151 m³ storing liquid with vapor pressure less than 15 kPa, and for storage vessels with a capacity equal to or greater than 151 m³ storing liquid with vapor pressure less than 3.5 kPa. Put another way, the EPA is exempting from subpart Kb those storage vessels presently subject to recordkeeping requirements only.

Exemption of Process Tanks. The EPA is amending the final rule to exempt process tanks from subpart Kb. The EPA considered whether it was justified to amend subpart Kb to include process tanks within its scope, which would apply to new sources, that is, only to those process tanks for which construction, reconstruction, or modification commenced after the date of proposal of the action (see CAA sections 111(a)(2) and (b)(1)(B)).

Exemption of Storage Vessels Subject to the Vegetable Oil National Emission Standards for Hazardous Air Pollutants (NESHAP). The EPA contends that the overall emissions to the environment will not increase by exempting storage

vessels from subpart Kb that are subject to the Vegetable Oil Production NESHAP, and that such exemption essentially amounts to avoiding duplicative regulation. The EPA is, therefore, exempting from subpart Kb all storage vessels that are subject to the Vegetable Oil Production NESHAP.

III. What Were the Comments Received on the Proposed Amendments?

Summary of Public Comments and Responses

This section of the preamble is a summary of the major public comments received in response to the proposed rule amendments, and changes resulting from the comments. A full report of all comments received and responses to the comments are in the "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984—Public Comments and Responses." The document may be found in Docket ID No. OAR-2002-0046.

Comment: Two commenters recommended revising the definition of "process tank" to clarify that a vessel used within a process before material is transferred to a by-product storage vessel is considered to be a process tank. The commenters also recommended that the definition be revised to include tanks used to collect and recirculate solvents. One commenter suggested the EPA clarify that flare knockout vessels and vessels used for surge control for wastewater and/or sludge are process tanks. Another commenter requested the EPA clarify that pipeline emergency breakout tanks are process tanks, and another commenter requested the EPA clarify that vessels used for fermentation, distillation, mixing and blending, condensing, filtering, and extraction are process tanks.

Response: The EPA agrees that a vessel used within a process before material is transferred to a by-product storage vessel is considered to be a process tank. The definition of "process tank" in the final rule amendments reflects this view. The EPA considers vessels that receive and accumulate solvent or raw material from recovery processes to be storage vessels, not process tanks. Such vessels serve the same function as virgin solvent and raw material storage vessels, and some are located in tank farms with other storage vessels. The definition in the final rule amendments clarifies that "process tank" does not include such vessels.

However, the definition also clarifies that vessels used within solvent and raw material recovery processes (that are not used for the ultimate storage of recovered liquids) are process tanks. The EPA agrees that flare knockout vessels and vessels used for surge control for wastewater and/or sludge are process tanks. The EPA also agrees that vessels used as described by one commenter (fermentation, distillation, etc.) are process tanks, and that the proposed definition of "process tank" would be interpreted to include such vessels. Finally, the EPA agrees that vessels used for pipeline surge control (not storage) are considered to be process tanks.

Comment: Several commenters recommended raising the proposed vapor pressure applicability criteria to the levels at which control is required. One of the commenters stated that the EPA's rationale for the proposed levels would also support raising the criteria to the levels at which control is required.

Response: The EPA disagrees that the rationale for the proposed applicability criteria also supports raising the levels to those at which control is required. The proposed applicability criteria would exempt tanks storing liquids with a vapor pressure significantly lower than the vapor pressure criteria for control. Regarding the vapor pressure at which recordkeeping of the stored liquid is required, the preamble to the 1987 final subpart Kb (49 FR 29711) states, "These vapor pressures should be high enough so that records would not be kept on liquids that could not, under reasonable circumstances, reach the maximum true vapor pressure cutoffs, but low enough so that records would be kept on most liquids that could reach the maximum true vapor pressure cutoffs." This remains the EPA's position, and the EPA has, therefore, retained revised the applicability criteria as proposed.

Comment: One commenter urged the EPA to state that it will not seek to enforce subpart Kb for process tanks that have been constructed, reconstructed or modified after July 23, 1984 and before the date of the proposed amendments to subpart Kb.

Response: The EPA stated in the preamble to the proposed rule amendments that the 1998 interpretation of subpart Kb was definitive (in the sense that it was intended to set out the EPA's view and was written by an entity within the EPA with authority to do so) and, as such, can only be changed after notice-and-comment rulemaking. The EPA also stated that it would not be worthwhile

to now propose to include process tanks under subpart Kb, and that the Agency was thus proposing to amend subpart Kb to exempt process tanks to codify the 1998 position. Therefore, the EPA will not be taking any enforcement action regarding the tanks described by the commenter.

Comment: One commenter urged the EPA to clarify its "enforcement posture" with respect to storage tanks in facilities other than the chemical and petroleum industries. The commenter stated several reasons for subpart Kb not applying outside the chemical and petroleum industries. The commenter stated that storage tanks outside the chemical and petroleum industries were not considered when determining the economic impacts of the proposed standards. The commenter also stated that the information collection request (ICR) for the standards was limited to the chemical and petroleum industries.

Response: The EPA stated in the preamble to the proposed rule why the text of the rule indicates that the rule's scope is not limited to the chemical and petroleum industries. The EPA also described the process by which a source category on the CAA section 111 priority list for regulation was revised (concurrently with the promulgation of subpart Kb) to include all volatile organic liquid storage. The priority list had previously included storage vessel source categories only for the petroleum industry and the synthetic chemical manufacturing industry, confirming what is already clear from the proposed rule's text—it applies to industries other than chemical and petroleum.

The commenter is correct that the economic analysis for subpart Kb did not include storage vessels in industries other than the chemical and petroleum industries. However, in the background information document for the proposed subpart Kb (EPA-450/3-81-003a), the amount of storage in industries outside the chemical and petroleum industries was estimated to be small enough (relative to storage in those industries) to be disregarded in the analysis.

The commenter is also correct that the supporting statement for the ICR for subpart Kb lists only the chemical and petroleum industries as respondents. Again, the EPA estimated that these industries contain the overwhelming majority of volatile organic liquid storage vessels. The list of respondents in the ICR supporting statement does not determine the applicability of subpart Kb; 40 CFR 60.110b determines applicability. Subpart Kb has such broad applicability that an exhaustive list of respondents would be difficult to develop. The Office of Management and

Budget approved the current ICR for subpart Kb under terms which state that the EPA must submit a revised ICR, pursuant to the Paperwork Reduction Act and 5 CFR part 1320. The EPA intends to develop this expanded list during the next ICR renewal for subpart Kb.

In conclusion, the EPA interprets subpart Kb to apply to volatile organic liquid storage vessels, regardless of industry.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

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

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

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

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

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

It has been determined that the final rule amendments are not a "significant regulatory action" under the terms of Executive Order 12866 and are, therefore, not subject to OMB review.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. This action exempts certain sources from 40 CFR part 60, subpart Kb. Therefore, it is likely that this action could only reduce the information collection burden. The OMB has previously approved the information collection requirements contained in the existing regulations under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2060-0074 (EPA ICR No. 1132.06).

Copies of the ICR document(s) may be obtained from Susan Auby, by mail at

the Office of Environmental Information, Collection Strategies Division; U.S. EPA (2822T); 1200 Pennsylvania Avenue, NW., Washington, DC 20460, by email at auby.susan@epa.gov, or by calling (202) 566-1672. A copy may also be downloaded off the internet at <http://www.epa.gov/icr>. Include the ICR or OMB number in any correspondence.

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

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

C. Regulatory Flexibility Act

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

For purposes of assessing the impacts of today's final rule amendments on small entities, a small entity is defined as: (1) A small business in the North American Industrial Classification System (NAICS) code 324 or 325 that has up to 500 employees; (2) a small business in NAICS code 424710 that has up to 100 employees; (3) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (4) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule amendments on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The EPA has determined that none of the small entities will experience a significant impact because the final rule amendments impose no additional regulatory requirements on owners or operators of affected sources. In fact, the final rule amendments should decrease the impacts on small businesses because they exempt some sources from regulation.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least-costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least-costly, most cost effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that the final rule amendments do not contain a Federal mandate that may result in

expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. The final rule amendments exempt certain sources from regulation. Thus, today's final rule amendments are not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

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

The final rule amendments do not have federalism implications. They will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The final rule amendments exempt certain sources from regulation. The final rule amendments impose no additional burden on sources, and the emissions reductions lost because of the exemptions are not significant. Thus, Executive Order 13132 does not apply to the final rule amendments.

In the spirit of Executive Order 13132 and consistent with EPA policy to promote communications between the EPA and State and local governments, the EPA specifically solicited comment on the proposed rule amendments from State and local officials.

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

Executive Order 13175 (65 FR 67249, November 9, 2000) requires the EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." The final rule amendments do not have tribal implications, as specified in Executive Order 13175. The final rule amendments exempt certain sources from regulation. The final rule amendments impose no additional burden on sources, and the emissions reductions lost because of the

exemptions are not significant. Thus, Executive Order 13175 does not apply to the final rule amendments.

The EPA specifically solicited additional comment on the proposed rule amendments from tribal officials.

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

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the EPA.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. Today's final rule amendments are not subject to Executive Order 13045 because they are based on technology performance, not health or safety risks. Furthermore, the final rule amendments have been determined not to be "economically significant" as defined under Executive Order 12866.

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

The final rule amendments are not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through OMB,

explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The final rule amendments do not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

J. 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. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). The final rule will be effective on October 15, 2003.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 24, 2003.

Marianne Lamont Horinko,
Acting Administrator.

■ For the reasons set out in the preamble, part 60 of title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401-7601.

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

- 2. Section 60.110b is amended by:
 - a. Revising paragraphs (a) and (b);
 - b. Removing and reserving paragraph (c); and
 - c. Adding paragraph (d)(8).
- The revisions and addition read as follows:

§ 60.110b Applicability and designation of affected facility.

(a) Except as provided in paragraph (b) of this section, the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 75 cubic meters (m³) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.

(b) This subpart does not apply to storage vessels with a capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa) or with a capacity greater than or equal to 75 m³ but less than 151 m³ storing a liquid with a maximum true vapor pressure less than 15.0 kPa.

(c) [Reserved]

(d) * * *

(8) Vessels subject to subpart GGGG of 40 CFR part 63.

* * * * *

■ 3. Section 60.111b is amended by:

■ a. Removing the paragraph designations and placing the definitions in alphabetical order;

■ b. Revising the definition of "Storage vessel;"

■ c. Revising the definition of

"Maximum true vapor pressure;"

■ d. Revising the definition of "Volatile organic liquid (VOL);" and

■ e. Adding, in alphabetical order, a definition of "Process tank."

The revisions and addition read as follows:

§ 60.111b Definitions.

* * * * *

Maximum true vapor pressure means the equilibrium partial pressure exerted by the volatile organic compounds (as defined in 40 CFR 51.100) in the stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOL's stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for VOL's stored at the ambient temperature, as determined:

* * *

Process tank means a tank that is used within a process (including a solvent or raw material recovery process) to collect material discharged from a feedstock storage vessel or equipment within the process before the material is transferred to other equipment within the process, to a product or by-product storage vessel, or to a vessel used to store recovered solvent or raw material. In many process tanks, unit operations such as reactions and blending are

conducted. Other process tanks, such as surge control vessels and bottoms receivers, however, may not involve unit operations.

* * * * *

Storage vessel means each tank, reservoir, or container used for the storage of volatile organic liquids but does not include:

(1) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors;

(2) Subsurface caverns or porous rock reservoirs; or

(3) Process tanks.

Volatile organic liquid (VOL) means any organic liquid which can emit volatile organic compounds (as defined in 40 CFR 51.100) into the atmosphere.

* * * * *

§ 60.116b [Amended]

■ 4. Section 60.116b is amended by removing the last sentence of paragraph (b).

[FR Doc. 03-24774 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 258**

[RCRA-2002-0034; FRL-7573-6]

RIN 2050-AE91

Municipal Solid Waste Landfill Location Restrictions for Airport Safety

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: EPA is amending the location restriction section in the Criteria for Municipal Solid Waste Landfills (MSWLFs) under the Resource Conservation and Recovery Act (RCRA), in order to add a note providing information about landfill siting requirements enacted in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Ford Act). Today's amendment does not change existing criteria under RCRA with respect to siting MSWLF units.

EFFECTIVE DATE: This technical amendment is effective on October 15, 2003.

ADDRESSES: Copies of the documents relevant to this action (Docket No. RCRA-2002-0034) are available for public inspection during normal business hours from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding

federal holidays, at the RCRA Information Center (RIC), located at EPA West, Room B-102, 1301 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at 800-424-9346 or TDD 800-553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703-412-9810 or TDD 703-412-3323 (hearing impaired).

For information on specific aspects of this rule, contact Mary T. Moorcones, Municipal and Industrial Solid Waste Division of the Office of Solid Waste (mail code 5306W), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 540-338-1348; e-mail:

moorcones.mary@epamail.epa.gov.

Some information about this rule can be accessed via the Internet at: <http://www.epa.gov/epaoswer/non-hw/muncpl/landfill/airport.htm>.

SUPPLEMENTARY INFORMATION:**General Information****A. How Can I Get Copies of This Document and Other Related Information?**

1. Docket. EPA has established an official public docket for this action under Docket ID No. RCRA-2002-0034. The official public docket consists of the documents specifically referenced in this action, any public comments received and other information related to this action. The official public docket is the collection of materials that is available for public viewing at the RCRA Information Center (RIC), located at EPA West, Room B-102 1301 Constitution Avenue, NW, Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 800-424-9346 or TDD 800-553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 202-566-0270 or TDD 703-412-3323 (hearing impaired). To review the docket materials in person, we recommend that the public make an appointment by calling 202-566-0270.

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 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 above in Unit I.A. Once in the system, select "search," then key in the appropriate docket identification number.

B. Acronyms

The full names for the acronyms used in this document are:

Acronym	Definition
AC	Federal Aviation Administration Advisory Circular 150/5200-34, together with its Appendix 1, dated August 26, 2000.
CFR	The United States Code of Federal Regulations.
EPA	The United States Environmental Protection Agency.
FAA	The United States Federal Aviation Administration.
Ford Act	Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.
MSWLF ..	Municipal Solid Waste Landfill.
RCRA	The Resource Conservation and Recovery Act.
U.S.	United States.
U.S.C.	United States Code.

I. Purpose of Today's Action

EPA is adding a note at the end of 40 CFR 258.10, the location restriction requirements in the criteria for municipal solid waste landfills (MSWLFs), to inform the public about landfill siting requirements enacted in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, Pub. L. 106-181 (Ford Act), enacted on April 5, 2000. The Ford Act is an aviation statute administered by the Federal Aviation Administration (FAA). However, section 503 of the Ford Act includes a provision limiting the "construction or establishment" of new municipal solid waste landfills (MSWLFs) after April 5, 2000, within six miles of certain smaller public airports. Therefore, as a convenience for owners/operators of MSWLFs and for those wishing to construct or establish new MSWLFs, EPA is providing a reference to the Ford Act following the location requirements that apply to MSWLFs under RCRA.

On July 11, 2002, EPA published a direct final rule (67 FR 45915) and a parallel proposed rule (67 FR 45948) to incorporate the Ford Act restrictions into EPA's criteria for MSWLFs under RCRA. Had the rule gone into effect, it would have added a new paragraph (e)

to § 258.10 to incorporate the Ford Act landfill siting restrictions. However, EPA received several adverse comments on the direct final rule, therefore the Agency withdrew the rule on October 8, 2002 (67 FR 62647).

One commenter challenged EPA's authority to issue the rule under RCRA, as well as the adequacy of the record to support incorporation of the Ford Act requirements in the RCRA criteria. A second commenter also questioned the validity of data cited by EPA with respect to the hazards from bird strikes.

After reviewing the comments, EPA has decided not to finalize the rule as proposed. Instead of adding a new subsection (e) to 40 CFR 258.10, EPA is incorporating information about the Ford Act in a note following the criteria in 40 CFR 258.10. As a result, the specific limitations of the Ford Act are not being incorporated into the criteria for MSWLFs under RCRA and are not enforceable as part of EPA's MSWLF criteria. The note is for advisory purposes only.

Because section 503 of the Ford Act is directly applicable to any "person" constructing or establishing a MSWLF, it does not by its terms require implementation through regulation. The Ford Act does not amend Subtitle D of the Resource Conservation and Recovery Act (RCRA), which EPA administers. Therefore, in light of the comments received, EPA has reconsidered promulgating a regulation under RCRA that incorporates the Ford Act requirements. In addition, to the extent that section 503 the Ford Act is to be interpreted, the Federal Aviation Administration, not EPA, is the administering agency under the statute. The FAA has issued guidance interpreting section 503. See FAA AC No.150/5200-34. For further information, the public should contact the FAA.

II. Airport Safety Location Restrictions

A. The Ford Act

The Ford Act has been in effect since April 5, 2000. Section 503(b) amends 49 U.S.C. 44718(d), and states:

(1) No person shall construct or establish a municipal solid waste landfill (as defined in § 258.2 of title 40, Code of Federal Regulations, as in effect on the date of enactment of this subsection) that receives putrescible waste (as defined in § 257.3-8 of such title) with 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State

aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

(2) Limitation on Applicability—Paragraph 1 shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of enactment of this subsection.

Section 503(c) of the Ford Act establishes civil penalties for violations of the limitations on siting landfills set forth above in section 503(b).

As previously stated, these landfill siting restrictions are directly applicable to any person constructing or establishing a new landfill as those terms are defined in the statute and interpreted by the FAA, the agency charged with administering the Ford Act. Therefore, it is not necessary for EPA to incorporate these provisions into the MSWLF criteria. Today's amendment to include a reference to section 503 of the Ford Act in a note to 40 CFR 258.10, which is the section of the criteria that sets forth the location restrictions for airport safety under RCRA, Subtitle D, is solely for the convenience of the public.

B. Criteria for Landfill Siting Under RCRA

Nothing in this notice amends the requirements of 40 CFR 258.10, which sets forth location restrictions for MSWLFs to address airport safety. Section 258.10(a) and (c) contain requirements for new MSWLFs, existing MSWLFs and lateral expansions of landfills that are located within 10,000 feet of any airport runway used by turbojet aircraft or within 5,000 feet of any airport runway used only by piston-type aircraft. Owners or operators of such landfills are required to (1) demonstrate that the MSWLFs are designed and operated so as not to "pose a bird hazard to aircraft; (2) place a copy of the demonstration in the MSWLF operating record, and (3) notify the State Director that it has been placed in the operating file. "State Director" is defined as the chief administrative office of the lead state agency responsible for implementing the state permit program for 40 CFR part 258 regulated facilities."

Section 258(b) applies to new MSWLFs and lateral expansions

proposed to be constructed within a five-mile radius of the end of any airport runway used by a turbojet or piston-type aircraft. For such proposed new MSWLFs and lateral expansions, the owner or operator must notify the affected airport and the FAA.

Section 258.10(d) defines "airport" to mean a "public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities." This subsection also defines "bird hazard."

List of Subjects in 40 CFR Part 258

Environmental protection, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: October 2, 2003.

Thomas Dunne,

Associate Assistant Administrator, Office of Solid Waste and Emergency Response.

■ For the reasons discussed in the preamble, title 40 chapter 1 of the Code of Federal Regulations, is amended as follows:

PART 258—[AMENDED]

■ 1. The authority citation for part 258 continues to read as follows:

Authority: 33 U.S.C. 1345(d) and (e); 42 U.S.C. 6902(a), 6907, 6912(a), 6944, 6945(c) and 6949a(c);

■ 2. Section 258.10 is amended by adding a note to the end of the section to read as follows:

§ 258.10 Airport safety.

* * * * *

Note to § 258.10: A prohibition on locating a new MSWLF near certain airports was enacted in Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Ford Act), Pub. L. 106-181 (49 U.S.C. 44718 note). Section 503 prohibits the "construction or establishment" of new MSWLFs after April 5, 2000 within six miles of certain smaller public airports. The Federal Aviation Administration (FAA) administers the Ford Act and has issued guidance in FAA Advisory Circular 150/5200-34, dated August 26, 2000. For further information, please contact the FAA.

[FR Doc. 03-25934 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 5

[FCC 03-207]

Experimental Radio Licenses and Authorizations

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules which apply to experimental radio licensing. The primary revision requires that all applications for licenses for Experimental Radio stations be filed electronically. We are codifying the existing requirement that any objections to Experimental Radio license applications must comply with the provisions of the Commission's rules governing informal objections.

DATES: Effective November 14, 2003.

FOR FURTHER INFORMATION CONTACT: Jim Burtles, Office of Engineering and Technology, (202) 418-2445, or Doug Young, Office of Engineering and Technology, (202) 418-2440.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* adopted August 15, 2003, and released August 20, 2003, that finalizes those regulations. The full text of this Commission decision is available on the Commission's Internet site at <http://www.fcc.gov>. It is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room, CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

Summary of the Order

1. The Order, 63 FR 64199, November 19, 1998, revised the rules in the Experimental Radio Service to promote technical innovation and new services by encouraging experiments; ensure that experimental licenses do not result in abuse of our processes; eliminate unnecessary and burdensome experimental regulations; and protect public safety frequencies.

2. *Electronic Filing.* Since November 18, 1998, the application forms

applicable to licenses for Experimental Radio stations could be submitted to the Commission electronically. These forms are:

a. FCC Form 405, Application for Renewal of Experimental License or STA.

b. FCC Form 442, Application for New or Modified Experimental Radio Station Authorization.

c. FCC Form 702, Application for Consent to Assignment of Radio Station Construction Authorization or License (For Stations in Services Other Than Broadcast).

d. FCC Form 703, Application for Consent to Transfer Control of Corporation Holding Station License.

e. Special Temporary Authority (STA), Application for STA.

f. Add Attachments, Form for Submitting Additional Exhibits to an Existing Experimental Licensing Application.

g. Submit Correspondence, Form for Replying to Correspondence Sent by the OET ELS Branch Pertaining to a Pending Application.

h. Amend/Complete Application, Form for Amending or Completing a Page on a Previously-Filed Experimental Radio Licensing Application

2. These forms have been accessible at the official web site of the Commission's Office of Engineering and Technology, <https://gulfoss2.fcc.gov/prod/oet/cf/els/index.cfm>. Of the 769 total

Experimental Radio license application filings in calendar year 2002, 88% were filed electronically. In the Quarter ending March 31, 2003, 215 filings were submitted, and 93% of these were made electronically. By requiring that applications for Experimental Radio licenses henceforth be filed electronically, we are taking another step toward the Commission's compliance with Section 1704 of the Government Paperwork Elimination Act. We do, however, recognize that the mandatory electronic filing requirement could impose unusual burdens on some filers and that, therefore, it may be appropriate for us to consider granting limited waivers of this requirement. Such waivers, however, will not be routinely granted and the filing party must plead with particularity the facts and circumstances warranting relief.

3. Mandatory electronic filing of applications for Experimental Radio licenses will commence on January 1, 2004. This change is reflected in the amendments to part 5 of the Commission's Rules, 47 CFR 5.1-5.125. Because this change from voluntary to mandatory electronic filing is merely procedural in nature and does not substantively change the information

required to be filed with the Commission, the notice and comment requirements of the Administrative Procedure Act are inapplicable. Paper versions of these forms will not be accepted for filing after December 31, 2003, unless accompanied by an appropriate request for waiver of the electronic filing requirement.

4. *Informal Objections.* Applications for Experimental Radio licenses are not subject to the public notice requirements of section 309(b) of the Communications Act, of 1934, as amended, and, therefore, the proper procedure for opposing such applications is to file an informal objection. However, there is no provision in part 5 of the rules that expressly address this point. To codify this requirement, we are adding § 5.95, which will provide for the filing of informal objections that comply with the requirements set forth in §§ 1.41–1.52 of the rules. We continue to prefer the use of informal procedures in the context of part 5, which “contemplate[s] that experimental licensees will cooperate in good faith with [regular] service licensees to prevent harmful interference to the affected services, to investigate any complaints of interference, and to take appropriate measures to mitigate interference” and require that “in the event of unmitigable harmful interference, experimental operations must cease immediately.” Because this amendment merely clarifies an existing procedure and makes no substantive changes to the Commission’s rules, it also is exempt from the notice and comment requirements of the Administrative Procedure Act.

5. Pursuant to sections 4, 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, and 303, this Order IS ADOPTED.

List of Subjects in 47 CFR Part 5

Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 5 as follows:

PART 5—EXPERIMENTAL RADIO SERVICE (OTHER THAN BROADCAST)

■ 1. The authority citation for part 5 continues to read as follows:

Authority: Secs. 4, 302, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 302, 303.

Interpret or apply sec. 301, 48 Stat. 1081, as amended; 47 U.S.C. 301.

■ 1a. Section 5.55 is amended by revising paragraphs (a) and (b) to read as follows:

§ 5.55 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Experimental Radio Service are discussed in § 5.59 and may be accessed electronically at the Office of Engineering and Technology Web site <https://gulfoss2.fcc.gov/prod/oet/cf/els/index.cfm>. If no standard form is applicable, the informal application procedure outlined in § 5.59(f) should be followed.

(b) Any application for radio station authorization shall be submitted electronically through the Office of Engineering and Technology Web site <https://gulfoss2.fcc.gov/prod/oet/cf/els/index.cfm> effective January 1, 2004. Any correspondence relating thereto that cannot be submitted electronically shall instead be submitted to the Commission’s Office of Engineering and Technology, Washington, DC 20554. (Applications requiring fees as set forth in part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of this chapter.)

* * * * *

■ 2. Section 5.61 is amended by revising the introductory text of paragraph (c) to read as follows:

§ 5.61 Procedure for obtaining a special temporary authorization.

* * * * *

(c) An application for special temporary authorization shall be filed electronically through the Office of Engineering and Technology Web site <https://gulfoss2.fcc.gov/prod/oet/cf/els/index.cfm> effective January 1, 2004 and shall contain the following information:

* * * * *

■ 3. Section 5.95 is added to read as follows:

§ 5.95 Informal objections.

A person or entity desiring to object to or to oppose an Experimental Radio application for a station license or authorization may file an informal objection against that application. The informal objection and any responsive pleadings shall comply with the

requirements set forth in §§ 1.41 through 1.52 of this chapter.

[FR Doc. 03–25967 Filed 10–14–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 95–184; FCC 03–9]

RIN 3060–AG02

Telecommunications Services Inside Wiring

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Federal Communications Commission received Office of Management and Budget (OMB) approval on April 23, 2003, for the revised public information collection, Inside Wiring, OMB Control Number 3060–0692. The Commission announces the effective date for revisions made in the rule concerning cable home run wiring published at 68 FR 13850 (March 21, 2003).

DATES: The amendments to 47 CFR 76.620, 76.802 and 76.804 published at 68 FR 13850, March 21, 2003 are effective, May 20, 2003.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission released the First Order on Reconsideration and Second Report and Order; (“Order” and “2nd R&O”) CS 95–184, MM 92–260, FCC 03–9 on January 29, 2003. The document revises rules the Commission adopted related to cable home run wiring and resolves issues raised by the Commission regarding exclusive and perpetual contracts. The Commission gave notice in the **Federal Register** (68 FR 13850, March 21, 2003) that the revisions to its rules made pursuant to the *Order* and *2nd R&O* would become effective on May 20, 2003, except for §§ 76.620, 76.802 and 76.804. These sections contained information collection requirements that had not been approved by OMB. The Commission’s notice stated that it would publish a document in the **Federal Register** announcing the effective date for the modifications to these sections. The Commission hereby gives notice that it received OMB approval, OMB Control No. 3060–0692, for the revised information collection in the *Order* and *2nd R&O* on April 23, 2003. The Commission therefore gives notice that the effective date for revisions to

§§ 76.620, 76.802 and 76.804 made in the *Order* and *2nd R&O* is May 20, 2003.

Pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104–13, an agency may not conduct or sponsor a collection of information unless it displays a currently valid control number.

Notwithstanding any other provisions of law, 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. For questions regarding the effective date for revisions to the above-named sections contact Cheryl Kornegay, Media Bureau, Policy and Rules Division at (202) 418–7200 or via the Internet at cheryl.kornegay@fcc.gov. Questions concerning this revised information collection should be directed to Leslie F. Smith, Federal Communications Commission, (202) 418–0217 or via the Internet at Leslie.Smith@fcc.gov.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–25968 Filed 10–14–03; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH59

Endangered and Threatened Wildlife and Plants; Reclassification of *Lesquerella filiformis* (Missouri Bladderpod) From Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reclassifying *Lesquerella filiformis* (Missouri bladderpod) from endangered to threatened under the Endangered Species Act of 1973, as amended (Act), because the endangered designation no longer correctly reflects the current status of this plant. This reclassification is based on the plant's significant progress toward recovery. Since the time of listing, the number of known populations of the plant has substantially increased and the threats to some of the larger populations have decreased because of land acquisition, landowner contact programs, and beneficial management initiatives. Federal protection and recovery

provisions provided by the Act for threatened plants are hereby extended to the Missouri bladderpod.

DATES: This final rule is effective on November 14, 2003.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Columbia Field Office, U.S. Fish and Wildlife Service, 608 E. Cherry Street, Room 200, Columbia, MO 65201–7712.

FOR FURTHER INFORMATION CONTACT: Paul McKenzie, Ph.D., Columbia Field Office (see **ADDRESSES** section) (telephone: 573/876–1911, ext. 107; e-mail: paul_mckenzie@fws.gov; facsimile: 573/876–1914). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800/877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

Lesquerella filiformis (Missouri bladderpod) is an annual plant with erect, hairy stems approximately 20 centimeters (cm) (8 inches (in)) in height that branch from the plant's base. Basal leaves are hairy on both surfaces, 1.0–2.25 cm (0.4–0.9 in) long, 0.3–1.0 cm (0.1–0.4 in) wide, broadly rounded, and tapering to a narrow petiole. Stem leaves are densely hairy with stellate hairs on both surfaces, 1.0–3.2 cm (0.4–1.3 in) long and 1.6–16 millimeters (mm) (0.06–0.6 in) wide, and have a silvery appearance. Bright yellow flowers with four petals occur at the top of the stems in late April or early May (Morgan 1980). Missouri bladderpod is restricted to shallow soils of limestone glades in southwestern Missouri (Hickey 1988; Thomas 1996) and northwestern Arkansas and, occasionally, dolomite glades in north-central Arkansas (John Logan, Missouri Department of Natural Resources (MDNR), pers. comm. 2000).

Lesquerella filiformis Rollins, a member of the mustard family (Brassicaceae), was first collected in 1887 in southwestern Missouri. Payson (1921), however, misapplied the name *Lesquerella angustifolia* (Nutt.) S. Wats. to these early collections. Rollins (1956) formally described *Lesquerella filiformis* as a distinct species, and its taxonomic validity was further supported in a subsequent monograph on the genus *Lesquerella* in North America by Rollins and Shaw (1973).

Historically, Missouri bladderpod was believed to be a State endemic plant known solely from a few sites in two counties in southwestern Missouri (Morgan 1980; U.S. Fish and Wildlife Service 1988). In 1980, a total of 550

individual plants were estimated at 4 sites, and at the time of listing as endangered in 1987, an estimated 5,000 plants were determined to occur at 9 sites (Morgan 1980; 52 FR 679, January 8, 1987). At the time of the completion of the Missouri Bladderpod Recovery Plan in 1988, the species was known from 11 sites in Christian, Dade, and Greene Counties, MO (U.S. Fish and Wildlife Service 1988). During that same year, the Service funded a 4-county survey for the species in Missouri, and an additional 45 sites were located (Hickey 1988). A followup survey in 1989 yielded an additional 13 sites (Thurman and Hickey 1989). Further botanical explorations led to the discovery of 16 additional sites, including locations in an additional county in Missouri (Lawrence County) and one site each in Izard and Washington Counties, AR (Theo Witsell, Arkansas Natural Heritage Commission, *in litt.* 2002). In the spring of 1997, Missouri Department of Conservation (MDC) botanist Bill Summers (while working on the Flora of Missouri project) discovered the species at a limestone/dolomite quarry in Izard County, northcentral Arkansas (Theo Witsell, *in litt.* 2002). Subsequent investigations following this find led to documentation of an additional site in Washington County, northwestern Arkansas, discovered in 1992 (Theo Witsell, *in litt.* 2002). In the spring of 1998, surveys were expanded in Arkansas, and, although no new sites were discovered in the State, a more extensive population of Missouri bladderpod was found at the Izard County site than had been originally discovered in 1997 (John Logan, Arkansas Natural Heritage Commission, pers. comm. 1998). The population at the Washington County site had not been observed since 1992 until it was rediscovered on May 1, 2002, when approximately 500 flowering and fruiting plants were discovered on a small glade opening at the original 1992 site (Theo Witsell, *in litt.* 2002). Currently, Missouri bladderpod is known to occur at a total of 61 sites in 4 counties in Missouri and 2 sites in 2 counties in Arkansas.

Population levels of Missouri bladderpod fluctuate widely as is typical of winter annuals, depending on edaphic (soil) and climatic conditions, and factors such as seed crop from the preceding season, seed survival in the seed bank, recruitment from the seed bank, and the survival of growing plants (Thomas 1998). Annual monitoring data have been collected for a minimum of 11 consecutive years at two Missouri

sites, and irregular monitoring has occurred at numerous other sites. Thomas (1998) and Boetsch (*in litt.* 2002) reported changes in population status of *Lesquerella filiformis* between 1988 and 2003 on National Park Service (NPS) property at Bloody Hill Glade, Wilson's Creek National Battlefield, and observed that the population varied from 0 to 303,446 plants, with an average annual population of 58,862 plants (Table 1). The MDC monitored 21 permanent plots within 1 population at the Rocky Barrens Conservation Area between 1992 and 2003 and noted that the number of individual plants varied from 2 to 3,584 (Tim Smith, MDC, *in litt.* 2003, Table 1). Monitoring of a population at Cave Springs Outcrop Glade in Dade County in 1980, 1984, 1988, 1990, and 1993 yielded 500, 545, 50, 0, and 0 plants, respectively (MDC 2002a). To date, the maximum population estimate at the Izard County, AR site has been "tens of thousands of plants," in 1997, while in 1999 only a few plants were found at the same site (Theo Witsell, *in litt.* 2002). Irregular monitoring (a minimum of 4 years of data between 1993 and 1999) at seven Nature Conservancy registry sites yielded similar fluctuations in population numbers as described elsewhere, with estimates ranging from 0 to 47 plants at the smallest population and 3 to 3,448 plants at the largest (Susanne Greenlee, TNC, *in litt.* 1999; MDC 2002a).

TABLE 1. ANNUAL POPULATION ESTIMATES OF MISSOURI BLADDERPOD ON BLOODY HILL GLADE (WILSON'S CREEK NATIONAL BATTLEFIELD) AND IN 21 PLOTS AT ROCKY BARRENS CONSERVATION AREA, GREENE COUNTY, MO, 1988–2003 (FROM THOMAS 1998; TIM SMITH, *in litt.* 2003; JOHN BOETSCH, *in litt.* 2002; MIKE DEBACKER, *in litt.* 2003).

Year	Estimated Population Size (number of plants)	
	Bloody Hill Glade	Rocky Barrens Conservation Area (21 plots)
1988	58,351	.....
1989	31,911	.....
1990	10,154	.....
1991	303,446	.....
1992	24,611	110
1993	0	1,211
1994	0	200
1995	18,514	2,295
1996	88,166	224
1997	33,873	3,584
1998	30,475	1,283

TABLE 1. ANNUAL POPULATION ESTIMATES OF MISSOURI BLADDERPOD ON BLOODY HILL GLADE (WILSON'S CREEK NATIONAL BATTLEFIELD) AND IN 21 PLOTS AT ROCKY BARRENS CONSERVATION AREA, GREENE COUNTY, MO, 1988–2003 (FROM THOMAS 1998; TIM SMITH, *in litt.* 2003; JOHN BOETSCH, *in litt.* 2002; MIKE DEBACKER, *in litt.* 2003).—Continued

Year	Estimated Population Size (number of plants)	
	Bloody Hill Glade	Rocky Barrens Conservation Area (21 plots)
1999	66,650	320
2000	72,623	143
2001	145,604	2
2002	2,401	713
2003	50,701	2,438
Average	58,593	¹ 1,0441

¹ Average within 21 permanent plots—total population size at this site is much larger.

An examination of the status of most extant sites following the procedures established by Hickey (1988) was conducted in the spring of 2000. Hickey visited 52 extant sites between April and May and noted that: (1) Populations of the species were found in the same terrace or rock shelf as they were in 1988–1990, and (2) some sites exhibited lower numbers than in 1988–1990, apparently attributable to the drought conditions, an increase in cedar density or encroachment of other woody vegetation, or competition from exotic species of brome grasses (*Bromus spp.*). Population density at some locations increased apparently because of tree removal and maintained grazing (Hickey 2000). Continued long-term monitoring of some larger sites in Missouri and the site in Izard County, AR, is also planned.

In years when germination, overwinter survival, seedling establishment, and plant growth are ideal, *Lesquerella filiformis* populations can be so large as to make rangewide population estimates extremely difficult. Despite the difficulty, estimates made by Hickey (1988) at 55 sites in Missouri yielded approximately 400,000 plants. Had rangewide estimates been taken in 1991 when 303,446 plants were estimated at Bloody Hill Glade, Wilson's Creek National Battlefield (Table 1, Thomas 1998), the population that year likely would have exceeded 500,000 plants. However, given the extreme annual fluctuations in

population size, only long-term monitoring efforts patterned similarly to the protocol developed for the Wilson's Creek National Battlefield (Kelrick 2001a, 2001b) can accurately reflect the true population status and trend of this species and effectively evaluate the efficacy of management regimes on bladderpod habitat (Thomas 1998).

The current 63 extant sites have the following Nature Conservancy Natural Community rankings: (1) 11 (10 in Missouri and 1 in Arkansas) are graded A (*i.e.*, are relatively stable and undisturbed natural communities with a high diversity of conservative species); (2) 18 (all in Missouri) are graded B (*i.e.*, late successional or lightly disturbed communities, or recently lightly disturbed or moderately disturbed in the past but now recovered, and the biological diversity has not been greatly reduced); (3) 1 in Arkansas is graded AB (*i.e.*, intermediate between A and B); (4) 17 in Missouri are graded C (*i.e.*, midsuccessional, moderately to heavily disturbed communities, or moderate recent disturbance or heavy past disturbance with decreased recent disturbance); and (5) 16 in Missouri are graded D (*i.e.*, early successional or severely disturbed communities where the structure and composition of the community has been severely altered with few characteristic native species present) (MDC 2002a; Theo Witsell, *in litt.* 2002).

Threats identified by the Service at the time of listing (52 FR 679, January 8, 1987) were: (1) Vulnerability of small populations to overcollecting and human disturbance, (2) lack of research on proper management techniques necessary to maintain and promote populations of the species, (3) potential impacts of annual maintenance activities to populations located on highway rights-of-way, (4) seed destruction by insects and fungal infections, and (5) inadequate protection or management on public and private property necessary for the species' continued existence. Subsequently, the Service (1988) documented the presence of exotic plant species, such as *Bromus tectorum* (a cheat grass), in bladderpod habitat as a significant threat, and this was further supported by observations by Hickey (1988, 2000) and Thomas (1996, 1998). Additionally, Hickey (1988, 2000) and Thomas (1996) identified development, especially land-use changes resulting from urban expansion, as a major threat to the species, and Hickey (1988) noted an increase in grazing pressure at some of the sites discovered during a four-county survey.

Although no specific reclassification (endangered to threatened) criteria were provided in the Recovery Plan, the following recovery (delisting) criteria were given: 30 self-sustaining populations, 15 of which are in secure ownership, must be at least one-half acre in size each and show self-sustaining populations for at least 7 years (U.S. Fish and Wildlife Service 1988). We indicated that these recovery goals could be accomplished through the following actions: (1) An inventory of suitable habitat for new populations, (2) the protection and management of existing populations, (3) the continued monitoring of populations and initiation of research on the species, (4) the development and initiation of management programs on protected sites, (5) the establishment of new populations on public land, and (6) the development of public awareness and support to further the conservation of the species.

Although some information gaps concerning the life history requirements of *Lesquerella filiformis* remain, research conducted since the species was listed in 1987 has significantly improved our understanding of the ecological needs of this species. Dr. Michael Kelrick (Truman State University, MO) has conducted and supervised graduate student work on demographics; seed bank ecology; matrix population dynamics used in the development of a population model and protocol for long-term monitoring; analyses of the effectiveness of various management prescriptions utilized to restore and enhance bladderpod habitat; reproductive success; fecundity; and factors influencing germination, seedling establishment and vegetative growth, metapopulation dynamics, and genetic diversity within and between populations (e.g., Harms 1992; Graham 1994). Lisa Potter Thomas of the NPS at Wilson's Creek National Battlefield has also conducted extensive research on the species involving life history ecology (e.g., factors influencing survivorship, plant vigor, and reproduction); the potential impacts of human foot trampling on the species; techniques useful in controlling exotic plants in bladderpod habitat; an examination of microhabitat parameters; and demographic studies that centered on germination, density of flowering stems, survivorship, and fecundity (Thomas and Jackson 1990; Thomas and Willson 1992; Thomas 1996, 1998).

Other recommended research and recovery activities include: (1) Investigating the pollination ecology of the species; (2) revising the Recovery Plan objective established in 1988 to

reflect the current knowledge of the species; (3) securing funding to provide necessary information essential to complete recovery and to facilitate the removal of the species from the list of federally protected species; (4) evaluating the efficacy of different management techniques; and (5) assuring that threats such as urban development and competition from exotic plants, both of which result from rapid population growth and urbanization, do not increase (The Nature Conservancy 2002; Hickey 1988; U.S. Fish and Wildlife Service 1988; Thomas and Jackson 1990; Thomas 1996).

Previous Federal Actions

Section 12 of the Act directed the Secretary of the Smithsonian Institution to prepare a report, within 1 year after passage of the Act, on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director of the Service published a notice in the **Federal Register** (40 FR 27823) of his acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) of the Act (petition acceptance is now governed by section 4(b)(3) of the Act, as amended), and of his intention thereby to review the status of the plant taxa named within. *Lesquerella filiformis* was named in the Smithsonian report as endangered and was included in the Service's 1975 notice of review. A subsequent notice of review published in the December 15, 1980, **Federal Register** (45 FR 82480) included *L. filiformis* as a Category 1 species, indicating that we believed there was sufficient biological information to support a proposal to list the species as endangered or threatened.

The Endangered Species Act Amendments of 1982 required that all petitions, including the report of the Smithsonian Institution, still pending as of October 13, 1982, be treated as received on that date. Section 4(b)(3) of the Act, as amended, requires that, within 12 months of the receipt of such a petition, a finding be made as to whether the requested action is warranted, not warranted, or warranted but precluded by other higher priority activities involving additions to or removals from the Federal Lists of Endangered and Threatened Wildlife and Plants. Therefore, on October 13, 1983; October 12, 1984; and again on October 11, 1985, the Service made the finding that listing of *Lesquerella filiformis* was warranted but precluded

by other pending listing activities. The proposed rule to list *L. filiformis* as endangered was published on April 7, 1986 (51 FR 11874), and the final rule was published on January 8, 1987 (52 FR 679). The Recovery Plan was approved on April 7, 1988 (U.S. Fish and Wildlife Service 1988).

In letters dated January 26 and February 17, 1998, the Service received a petition from the MDC to reclassify *Lesquerella filiformis* from endangered to threatened. On March 18, 1998, we responded and indicated that, based on our Listing Priority Guidance issued on October 23, 1997, we could not address the petition until we completed other higher priority listing actions. The Act requires us to make certain findings on petitions to add species to the List of Endangered and Threatened Plants, remove species from the List, or change their designation on the List. A proposed rule to reclassify the Missouri bladderpod from endangered to threatened was published on June 10, 2003 (68 FR 34569), constituted both our 90-day finding that the petitioned action may be warranted and our 12-month finding that the action is warranted, and opened a 60-day public comment period that ended on August 11, 2003.

Summary of Comments and Recommendations

In the June 10, 2003, proposed rule (68 FR 34569), we requested all interested parties to submit comments or information concerning the proposed reclassification of the Missouri bladderpod from endangered to threatened. We published legal notices in the *Arkansas Democrat-Gazette*, Lowell, Arkansas, the *Kansas City Star*, Kansas City, Missouri, and *The News-Leader*, Springfield, Missouri, on June 15, 2003, announcing the proposal and inviting public comment. In addition, we contacted interested parties (including elected officials, Federal and State agencies, local governments, scientific organizations, and interest groups) through a press release and related fact sheets, faxes, mailed announcements, telephone calls, and e-mails. The public comment period closed on August 11, 2003. We received four responses during the public comment period (one from a State agency and three from peer reviewers).

State Comments

We received comments from the MDC that did not provide specific comments on the proposed rule, but rather expressed support for the reclassification of the Missouri bladderpod from endangered to

threatened based on the decline of threats, efforts taken to protect and conserve the species, and the discovery of new populations.

Peer Review

In accordance with our policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), we sought the expert opinions of three appropriate and independent specialists regarding this proposed rule. The purpose of such review is to ensure that our decisions are based on scientifically sound data, assumptions, and analyses. We invited these peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions regarding the proposed reclassification of *Lesquerella filiformis*. All of the three peer reviewers submitted comments that support the reclassification. We considered and incorporated, as appropriate, into this final rule all biological and commercial information obtained through the open comment period. Key issues raised in the comments are presented below.

Issue 1: Two reviewers commented that long-term monitoring is needed to assess population stability and viability across the range of the species.

Our response: As discussed above, we agree that long-term monitoring is essential to evaluate the rangewide status of the species. Although regular monitoring of Missouri bladderpod populations occurs on public lands, similar evaluations are needed on private land to assess the status of the species throughout its range. As recovery efforts for this species continue, we will continue to expand and refine the monitoring program, likely with a prioritized subset of populations.

Issue 2: Two reviewers expressed concern that the invasion of exotic brome grasses (*Bromus spp.*) and other non-native species threaten the long-term viability of Missouri bladderpod and suggested that research on this issue be conducted.

Our response: We acknowledge that the invasion of exotic species is a potential threat to *Lesquerella filiformis* and that additional research is needed to assess the extent of this threat. As discussed under the Factor A, *The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range* section below, although non-native species are now common on many areas where *Lesquerella filiformis* occurs, there is no solid evidence that these exotic grasses have eliminated populations of *Lesquerella filiformis*, especially in

areas that are regularly managed by techniques such as prescribed fire. We do agree that the control of exotics should be further evaluated using different control methods and that sites should be monitored to assess the spread of non-native species onto glade habitat. Such research and monitoring will continue as outlined in the Recovery Plan for the species (U.S. Fish and Wildlife Service 1988).

Issue 3: One reviewer was concerned that lack of management contributed to the degraded condition of many glades where the species is found, particularly on non-public lands.

Our response: As discussed under the Factor A, *The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range* section below, we believe that Missouri bladderpod responds favorably to various management activities (see Table 2). Missouri bladderpod responds positively to low to moderate disturbance, and has thus adapted to glades that may not be classified as high-quality habitats. Prescribed fire has been an effective tool in controlling the invasion of exotics and the encroachment onto glade habitat by native, woody vegetation. We do, believe, however, that the response of Missouri bladderpod to different management techniques should be further evaluated on both public and private land, and will continue this effort in implementing the recovery plan for this species.

Issue 4: One reviewer expressed concern that an effective management tool, prescribed burns, are often difficult to implement at the Nathan Boone State Historic Site in Greene County, MO.

Our Response: Although prescribed burns may be difficult to implement at that particular Missouri bladderpod site, this is not an issue at the sites with other significant populations. As recovery efforts for the species continue, we will explore other management methods that may work better at Nathan Boone State Historic Site.

Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for determining whether to add, reclassify, or remove a species from the List of Endangered and Threatened Plants using five factors described in section 4(a)(1). These factors and their application to *Lesquerella filiformis* Rollins (Missouri bladderpod) are as follows:

A. *The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range*

At the time of listing, *Lesquerella filiformis* was known to occur at only nine locations in Dade, Greene, and Christian Counties, MO. As described in the BACKGROUND section, surveys and research since that time have documented 63 extant sites. Currently, this species is known to occur at a total of 61 sites in 4 counties in Missouri and 2 sites in 2 counties in Arkansas. Of these, 30 have a TNC Nature Community Rank of A, B, or AB.

Taking into consideration annual fluctuations in population, the estimated total number of plants known in Missouri has increased from approximately 550 plants in 1980 (Morgan 1980) to a potential maximum of 400,000–500,000 plants when climatic and edaphic conditions are ideal for germination, overwinter survival, seedling establishment, growth, and seed production. Additionally, a maximum of “tens of thousands” of plants have been reported at the IZARD County, AR, site (Theo Witsell, *in litt.* 2002). Given that the two sites in Arkansas are separated by approximately 150 miles and are about 85–100 miles from the nearest location in southwestern Missouri, the possibility exists that additional populations of *Lesquerella filiformis* are yet to be discovered in southern Missouri and northern Arkansas, especially because the IZARD County, AR, site is partially dolomitic, a geological feature previously not targeted for surveys in Missouri.

In addition, the threat of habitat loss has been reduced by the acquisition and management of occupied sites by public land management agencies and TNC (Table 2). The MDC and TNC successfully protected one of the largest known sites, Rocky Barrens in Greene County, MO, by purchasing a total of 281 acres of occupied habitat during the period of 1988 to 1993. Another five sites in Missouri are under public ownership or a long-term conservation agreement, including approximately 29 acres at the Wilson’s Creek National Battlefield in Christian and Greene Counties; 3 acres at the Nathan Boone State Historic Site in Greene County; and approximately 40 acres at the Bois D’Arc Conservation Area in Greene County, an MDC property. Additionally, TNC has secured a 100-year lease to manage 47 acres of bladderpod habitat at South Greenfield Glade in Dade County, MO (Beth Churchwell, TNC, pers. comm. 2000).

TABLE 2.—BENEFICIAL ACTIVITIES TO ENHANCE MISSOURI BLADDERPOD SITES UNDER PUBLIC OWNERSHIP OR A LONG-TERM EASEMENT AGREEMENT

Site	Managing agency	Acreage	Management activities	Other conservation activities
Wilson's Creek National Battlefield.	National Park Service	4 sites, 29 acres.	Control of woody vegetation, exotic grasses, and sericea lespedeza using a variety of methods, including prescribed burning, mechanical removal, and reducing foot traffic impacts.	Ongoing monitoring and demographics; life history and micro-habitat studies; public outreach and education.
Rocky Barrens Conservation Area.	Missouri Department of Conservation.	191 acres	Control of woody vegetation and exotic grasses using prescribed burning and mechanical removal.	Ongoing monitoring; public outreach and education; support of various research projects.
Rocky Barrens	The Nature Conservancy	90 acres	Control of woody vegetation and exotic grasses using prescribed burning and mechanical removal.	Ongoing monitoring; public outreach and education; support of various research projects.
Bois D'Arc Conservation Area	Missouri Department of Conservation.	40 acres	Control of woody vegetation and exotic grasses using prescribed burning and mechanical removal.	Ongoing monitoring; public outreach and education.
Nathan Boone State Historic Site.	Missouri Department of Natural Resources.	3 acres	Control of woody vegetation and exotic grasses using prescribed burning; fencing to eliminate cattle from occupied habitat.	Ongoing monitoring; planned development of interpretative program.
South Greenfield	The Nature Conservancy	47 acres	Control of woody vegetation and exotic grasses using prescribed burning and mechanical removal.	Ongoing monitoring and floristic inventories of associated species.

The MDNR, MDC, TNC, and Wilson's Creek National Battlefield have undertaken various management activities to further the conservation of the species (Table 2). Management techniques that have been effective in enhancing bladderpod habitat include prescribed burning, chainsawing, and bulldozing to control the encroachment of woody vegetation such as red cedar (*Juniperus virginiana*) and exotic plants such as annual brome grasses (*Bromus* spp.) and sericea lespedeza (*Lespedeza cuneata*), rerouting hiking trails to reduce potential impact from foot traffic, and installing fencing to exclude cattle from occupied habitat (Table 2).

In particular, prescribed burning is a highly beneficial technique to improve bladderpod habitat. In 1988, an estimated 1,500 plants were counted at Rocky Barrens Conservation Area (Hickey 1988), and 2,000 plants were determined to occur on the same site in 1992 (MDC 2002a). In August 1993, MDC conducted a controlled burn on the area (Figg and Priddy 1994), and over 50,000 plants were estimated in May 1994 (MDC 2002a). The species responded similarly at the same site in the spring of 1997 and 1998, following controlled burns in August 1996 (Figg and Davit 1997) and 1997. MDC botanist Tim Smith estimated that the population at the site in May 1998

contained "tens of thousands" of plants (MDC 2002a).

Additional protection and management of bladderpod habitat has occurred through TNC's Registry Program. From 1986 to 1996, nine sites in Christian, Dade, and Greene Counties were added to the organization's Registry Program. Under this program, private landowners have an agreement with TNC to protect Missouri bladderpod sites to the best of their ability and to notify TNC regarding any new threats to the species or its habitat or if the landowner plans to sell the property. Additionally, TNC personnel assist private landowners by providing management suggestions, including the development of site-specific plans, and by notifying them of various landowner incentive programs that promote Best Management Practices. Best Management Practices developed by MDC (2000) include surveys for bladderpod and bladderpod habitat, controlling the encroachment of eastern red cedars and exotic species onto glade habitat through mechanical cutting and prescribed fire, avoiding the use of nonspecific herbicides between October and July in occupied bladderpod habitat, and avoiding heavy grazing or grazing during flowering and fruiting periods (March–July) (Susanne Greenlee, TNC, pers. comm. 1998).

In 1998, the Service provided funding to TNC to enhance 90 acres of degraded bladderpod habitat on Rocky Barrens Conservation Area in Greene County. Missouri bladderpod habitat was improved by prescribed fire and cutting of invasive eastern red cedar trees. Although a thorough estimate of Missouri bladderpod plants has not yet been possible on the managed area since these restoration efforts were conducted in 1998, flowering plants were observed at the location in 1999 (Doug Ladd, TNC, pers. comm. 2000).

Potential impacts to populations of *Lesquerella filiformis* on rights-of-way maintained by the Missouri Department of Transportation (MODOT) was another threat identified at the time of listing (52 FR 679, January 8, 1987) and also when the Recovery Plan was completed for the species (U.S. Fish and Wildlife Service 1988). Education programs within the MODOT have significantly reduced the potential impact of mowing or chemical treatment of highway rights-of-way. Maintenance supervisors who work within the range of Missouri bladderpod in Missouri have been alerted to the location of extant populations and have been trained in the identification and habitat needs of the species. Consequently, most maintenance activities that may impact the species are avoided. In situations where potential impacts are

unavoidable, MODOT, as a designated representative for the Federal Highway Administration, initiates consultation with the Service and further discusses such activities with the MDC to minimize these impacts (Gene Gardner, MODOT, pers. comm. 2000).

The expansion of the exotic brome grasses *Bromus tectorum* L. and *B. sterilis* L. has been identified by some as a potential threat to the Missouri bladderpod (The Nature Conservancy 2002; Hickey 1988; U.S. Fish and Wildlife Service 1988; Thomas and Jackson 1990; Thomas 1996; Hickey 2000). Thomas and Jackson (1990), however, indicated that exotic species of *Bromus* spp. can be controlled with a combination of management techniques. While such management is undoubtedly labor-intensive, and continued monitoring of this threat is warranted, there is no solid evidence to date that these exotic grasses have eliminated populations of *Lesquerella filiformis*, especially in areas that are regularly managed by techniques such as prescribed fire. Nonetheless, further research on the potential adverse impacts of brome grasses to Missouri bladderpod is clearly warranted.

The glade and other rocky habitats where *Lesquerella filiformis* is found were probably maintained historically by fires. The cessation or significant reduction in the number of fires occurring on glades in the last few centuries has enabled woody vegetation, such as red cedar, to encroach onto bladderpod habitat. The encroachment of such woody vegetation onto glades occupied by *Lesquerella filiformis* has been frequently listed as a threat to this species' continued existence (Hickey 1988; Thomas and Jackson 1990; Thomas 1996; The Nature Conservancy 2002). Recent research by MDC and TNC at the Rocky Barrens Conservation Area and Preserve in Greene County, MO, has provided strong evidence that this species responds well on glades that have been cleared of woody vegetation by the combination of cedar tree removal and the use of controlled fires (Figg and Davit 1997). Prescribed burns have been conducted on six sites under public ownership with positive results (Table 2). This management tool may be used at additional bladderpod sites.

Grazing and haying are potential threats to Missouri bladderpod populations under private ownership (U.S. Fish and Wildlife Service 1988). Overgrazing may impact small populations of the plant, but minor grazing actually enhances these populations (MDC 1997). Presently, there are no known incidents where

haying has been a threat to existing Missouri bladderpod populations.

The poor, rocky, thin soils over bedrock make bladderpod habitat nonconductive to increases in agricultural development within the species' range in Missouri. Hickey (2000) reported that one population was destroyed by construction of a putting green on a golf course and another was destroyed as a result of residential construction. Thus, as discussed by Hickey (1988, 2000) and Thomas (1996), the species' habitat is threatened most by urban/suburban expansion and development.

The Service, TNC, and all public land management agencies with extant sites on lands under their jurisdiction have been actively involved in various aspects of public outreach and education associated with Missouri bladderpod. These include developing landowner contact programs, producing educational brochures, and holding identification and ecology workshops on the species. In 1995, MDC published a new brochure for the Rocky Barrens Conservation Area that highlighted Missouri bladderpod. In the same year, MDC conducted an identification workshop for employees of the Natural Resources Conservation Service (NRCS) and the Williams Pipeline Company in Springfield, MO. This workshop was extremely productive as it led to the discovery of a previously unknown site of Missouri bladderpods along a powerline right-of-way in Greene County. In February 1997, MDC published an Endangered Species Guide Sheet for the Missouri bladderpod and distributed it to private individuals and public agency employees through MDC, TNC, NRCS, and the University of Missouri Extension Service. The brochure provided information on identification, life history requirements, habitat, distribution, causes of historic decline, current threats to the species, and management guidelines that would contribute to bladderpod recovery.

Public outreach materials developed for the Missouri bladderpod include a Best Management Practice Guide Sheet distributed by MDC (2000) that outlines suggested management practices for projects that could potentially impact the species identified by MDC during environmental reviews. A public information endangered species card was published by the Conservation Commission of the State of Missouri (1999). The species was also highlighted in two separate issues of MDC's *Missouri Conservationist* (June 1995 and February 1999) involving endangered species.

In 1992, MDC and the Service cooperated in a landowner contact program involving 25 private landowners with extant populations of *Lesquerella filiformis* in an approximately 5-square-mile area in Greene County, MO. The purpose of the program was to educate the landowners on the habitat needs of Missouri bladderpod and to suggest compatible land management techniques that would benefit the species. Over 80 percent of the people contacted responded favorably to the protection and management of the bladderpod and its habitat (Amy Salveter, U.S. Fish and Wildlife Service, pers. comm. 2000).

Although great progress has been made toward the recovery of *Lesquerella filiformis*, the species is still threatened by urban/suburban expansion and development and encroachment of invasive woody plants and exotic pasture grasses. The recent discoveries in northwestern Arkansas indicate that additional surveys in southern Missouri and northern Arkansas are warranted. Additionally, population estimates at all extant sites in Missouri in one year have not been undertaken since observations made by Hickey (1988). Extended demographic analyses conducted by Thomas (1996), Kelrick (2001a, 2001b), and Smith (*in litt.* 2002) strongly suggest that a well-established long-term monitoring program is necessary to accurately detect population trends.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

At the time of listing, overcollecting by botanists and flower garden enthusiasts was considered a threat to the species' continued existence (52 FR 679, January 8, 1987). Although Steyermark (1963) indicated that the Missouri bladderpod is a desirable addition to rock gardens, and the Service postulated that the species may be vulnerable to overcollection at the time of listing (52 FR 679, January 8, 1987), there is no evidence to date that such activities have taken place. Additionally, given the large number of currently known extant sites (61 in Missouri and 2 in Arkansas), adverse impacts from overcollecting by wildflower enthusiasts or botanical collectors is extremely unlikely, even during years when the number of flowering individuals is low. Overutilization is no longer believed to pose a threat to this species.

C. Disease or Predation

Morgan (1983) studied one population of *Lesquerella filiformis* at Wilson's Creek National Battlefield in Greene

County, MO, and determined that insect predation and fungal infection damaged seed set. Although there may be a concern for such impacts during low population levels, it is likely that Missouri bladderpod has adapted to such natural influences and the species is probably well buffered against these natural occurrences at more robust population levels. To date, there is no evidence that these agents are exotic to the species' habitat, or that naturally occurring incidents of disease or predation have contributed to a recent decline in any of the known extant populations.

D. The Inadequacy of Existing Regulatory Mechanisms

The MDC recently adopted the conservation status ranking system developed by NatureServe, TNC, and the Natural Heritage Network for global (G ranks) and State (S ranks) rankings for all State and federally listed species in Missouri (Missouri Natural Heritage Program 2003). *Lesquerella filiformis* is officially listed in Missouri as rare and uncommon, with a ranking of S3 (rare and uncommon in the State; 21 to 100 occurrences), and G2 (imperiled globally because of extreme rarity or because of some factor(s) making it especially vulnerable to extinction; typically 5 or fewer occurrences or very few remaining individuals or acres). This species is also listed in the Wildlife Code of Missouri (MDC 2002b). Species listed in the Wildlife Code of Missouri under 3CSR10–4.111 are protected by State Endangered Species Law 252.240. Missouri regulations prohibit the exportation, transportation, or sale of plants on the State or Federal lists. A small percentage of Missouri's populations of Missouri bladderpod occur on lands either administered by MDC, MDNR, NPS, or TNC. These agencies prohibit the removal of this plant from their properties without a collector's permit.

Currently, *Lesquerella filiformis* is State-listed in Arkansas as S1 (critically imperiled in the State because of extreme rarity or because of some factor(s) making it especially vulnerable to extirpation from the State; typically five or fewer occurrences or very few remaining individuals; Theo Witsell, *in litt.* 2002) but receives no additional protection other than those specified under the Act (John Logan, pers. comm. 1998).

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Various human disturbances were considered as threats to the species at the time *Lesquerella filiformis* was listed

in 1987 (52 FR 679, January 8, 1987). Thomas and Willson (1992) examined the potential impact of trampling on a population at Wilson's Creek National Battlefield and noted that the species' survival decreased by 42 percent when subjected to the highest level of trampling intensity. Although populations of *L. filiformis* on public areas that receive high levels of trampling are few in number, precautions will need to be taken in the future to protect Missouri bladderpod habitat at such locations. Other studies and observations, however, suggest that this species actually benefits from low to moderate levels of human-induced disturbance that reduce woody encroachment and stimulate seed bank germination through soil disturbance (MDC 1997; Jerry Conley, MDC, *in litt.* 1998). Excessive disturbance from trampling, overgrazing by livestock, and significant alterations of glade habitat through the use of ground-moving equipment could become increased threats to the species in the future and should be closely monitored.

Summary of Status

Under the Act, an endangered species is defined as one that is in danger of extinction throughout all or a significant portion of its range. A threatened species is defined as one that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Given that (1) *Lesquerella filiformis* now occurs at 61 sites in Missouri and 2 sites in Arkansas (an increase of 54 sites since listing); (2) 6 sites in Missouri are under public ownership or under a long-term conservation agreement and are managed to benefit the species; (3) 9 additional sites in Missouri receive some degree of protection as part of TNC's Registry Program; (4) the species responds well to the proper management of its habitat, especially cedar tree removal and controlled burning; (5) minor levels of disturbance may actually benefit rather than hinder the species; and (6) significant knowledge has been gained regarding the life history requirements and population dynamics of the species, we no longer believe that this species meets the definition of an endangered species.

Although there has been a considerable increase in the number of known populations, an expansion of the known range of the species, and a sizeable increase in the number of known individual plants, the Missouri bladderpod has not recovered to the point that it can be removed (delisted) from the Federal List of Endangered and Threatened Plants (50 CFR 17.12). These

numerical increases are encouraging, and they provide evidence suggesting the species has exceeded the first delisting criterion, which requires 30 self-sustaining populations. However, the delisting criteria also require that 15 of the populations must be in secure ownership, be at least one-half acre in size, and show self-sustaining populations for at least 7 years. At this time, fewer than 10 populations can be considered to be in secure ownership, and only 3 of these populations have been monitored for at least 7 years. Although acreage of these secured populations is large, because of the year-to-year population fluctuations demonstrated by this species, at this time we can document that only one of these three populations is viable and self-sustaining for at least 7 years. Therefore, we believe delisting this species would be premature.

Consequently, on the basis of our review of the best available scientific and commercial data, we are reclassifying the Missouri bladderpod from endangered to threatened under the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing results in public awareness and conservation actions by Federal, State, tribal, and local agencies, private organizations, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery plans be developed for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with us.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all threatened plants. With respect to *Lesquerella filiformis*, certain prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71 for threatened plants, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale in interstate or foreign commerce, or remove and reduce the species to possession from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plants are exempt from these prohibitions provided that their containers are marked "Of Cultivated Origin." Certain exceptions to the prohibitions apply to our agents and State conservation agencies. We are not aware of any otherwise lawful activities being conducted or proposed by the public that will be affected by application of section 9 to this listing.

The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened plants under certain circumstances. Such permits are available for scientific purposes and to enhance the propagation or survival of the species. For threatened plants, permits also are available for botanical or horticultural exhibition, educational purposes, or special purposes consistent with the purpose of the Act. We anticipate that few trade permits would ever be sought or issued for *Lesquerella filiformis* because the plant is not in cultivation or common in the wild.

This rule changes the status of *Lesquerella filiformis* at 50 CFR 17.12 from endangered to threatened. This rule is not an irreversible action on the part of the Service. Reclassifying *Lesquerella filiformis* to endangered may be considered if changes occur in management, habitat, or other factors that negatively alter the species' status or increase threats to its survival.

Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Columbia Field Office (see the **ADDRESSES** section). Requests for copies of the regulations concerning listed plants and general inquiries regarding prohibitions and issuance of permits under the Act may be addressed to the U.S. Fish and Wildlife Service, BHW Federal Building, 1 Federal Drive, Fort Snelling, MN 55111 (phone 612/713-5350, facsimile 612/713-5292).

Required Determinations

Paperwork Reduction Act

Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) require that Federal agencies obtain approval from OMB before collecting information from the public. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid control number. This regulation does not contain any new collections of information other than those permit application forms already approved and assigned OMB clearance number 1018-0094. For additional information concerning permits and associated requirements for threatened species, see 50 CFR 17.72.

Executive Order 13211

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires Federal agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

National Environmental Policy Act

We have analyzed this rulemaking in accordance with the criteria of the

National Environmental Policy Act and 318 DM 2.2(g) and 6.3(D). We have determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining our reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Service's Columbia, MO, Field Office (see **ADDRESSES** section).

Author

The primary author of this proposed rule is Paul M. McKenzie, Ph.D. (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

■ Accordingly, we amend part 17, subchapter B of Chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. Section 17.12(h) is amended by revising the entry for "*Lesquerella filiformis*" under FLOWERING PLANTS to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	*	*		*	*
<i>Lesquerella filiformis</i> .	Missouri bladderpod.	U.S.A. (AR, MO) ..	Brassicaceae	T	253, 739	NA	NA
*	*	*	*	*		*	*

Dated: September 29, 2003.

Steve Williams,

Director, Fish and Wildlife Service.

[FR Doc. 03-25884 Filed 10-14-03; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 021212306-2306-01; I.D. 100703E]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Modification of a closure.

SUMMARY: NMFS is reopening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA) for 24 hours. This action is necessary to fully use the total allowable catch (TAC) of pollock specified for Statistical Area 630.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 9, 2003, through 1200 hrs, A.l.t., October 10, 2003.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

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

NMFS closed the directed fishery for pollock in Statistical Area 630 of the GOA under § 679.20(d)(1)(iii) on October 2, 2003 (68 FR 57381, October 3, 2003).

NMFS has determined that, approximately 1,900 mt of pollock remain in the directed fishing allowance. Therefore, in accordance with §§ 679.25(a)(2)(i)(C) and (a)(2)(iii)(D), and to fully utilize the pollock TAC specified for Statistical Area 630, NMFS is terminating the previous closure and is reopening directed fishing for pollock in Statistical Area 630 of the GOA effective 1200 hrs, Alaska local time (A.l.t.), October 9, 2003, through 1200 hrs, A.l.t., October 10, 2003. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be reached after 24 hours. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA effective 1200 hrs, A.l.t., October 10, 2003.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. Notice and comment are impracticable because the data were recently obtained. Moreover, delaying this action is contrary to the public interest as it would delay the opening of the fishery, not allow the full utilization of the pollock TAC in Statistical Area 630, and therefore reduce the public's ability to use and enjoy the fishery resource.

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

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

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

Dated: October 8, 2003.

Bruce C. Morehead,

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

[FR Doc. 03-26072 Filed 10-9-03; 2:59 pm]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register

Vol. 68, No. 199

Wednesday, October 15, 2003

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM-40-29]

Terrence O. Hee, Ion Technology; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemakings; notice of receipt.

SUMMARY: The Commission seeks public comment on a petition for rulemaking filed August 7, 2003, by Terrence O. Hee, Ion Technology (the petitioner), docketed PRM-40-29. The petition requests amendment of the NRC's regulations regarding unimportant quantities of source material to exempt end users of a catalytic device containing thorium from the NRC's licensing requirements. The petitioner asserts that this device, in conjunction with a patented new methodology, could substantially reduce air pollution chemicals from mobile and stationary combustion processes.

DATES: Submit comments by December 29, 2003. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number (PRM-40-29) in the subject line of your comments. Comments on petitions submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking web site. Personal information will not be removed from your comments.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your

comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking website to Carol Gallagher (301) 415-5905; email cag@nrc.gov.

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

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

Publicly available documents related to this petition may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking web site at <http://ruleforum.llnl.gov>.

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

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or e-mail: MTL@nrc.gov.

SUPPLEMENTARY INFORMATION:

The Petitioner

The petitioner, Terrence O. Hee, (Ion Technology), has U.S. distribution rights to a catalytic device containing thorium. The petitioner states that the device is part of a "new technology for the reduction of air pollution chemicals" produced by mobile and industrial

combustion processes, and gives two reasons for submitting this petition: (1) To contribute to the cleaning up of the air, and (2) a monetary interest.

Background

The petitioner states that 10 CFR 40.13 (c), Unimportant quantities of source material, currently would not exempt each end user of a catalytic device containing thorium from having to obtain an NRC license to possess such a device. The petitioner asserts that there are potentially millions of users for this device, and that obtaining "an individual license for each application would prove to be burdensome for the state agencies issuing the individual licenses and to those wishing to use the devices."

Proposed Action

The current regulations at 10 CFR 40.13(c) exempt from licensing requirements certain uses of thorium (e.g., in incandescent gas mantles, vacuum tubes, welding rods, electric lamps, personnel neutron dosimeters). Also exempted is source material contained in products such as glazed ceramic tableware, piezoelectric ceramic, and glassware. The petitioner proposes to add an exemption to this section of the Commission's regulations for catalytic devices containing thorium, and suggests the following language:

Any patented catalyst used in the treatment of fuel, gas or air streams for combustion processes, or other processes provided that the thorium content does not exceed 6 percent by weight. The weight percentage to be calculated for either a homogeneous mixture or as a coating on a substrate base, with the base and the coating being considered the same as a homogeneous mixture, and the finished product is constructed in a manner that will prevent the exposure of the public to any radiation during the normal application and use of this technology.

Rationale

The Petitioner offers the following rationale in support of its petition:

(1) The "environmental and quality of life benefits" derived from the application of this technology are "currently enjoyed by the citizens of Japan." The petitioner goes on to state that this technology is proposed for license in China as a way to reduce air pollution;

(2) Implementation of these devices can reduce the cost of air emissions

pollution control to U.S. industry over the cost of current methods, thus enhancing the ability of industry to meet strict air emission standards;

(3) Workers involved with the devices will be protected from the low levels of radiation exposure by a metal housing encasing the thorium-bearing material;

(4) The devices are manufactured in Japan, so no U.S. workers will have direct contact with the thorium-bearing material; and

(5) The long-term effect on the environment would be "reduced emissions of air pollutants from mobile and stationary combustion sources", and the petitioner states that the device "could also lead to a reduction in the volume of hydrocarbon fuels used."

In addition, the petitioner explains that the public is protected by housings shielding the radiation-emitting material, and that the housings are designed not to be "readily disassembled by the curious." The petitioner states the product will have warning labels which instruct users in the proper disposal method, which is only by return of the product to the distributor; the petitioner anticipates that these labels would prevent long-term negative effects on the environment. The petitioner notes that disposal instructions would also be in the "Material Safety Data Sheet" delivered with each device.

The Petitioner projects the product to have a 30-year life cycle, and expects no short-term negative effects on the environment from disposal of the devices. The petitioner believes that the product is a safe and cost-effective method for contributing to the reduction of air pollution chemicals in the air in the United States and claims that it poses no adverse risk to the public or to workers involved in installing or removing the devices.

Relevant Technical Information

The petitioner states that Honda Motor Company is currently installing the technology as a factory-installed device on their diesel-powered vehicles, and claims use of this technology in Japan has demonstrated a reduction of air pollution chemicals and a reduction in fuel consumption. The petitioner submits test data showing reductions of soot emissions after installation of the device on diesel bus engines on the Okayama Bus Line company and a Caterpillar/Mitsubishi diesel-powered shovel. The petitioner also submits data showing reductions in nitrogen oxides, carbon monoxide, and hydrocarbons for a 1989 gasoline-fueled Mercedes Benz, and similar data for a 1998 Mitsubishi van. The petitioner also presents "fuel

usage reduction examples" comparing various makes and models of vehicles before and after installation of the catalytic device. The petitioner's data claims fuel savings ranging from 53.96 percent for a Mitsubishi Minicar to 8.19 percent for a Mitsubishi truck.

Conclusion

The petitioner believes that the proposed change to the Commission's regulations to allow the use of catalytic devices containing thorium in the United States is appropriate because it will benefit citizens by increasing the efficiency of combustion processes, reducing the use of hydrocarbon fuels, and lowering air pollutant emissions. The petitioner concludes that this technology poses no hazard to users or the public.

Dated at Rockville, Maryland, this 7th day of October, 2003.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Acting Secretary of the Commission.

[FR Doc. 03-25986 Filed 10-14-03; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002-NM-49-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and A321 series airplanes. This proposal would require repetitive inspections of the left- and right-side main landing gear (MLG) side-stay cuff lugs and down-lock spring attachments for evidence of cracked or fractured side-stay cuff lugs or down-lock spring attachments, and repair if necessary. This action would also provide for optional terminating action for the repetitive inspections. This action is necessary to prevent failure of the MLG side-stay cuff lugs or down-lock spring attachments, which could result in improper down-lock of the MLG during a freefall extension, and possible collapse of the MLG. This action is

intended to address the identified unsafe condition.

DATES: Comments must be received by November 14, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-49-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-ann-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2002-NM-49-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industries, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2141; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2002-NM-49-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-49-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A320 series airplanes. The DGAC advises that it has received reports of failure of the MLG side-stay cuff lugs on certain Model A320 series airplanes. Investigation has revealed that the failures were due to stress-corrosion cracks attributed to moisture ingress. In one case the failed cuff lugs resulted in the disconnection of the side-stay down-lock springs from the lock-stay links. Failure of the side-stay cuff lugs or down-lock spring attachments could result in improper down-lock of the MLG during a freefall extension, and possible collapse of the MLG.

The MLG down-lock mechanism on Airbus Model A319 and A321 series airplanes is similar to that on the affected Model A320 series airplanes. Therefore, those airplanes may be subject to the unsafe condition revealed on the Model A320 series airplanes.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320-32A1224, dated January 18, 2001, which describes procedures for repetitive detailed inspections of the MLG lock-springs and side-stay center joint links for evidence of cracked or

fractured lugs; and repair if necessary. The inspections are to be repeated until accomplishment of Airbus Service Bulletin A320-32-1223, dated March 5, 2001.

Airbus Service Bulletin A320-32-1223 describes procedures for installation of MLG side-stay cuffs and links manufactured from new, improved material that has a higher stress-corrosion resistance than the current material. Accomplishment of this service bulletin eliminates the need for the repetitive inspections specified in Airbus Service Bulletin A320-32A1224.

Accomplishment of the actions specified in Airbus Service Bulletin A320-32A1224 is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2002-075(B), dated January 23, 2002, to ensure the continued airworthiness of these airplanes in France. The French airworthiness directive specifies that accomplishment of the actions specified in Airbus Service Bulletin A320-32-1223 cancels the requirement of that AD.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in Airbus Service Bulletin A320-32A1224, described previously, and provides for an optional terminating action for the repetitive inspections.

Cost Impact

The FAA estimates that 367 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed repetitive inspections, and that the

average labor rate is \$65 per work hour. Based on these figures, the cost impact of the proposed AD is estimated to be \$130 per airplane, per inspection cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket 2002–NM–49–AD.

Applicability: Model A319, A320, and A321 series airplanes; certificated in any category; except those airplanes on which Airbus Modification 30648 has been installed.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the MLG side-stay cuff lugs or down-lock spring attachments, which could result in improper down-lock of the MLG during a freefall extension, and possible collapse of the MLG, accomplish the following:

Inspection

(a) Do a detailed inspection of the left- and right-side main landing gear (MLG) side-stay cuff lugs and down-lock spring attachments to detect failures (cracked or fractured lugs), in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32A1224, dated January 18, 2001, at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Within 60 months from the first entry into service of the MLG, or before the accumulation of 9,000 total flight hours on the MLG, whichever occurs first.

(2) Within 500 flight hours on the MLG after the effective date of this AD.

Note 1: For the purposes of this AD, a detailed inspection is defined as: “An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.”

(b) If during any inspection required by paragraph (a) of this AD no crack or fracture is detected: Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 500 flight cycles until the actions specified in paragraph (e) of this AD are accomplished.

(c) If during any inspection required by paragraph (a) of this AD any crack or fracture is detected: Before further flight, replace any discrepant part with a new part of the same type in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32A1224, dated January 18, 2001. Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 500 flight cycles until the actions specified in paragraph (e) of this AD are accomplished.

Credit for Actions Done per the Maintenance Planning Document

(d) Compliance with task number 321119.01.1, “Visual Check of Main Landing Gear Downlocking Springs,” of the Airbus A319/A320/A321 Maintenance Planning Document, Revision 25, dated October 2001, is considered acceptable for compliance with the inspection requirements of paragraph (a)

of this AD. Operators should note that this task requires repetitive inspections at 8-day intervals, instead of intervals not to exceed 500 flight cycles.

Optional Terminating Action

(e) Replacement of the MLG side-stay lugs and links on the left and right sides of the airplane with lugs and links made of new, improved material, in accordance with Airbus Service Bulletin A320–32–1223, dated March 5, 2001, terminates the repetitive inspections required by paragraphs (b) and (c) of this AD.

Alternative Methods of Compliance

(f) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

Note 2: The subject of this AD is addressed in French airworthiness directive 2002–075(B), dated January 23, 2002.

Issued in Renton, Washington, on October 7, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–25978 Filed 10–14–03; 8:45 am]

BILLING CODE 4910–13–P

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

[Docket No. 2001–NM–362–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD–11, and MD–11F Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas airplanes as listed above. This proposal would require modification of the installation wiring for the electric motor operated auxiliary hydraulic pumps in the right wheel well area of the main landing gear, and repetitive inspections of the number 1 and 2 electric motors of the auxiliary hydraulic pumps for electrical resistance, continuity, mechanical rotation, and associated airplane wiring resistance/voltage; and corrective actions if necessary. This action is necessary to prevent failure of the

electric motors of the hydraulic pump and associated wiring, which could result in fire at the auxiliary hydraulic pump and consequent damage to the adjacent electrical equipment and/or structure. This action is intended to address the identified unsafe condition.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–362–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain “Docket No. 2001–NM–362–AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Ken Sujishi, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627–5353; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:**Comments Invited**

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

The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-362-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-362-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The FAA has received several reports of failure of the auxiliary hydraulic pump systems on Model DC-10 airplanes. Some failures resulted in burnt electrical wiring leading to the electric motor of the auxiliary hydraulic pump, within the right wheel well area of the main landing gear (MLG). Damage also was found on the adjacent structure, control cables, hydraulic pipes, and hoses. These failures occurred during ground operations, or when powered in-flight by the air-driven generator. The failures were due to an electrical short within the electric motor which resulted in arcing damage. These failures consisted of a seized or difficult-to-turn rotor on the pump assembly, burnt and shorted motor feeder cables, and/or uncontained internal electric arcing failures within the electric motor. Investigation revealed that these conditions occurred

on airplanes that had been in service several years and/or had the auxiliary hydraulic pump previously overhauled. These discrepancies can be caused by hydraulic fluid contamination to the electric motor portion of the pump assembly which causes failed rotor bearing, and/or degradation of the stator's encapsulate material. Such discrepancies, if not corrected, could result in fire at the auxiliary hydraulic pump and consequent damage to the adjacent electrical equipment and/or structure.

Explanation of Relevant Service Information

We have reviewed and approved Boeing Alert Service Bulletin DC10-29A144, Revision 2, dated August 1, 2003 (for Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F airplanes), which describes procedures for modification of the electrical wiring of the auxiliary hydraulic pump installation in the right wheel well area of the MLG. The modification includes, but is not limited to, removing existing clamps, ground wires (if required), and sleeving from the wire assemblies; inspecting for cracks and chafing, installing new support brackets, clips, and bracket assemblies, as applicable; installing sleeving; re-routing the wire assemblies using new clamps and attachments, installing an additional routing clip on the lower bracket of the fuel motor control valve, if applicable, and doing a voltage check and a functional test.

Service Bulletin DC10-29A144 recommends prior or concurrent accomplishment of Boeing Alert Service Bulletin DC10-29A142, Revision 02, dated April 17, 2003, which describes procedures for repetitive inspections (checks) of the number 1 and 2 electric motors of the auxiliary hydraulic pumps for electrical resistance, continuity, mechanical rotation, and associated airplane wiring resistance/voltage, and corrective actions if necessary. The corrective actions include replacing the auxiliary hydraulic pump with a serviceable pump, and repairing the wiring.

We also have reviewed and approved Boeing Alert Service Bulletin MD11-29A059, Revision 2, dated August 1, 2003 (for Model MD-11 and MD-11F airplanes), which describes procedures for modification of the wiring of the electric motors of the auxiliary hydraulic pump in the right wheel well area of the MLG. The modification includes, but is not limited to, removing and retaining wire assembly clamps, if

applicable; retaining the existing ground wire assemblies; retaining or replacing all other wire assemblies for both connectors; installing spiral wrap and sleeving; wrapping upper ends of individual wires with tape; installing new support bracket assemblies, if applicable; re-routing and attaching wire assemblies using new clamps and attachments, if applicable; and doing a voltage check and a functional test.

Service Bulletin MD11-29A059 recommends prior or concurrent accomplishment of Boeing Alert Service Bulletin MD11-29A057, Revision 02, dated April 17, 2003, which describes procedures for repetitive inspections (checks) of the number 1 and 2 electric motors of the auxiliary hydraulic pumps for electrical resistance, continuity, mechanical rotation, associated airplane wiring resistance/voltage, and corrective actions if necessary. The corrective actions include replacing the auxiliary hydraulic pump with a serviceable pump and repairing the wiring.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

Related Rulemaking

On July 2, 2001, we issued AD 2001-14-08, amendment 39-12319 (66 FR 36441, July 12, 2001), for certain McDonnell Douglas Model DC-10 series airplanes, Model MD-10 series airplanes, and Model MD-11 series airplanes. That AD requires repetitive inspections of the number 1 and 2 electric motors of the auxiliary hydraulic pump for electrical resistance, continuity, mechanical rotation, and associated wiring resistance/voltage; and corrective actions if necessary. The actions specified by that AD are intended to prevent various failures of electric motors of the auxiliary hydraulic pump and associated wiring, which could result in fire at the auxiliary hydraulic pump and consequent damage to the adjacent electrical equipment and/or structure. That AD is being superseded by a separate action to reduce the repetitive inspection intervals currently required.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except that the proposed AD does not require completing the Evaluation Forms.

Cost Impact

There are approximately 409 Model DC-10 airplanes of the affected design in the worldwide fleet. The FAA estimates that 322 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 9 work hours per airplane to do the modification specified in Service Bulletin DC10-29A144, at an average labor rate of \$65 per work hour. Required parts would cost would be between \$4,886 and \$7,920 per airplane. Based on these figures, the cost impact of the proposed modification is estimated to be between \$5,471 and \$8,505 per airplane.

It would take approximately 1 work hour per airplane to do the inspection specified in Service Bulletin DC10-29A142, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the proposed inspection is estimated to be \$65 per airplane, per inspection cycle.

There are approximately 195 Model MD-11 airplanes of the affected design in the worldwide fleet. The FAA estimates that 74 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 13 work hours per airplane to do the modification specified in Service Bulletin MD11-29A059, at an average labor rate of \$65 per work hour. Required parts would cost between \$5,183 and \$9,182 per airplane. Based on these figures, the cost impact of the proposed modification is estimated to be between \$6,028 and \$10,027 per airplane.

It would take approximately 1 work hour per airplane to do the inspection specified in Service Bulletin MD11-29A057, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the proposed inspection is estimated to be \$65 per airplane, per inspection cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2001-NM-362-AD.

Applicability: Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the electric motors of the hydraulic pump and associated wiring, which could result in fire at the auxiliary hydraulic pump and consequent damage to the adjacent electrical equipment and/or structure, accomplish the following:

Modification/Prior or Concurrent Actions

(a) For airplanes listed in Boeing Alert Service Bulletin DC10-29A144, Revision 2, dated August 1, 2003: Within 18 months after the effective date of this AD, do the actions specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify the installation wiring of the electric motor operated auxiliary hydraulic pumps in the right wheel well area of the main landing gear (MLG) (including removing existing clamps, ground wires, if required, and sleeving from the wire assemblies; inspecting for cracks and chafing, installing new support bracket, clips, and bracket assemblies, as applicable; installing sleeving; re-routing and attaching wire assemblies using new clamps and attachments; installing an additional routing clip on lower bracket of fuel motor control valve, if applicable; and doing a voltage check and a functional test), per the Accomplishment Instructions of Boeing Alert Service Bulletin DC10-29A144, Revision 2, dated August 1, 2003.

(2) Prior to or concurrent with accomplishment of paragraph (a)(1) of this AD: Do the actions specified in Boeing Alert Service Bulletin DC10-29A142, Revision 02, dated April 17, 2003 (including inspecting the number 1 and 2 electric motors of the auxiliary hydraulic pumps for electrical resistance, continuity, mechanical rotation, and associated airplane wiring resistance/voltage; and replacing the auxiliary hydraulic pump with a serviceable pump and repairing the wiring if necessary), per the Accomplishment Instructions of the service bulletin. Repeat the actions after that at intervals not to exceed 2,500 flight hours.

(b) For airplanes listed in Boeing Alert Service Bulletin MD11-29A059, Revision 2, dated August 1, 2003: Within 18 months after the effective date of this AD, do the actions specified in paragraphs (b)(1) and (b)(2) of this AD.

(1) Modify the installation wiring of the electric motor auxiliary hydraulic pumps in the wheel well area of the right MLG (including removing and retaining wire assembly clamps, if applicable; retaining the existing ground wire assemblies; retaining or replacing all other wire assemblies for both connectors; installing spiral wrap and sleeving; wrapping upper ends of individual wires with tape; installing new support bracket assemblies, if applicable; re-routing and attaching wire assemblies using new clamps and attachments, if applicable; and doing a voltage check and a functional test), per the Accomplishment Instructions of Boeing Alert Service Bulletin MD11-29A059, Revision 2, dated August 1, 2003.

(2) Prior to or concurrent with accomplishment of paragraph (b)(1) of this AD: Do the actions specified in Boeing Alert Service Bulletin MD11-29A057, Revision 02, dated April 17, 2003 (including inspecting the number 1 and 2 electric motors of the auxiliary hydraulic pumps for electrical resistance, continuity, mechanical rotation, and associated airplane wiring resistance/voltage; and replacing the auxiliary hydraulic pump with a serviceable pump and repairing the wiring if necessary), per the Accomplishment Instructions of the service

bulletin. Repeat the actions after that at intervals not to exceed 2,500 flight hours.

Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

Issued in Renton, Washington, on October 7, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.

[FR Doc. 03-25979 Filed 10-14-03; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[IN-153-FOR, State Program Amendment
No. 02-034R]

Indiana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Indiana regulatory program (Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Indiana proposes revisions to and additions of rules concerning protection of ground water quality. Indiana intends to revise its program to provide additional safeguards for ground water.

This document gives the times and locations that the Indiana program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., e.s.t., November 14, 2003. If requested, we will hold a public hearing on the amendment on November 10, 2003. We will accept requests to speak at a hearing until 4 p.m., e.s.t. on October 30, 2003.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Andrew R. Gilmore, Director, Indianapolis Field Office, at the address listed below.

You may review copies of the Indiana program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Indianapolis Field Office.

Andrew R. Gilmore, Director,
Indianapolis Field Office, Office of
Surface Mining Reclamation and
Enforcement, Minton-Capehart
Federal Building, 575 North
Pennsylvania Street, Room 301,
Indianapolis, Indiana 46204,
Telephone: (317) 226-6700, Internet
address: IFOMAIL@osmre.gov.

Indiana Department of Natural
Resources, Bureau of Mine
Reclamation, 402 West Washington
Street, Room W-295, Indianapolis,
Indiana 46204, Telephone: (317) 232-
1291.

FOR FURTHER INFORMATION CONTACT:

Andrew R. Gilmore, Director,
Indianapolis Field Office. Telephone:
(317) 226-6700. Internet address:
IFOMAIL@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Indiana Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

I. Background on the Indiana Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Indiana program effective July 29, 1982. You can find background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Indiana program in the July 26, 1982, **Federal Register** (47 FR 32071). You can also find later actions concerning the Indiana program and program amendments at 30 CFR 914.10, 914.15, 914.16, and 914.17.

II. Description of the Proposed Amendment

By letter dated September 3, 2003 (Administrative Record No. IND-1719), Indiana sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Indiana sent the amendment at its own initiative. Below is a summary of the changes proposed by Indiana. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

A. Definitions

1. At 312 IAC 25-1-45.5, Indiana is adding the following definition for "Drinking water well."

"Drinking water well," for the purposes of 312 IAC 25-6-12.5 and 312 IAC 25-6-76.5, means a bored, drilled, or driven shaft or a dug hole that meets each of the following:

- (1) Supplies ground water for human consumption.
- (2) Has a depth greater than its largest surface dimension.
- (3) Is not permanently abandoned under 312 IAC 13-10-2.

2. At 312 IAC 25-1-60.5, Indiana is adding the following definition for "Ground water management zone."

"Ground water management zone" means a three (3) dimensional region of ground water around a potential or existing contaminant source where a contaminant is or was managed to prevent or mitigate deterioration of ground water quality such that the criteria established in 312 IAC 25-6-12.5(a) or 312 IAC 25-6-76.5(a) are met at and beyond the boundary of the region.

3. At 312 IAC 25-1-109.5, Indiana is adding the following definition for "Property boundary."

"Property boundary," for the purposes of 312 IAC 25-6-12.5 and 312 IAC 25-6-76.5, means the edge of a contiguous parcel of land owned by or leased to the permittee. Contiguous land shall include land separated by a public right-of-way, if that land would otherwise be contiguous.

B. Surface Mining Permit Applications

1. At 312 IAC 25-4-43, Indiana is adding subdivision (4). This new subdivision requires the maps and plans of the proposed permit and adjacent areas to include all monitoring locations used to demonstrate compliance with 312 IAC 25-6-12.5.

2. At 312 IAC 25-4-47(b), protection of hydrologic balance, Indiana is adding subdivision (9). This new subdivision requires the reclamation plan to contain a description, with appropriate maps and cross section drawings, of a plan to demonstrate compliance with 312 IAC 25-6-12.5.

C. Underground Mining Permit Applications

1. At 312 IAC 25-4-85(b), protection of hydrologic balance, Indiana is adding subdivision (8). This new subdivision requires the reclamation plan to contain a description, with appropriate maps and cross section drawings, of a plan to demonstrate compliance with 312 IAC 25-6-76.5.

2. At 312 IAC 25-4-93, Indiana is adding subdivision (4). This new subdivision requires the maps and plans of the proposed permit and adjacent areas to include all monitoring locations used to demonstrate compliance with 312 IAC 25-6-76.5.

C. Indiana is adding a new rule at 312 IAC 25-6-12.5 to read as follows:

312 IAC 25-6-12.5 Hydrologic balance; application of ground water quality standards at surface coal mining and reclamation operations permitted under IC 14-34 on which coal extraction, including augering, coal processing, coal processing waste disposal, or spoil deposition, occurs after the effective date of this section, or on which disposal activity subject to IC 13-19-3-3 has occurred and the area is not fully released from the performance bond required by IC 14-34-6.

(a) Ground water is classified under 327 IAC 2-11 to determine appropriate criteria that shall be applied to ground water.

(b) Surface coal mining and reclamation operations must be planned and conducted to prevent violations of ground water quality standards under 327 IAC 2-11.

(c) Surface coal mining and reclamation operations must be planned and conducted to prevent impacts to the ground water in a drinking water well or a nondrinking water supply well, including an industrial, commercial, or agricultural supply well, that result in a contaminant concentration that, based on best scientific information, renders the well unusable for its current use. If a drinking water well or a nondrinking water supply well is affected by contamination, diminution, or interruption proximately resulting from surface mining activities, 312 IAC 25-4-33 and 312 IAC 25-6-25 govern water replacement.

(d) The ground water management zone described in 327 IAC 2-11-9 must be established as follows:

(1) At each drinking water well that is within three hundred (300) feet from the edge of any of the following:

(A) A coal extraction area.

(B) A coal mine processing waste disposal site if not within a coal extraction area.

(C) An area where coal is extracted by auger mining methods.

(D) A location at which coal is crushed, washed, screened, stored, and loaded at or near the mine site unless the location is within the coal extraction area.

(E) A spoil deposition area.

(2) Within three hundred (300) feet from the edge of an area or site described in subdivision (1) where there is no drinking water well that is within three hundred (300)

feet from the edge of an area or site described in subdivision (1). If the property boundary or permit boundary is located within three hundred (300) feet from the edge of an area or site described in subdivision (1), the director shall require that a monitoring well be placed at a location approved by the director between the property boundary or permit boundary and the edge of an area or site described in subdivision (1). If a standard listed in 327 IAC 2-11 is exceeded at a monitoring well described in subdivision (2) that the director determines was caused by an activity under subdivision (1), the permittee must submit to the director a plan describing, in detail, the steps to be taken to prevent material damage to the hydrologic balance beyond the permit boundary and a timetable for implementation. This plan must be submitted within thirty (30) days of the discovery of an exceedance and include information relative to access, additional monitoring, and any measures to be taken to minimize changes to the prevailing hydrologic balance and to prevent material damage to the hydrologic balance beyond the permit boundary.

(3) If a drinking water well is located within three hundred (300) feet of an area or site described in subdivision (1) and it is determined that there is a substantial likelihood of impact, the director may require that a monitoring well be placed at a location approved by the director between the drinking water well and the edge of an area or site described in subdivision (1). If a standard listed in 327 IAC 2-11 is exceeded at a monitoring well described in subdivision (3) that the director determines was caused by an activity under subdivision (1), the permittee shall submit to the director a plan describing, in detail, the steps to be taken and a timetable for taking the action that takes into account site-specific conditions to provide protection for the drinking water well. This plan must be submitted within thirty (30) days of the discovery of an exceedance and include information relative to access, additional monitoring, and any measures to be taken to minimize changes to the prevailing hydrologic balance and to prevent material damage to the hydrologic balance beyond the permit boundary.

(e) The criteria established in subsection (a) must be met at and beyond the boundary of the ground water management zone.

D. Indiana is adding a new rule at 312 IAC 25-6-76.5 to read as follows:

312 IAC 25-6-76.5 Underground mining; hydrologic balance; application of ground water quality standards at underground coal mining and reclamation operations permitted under IC 14-34 on which coal extraction, coal processing, coal processing waste disposal, or underground development waste and spoil deposition occurs after the effective date of this section, or on which disposal activity subject to IC 13-19-3-3 has occurred and the area is not fully released from the performance bond required by IC 14-34-6.

(a) Ground water is classified under 327 IAC 2-11 to determine appropriate criteria that shall be applied to ground water.

(b) Underground coal mining and reclamation operations must be planned and

conducted to prevent violations of ground water quality standards under 327 IAC 2-11.

(c) Underground coal mining and reclamation operations must be planned and conducted to prevent impacts to the ground water in a drinking water well or a nondrinking water supply well, including an industrial, commercial, or agricultural supply well, that result in a contaminant concentration that, based on best scientific information, renders the well unusable for its current use. If a drinking water well or a nondrinking water supply well is affected by contamination, diminution, or interruption proximately resulting from surface mining activities, 312 IAC 25-4-74 and 312 IAC 25-6-88 govern water replacement.

(d) The ground water management zone described in 327 IAC 2-11-9 must be established as follows:

(1) At each drinking water well that is within three hundred (300) feet from the edge of any of the following:

(A) A coal mine processing waste disposal site.

(B) A location at which coal is crushed, washed, screened, stored, and loaded at or near the mine site.

(C) An underground development waste and spoil deposition area.

(2) Within three hundred (300) feet from the edge of an area or site described in subdivision (1) where there is no drinking water well that is within three hundred (300) feet from the edge of an area or site described in subdivision (1). If the property boundary or permit boundary is located within three hundred (300) feet from the edge of an area or site described in subdivision (1), the director shall require that a monitoring well be placed at a location approved by the director between the property boundary or permit boundary and the edge of an area or site described in subdivision (1). If a standard listed in 327 IAC 2-11 is exceeded at a monitoring well described in subdivision (2) that the director determines was caused by an activity under subdivision (1), the permittee must submit to the director a plan describing, in detail, the steps to be taken to prevent material damage to the hydrologic balance beyond the permit boundary and a timetable for implementation. This plan must be submitted within thirty (30) days of the discovery of an exceedance and include information relative to access, additional monitoring, and any measures to be taken to minimize changes to the prevailing hydrologic balance and to prevent material damage to the hydrologic balance beyond the permit boundary.

(3) If a drinking water well is located within three hundred (300) feet of an area or site described in subdivision (1) and it is determined that there is a substantial likelihood of impact, the director may require that a monitoring well be placed at a location approved by the director between the drinking water well and the edge of an area or site described in subdivision (1). If a standard listed in 327 IAC 2-11 is exceeded at a monitoring well described in subdivision (3) that the director determines was caused by an activity under subdivision (1), the permittee shall submit to the director a plan describing, in detail, the steps to be taken

and a timetable for taking the action that takes into account site-specific conditions to provide protection for the drinking water well. This plan must be submitted within thirty (30) days of the discovery of an exceedance and include information relative to access, additional monitoring, and any measures to be taken to minimize changes to the prevailing hydrologic balance and to prevent material damage to the hydrologic balance beyond the permit boundary.

(e) The criteria established in subsection (a) must be met at and beyond the boundary of the ground water management zone.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (see **DATES**). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Indianapolis Field Office may not be logged in.

Electronic Comments

Please submit Internet comments as an ASCII or Word file avoiding the use of special characters and any form of encryption. Please also include "Attn: IN-153-FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Indianapolis Field Office at (317) 226-6700.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their 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 review in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., e.s.t. on October 30, 2003. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12630—Takings

The revisions made at the initiative of the State that do not have Federal counterparts have been reviewed and a determination made that they do not have takings implications. This determination is based on the fact that the provisions have no substantive effect on the regulated industry.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects 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. This determination is based on the fact that the Indiana program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Indiana

program has no effect on Federally-recognized Indian tribes.

Executive Order 13211—Regulations That Significantly Affect The Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior certifies that the provisions in this rule that are not based upon counterpart Federal regulations 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.*). This determination is based upon the fact that the provisions are not expected to have a substantive effect on the regulated industry.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability

of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State provisions are not expected to have a substantive effect on the regulated industry.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more in any given year. This determination is based upon the fact that the State provisions are not expected to have a substantive effect on the regulated industry.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 26, 2003.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 03-26081 Filed 10-14-03; 8:45 am]

BILLING CODE 4310-05-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA208-4216b; FRL-7569-2]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Three Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania to establish and require reasonably available technology (RACT) for three major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) located in Pennsylvania. The three major sources are Andritz, Inc. in Lycoming County, Brodard Company in Clinton County, and Erie Sewer Authority in Erie County. In the Final Rules section of this **Federal Register**, EPA is approving the Pennsylvania's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA

receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 14, 2003.

ADDRESSES: Comments may be submitted either by mail or electronically. Written comments should be mailed to Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Electronic comments should be sent either to morris.makeba@epa.gov or to <http://www.regulations.gov>, which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in the Supplementary Information section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Rose Quinto at (215) 814-2182, or by e-mail at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, Pennsylvania's Approval of VOC and NO_x RACT Determinations for Three Individual Sources, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number PA208-4216 in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact

information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail*. Comments may be sent by electronic mail (e-mail) to morris.makeba@epa.gov, attention: PA208-4216. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

ii. *Regulations.gov*. Your use of Regulation.gov is an alternative method of submitting electronic comments to EPA. Go directly to <http://www.regulations.gov>, then select "Environmental Protection Agency" at the top of the page and use the "go" button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

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

2. *By Mail*. Written comments should be addressed to the EPA Regional office listed in the **ADDRESSES** section of this document.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at the EPA Regional Office, as EPA receives them and without change, unless the comment contains

copyrighted material, confidential business information (CBI), or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

Submittal of CBI Comments

Do not submit information that you consider to be CBI electronically to EPA. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

Considerations When Preparing Comments to EPA

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.

8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: September 29, 2003.

James W. Newsom,

Acting Regional Administrator, Region III.

[FR Doc. 03-25930 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA208-4214b; FRL-7570-8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Six Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania to establish and require reasonably available control technology (RACT) related requirements to limit volatile organic compounds (VOCs) and nitrogen oxides (NO_x) from six individual sources. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 14, 2003.

ADDRESSES: Comments may be submitted either by mail or electronically. Written comments should be mailed to Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Electronic comments should be sent either to morris.makeba@epa.gov or to <http://www.regulations.gov>, which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in the Supplementary Information section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103, and the Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ellen Wentworth at (215) 814-2034, or by e-mail at wentworth.ellen@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, Pennsylvania's Approval of VOC and NO_x RACT Determinations for Six Individual Sources, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number PA208-4214 in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs

further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to morris.makeba@epa.gov, attention: PA208-4214. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through [regulations.gov](http://www.regulations.gov), EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

ii. *Regulations.gov.* Your use of [Regulations.gov](http://www.regulations.gov) is an alternative method of submitting electronic comments to EPA. Go directly to <http://www.regulations.gov>, then select "Environmental Protection Agency" at the top of the page and use the "go" button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

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

2. *By Mail.* Written comments should be addressed to the EPA Regional office listed in the **ADDRESSES** section of this document.

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

the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

Submittal of CBI Comments

Do not submit information that you consider to be CBI electronically to EPA. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

Considerations when Preparing Comments to EPA

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: September 29, 2003.

James W. Newsom,

Acting Regional Administrator, Region III.

[FR Doc. 03-25932 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 101003E]

Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Intent to Prepare an Environmental Impact Statement for Fishing Conducted Under the Pacific Coast Groundfish Fishery Management Plan

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

ACTION: Notice of intent to prepare an environmental impact statement (EIS); announcement of public scoping period; request for written comments.

SUMMARY: NMFS, in cooperation with the Pacific Fishery Management Council (Council), announces its intention to prepare an EIS in accordance with the National Environmental Policy Act (NEPA) to assess the impacts of the 2005–2006 Pacific Coast groundfish fishery specifications and management measures on the human environment.

DATES: A public scoping meeting for the 2005–2006 Pacific Coast groundfish fishery specifications and management measures EIS is scheduled for Sunday, November 2, 2003, from 1 p.m. to 3 p.m. in conjunction with the Council's November 3–7, 2003, meeting (see **SUPPLEMENTARY INFORMATION**). Written comments will be accepted at the Council office through November 14, 2003. After this date, a scoping responsiveness summary document summarizing the public's issues and alternatives to be evaluated in the EIS, will be drafted and made available on the Council's website (www.pcouncil.org) or by request from the address below.

ADDRESSES: Written comments on suggested alternatives and potential impacts should be sent to Dr. Donald McIsaac, Executive Director, Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384. Comments may also be sent via facsimile (fax) to 503-820-2299 or via e-mail (pfmc.comments@noaa.gov) and write "2005–2006 groundfish specifications EIS" in subject line).

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Groundfish Fishery Management Coordinator; phone: 503-820-2280 and e-mail:

John.DeVore@noaa.gov or Matthew Harrington, NMFS Northwest Region NEPA Coordinator; phone: 206-526-4742 and email:

Matthew.Harrington@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background and Need For Agency Action

There are more than 80 species managed under the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP), nine of which have been declared overfished. The groundfish stocks support an array of commercial, recreational, and Indian tribal fishing interests in state and Federal waters off the coasts of Washington, Oregon, and California. In addition, groundfish are also harvested incidentally in nongroundfish fisheries, most notably, the trawl fisheries for pink shrimp, spot/ridgeback prawns, California halibut, and sea cucumber.

The proposed action is needed to establish commercial and recreational harvests levels in 2005–2006 that will ensure groundfish stocks are maintained at, or restored to, sizes and structures that will produce the highest net benefit to the nation, while balancing environmental and social values.

The Proposed Action

The proposed action is to implement management measures consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) that constrain total fishing mortality during 2005–2006 within limits that maintain fish stocks at, or rebuild them to, a level capable of producing maximum sustained yield, or to a stock size less than this if such stock size results in long-term net benefit to the nation.

These fishing mortality limits are harvest specifications that include acceptable biological catches (ABCs) and optimum yields (OYs) for groundfish species or species groups in need of particular protection; OYs may

be represented by harvest guidelines or quotas for species that need individual management. Separate sets of ABCs and OYs will be specified for 2005 and 2006 as part of the multi-year management cycle for groundfish. The allocation of commercial OYs between the open access and limited entry segments of the fishery is also part of the proposed action.

Beginning with the 2005–2006 fishing years, the FMP, as amended by Amendment 17, requires that the groundfish specifications be evaluated and revised as necessary every two years, with separate ABCs and OYs established for each of the two years in the biennial period. Management measures designed to achieve the OYs will be established for each year and, as in the past, may vary from period to period within any one year. These specifications and management measures will be published in the **Federal Register** and made effective by January 1 of the first fishing year in the biennium. The Magnuson-Stevens Act and the groundfish FMP also require that NMFS implement actions to prevent overfishing and to rebuild overfished stocks. These specifications include fish caught in state ocean waters (zero to three nautical miles [nm] offshore) as well as fish caught in the U.S. exclusive economic zone (3 to 200 nm offshore).

Alternatives

NEPA requires that agencies evaluate reasonable alternatives to the proposed action in an EIS. The purpose and need for agency action determines the range of reasonable alternatives. A preliminary set of alternatives will be developed during the November 3–7, 2003, Council meeting. Alternatives will be structured around a range of ABCs/OYs for assessed groundfish species. This range of ABCs/OYs is based on stock assessments, including new assessments for cabezon and lingcod completed since 2004 harvest specifications were finalized at the Council's September 2003 meeting. (Seven additional assessments, and rebuilding analyses for overfished species based on these assessments, were completed in 2003 and used to establish 2004 harvest specifications. Since the most recent approved assessment is used to identify ABCs and OYs for an assessed stock, these recent assessments will also contribute to the 2005–2006 specifications process).

For some species, ABC/OY ranges that would be used to develop alternatives may be based on consultations by the Council with state and Federal agencies, Indian tribes, and the affected public on

the allocation of harvest opportunity between sectors. Allocation decisions can affect OYs because different sectors may catch fish of different ages, allowing different sustainable harvest levels.

For each set of ABCs/OYs used in a given alternative, a set of management measures will be identified that will constrain total harvest mortality (across all fisheries intercepting groundfish). Restrictive management measures intended to rebuild overfished species have been adopted and implemented over the past several years for most commercial and recreational fishing sectors. Management measures intended to control the rate at which different groundfish species or species groups are taken in the fisheries include trip limits, bag limits, size limits, time/area closures, and gear restrictions. Large area closures, called Groundfish Conservation Areas (GCAs), intended to reduce bycatch of overfished species, were first implemented in late 2002. These closed areas will continue to be a key feature of alternatives considered in the EIS to manage groundfish fisheries in 2005–2006. A second important type of measure used to manage groundfish is the cumulative landing limit. These restrict the total weight of fish by species or species group that any one vessel may land during the limit period, which is normally two months. Different cumulative landing limits are established for areas north and south of 40°10' N. lat. (near Cape Mendocino, CA) and for limited entry trawl, limited entry fixed gear, and open access fishery participants.

Preliminary Identification of Environmental Issues

A principal objective of the scoping and public input process is to identify potentially significant impacts to the human environment that should be analyzed in depth in the EIS. The EIS evaluates a range of feasible alternatives (described above) to determine their likely impacts on the human environment and identify significant impacts. Council and NMFS staff conducted initial screening to identify

the potentially significant impacts of the range of alternatives that will be developed. Issues considered in the EIS for 2004 harvest specifications, currently in preparation, are likely to be relevant to the EIS for 2005–2006 harvest specifications. (These include the effects of fishing on essential fish habitat, protected species listed under the Endangered Species Act and Marine Mammal Protection Act, the sustainability of overfished and non-overfished groundfish stocks, and socioeconomic impacts to individuals and communities involved in the use of groundfish resources). The transition from annually specifying harvest levels and management measures to this 2-year management cycle may also raise issues that will be considered in the EIS.

Public Scoping Process

A public scoping meeting is scheduled for Sunday, November 2, 2003 from 1 p.m. to 3 p.m. This scoping session will coincide with the Council meeting and will occur at the same location, the Hilton San Diego/Del Mar, 15575 Jimmy Durante Blvd., Del Mar, California 92014–1901 (858–792–5200). The primary purpose of the scoping meeting is to focus the analysis on the real issues and concerns of the public (see 40 CFR 1500.5(d) and 40 CFR 1501.7). Public comment also may be made during the November Council meeting (November 3–7), under the agenda when the Council will consider the proposed action. The agenda for this meeting will be available from the Council website or by request from Council offices in advance of the meeting (see **ADDRESSES**). The agenda will also identify the room in which the Sunday scoping meeting will occur. Written comments on the scope of issues and alternatives may be submitted as described under **ADDRESSES**.

NMFS invites comments and suggestions on the scope of the analysis to be included in the draft environmental impact statement (DEIS). The scope includes the range of alternatives to be considered and potentially significant impacts to the human environment that should be

evaluated in the DEIS. In addition, NMFS is notifying the public that, in conjunction with the Council, it is beginning a full environmental analysis and decision-making process for this proposal, so interested or affected people may know how they can participate in the environmental analysis and contribute to the final decision.

A DEIS will be prepared for comment later on in the process. The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or merits of the alternatives discussed. It is also helpful if comments refer to specific pages or chapters of the DEIS. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the DEIS. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of NEPA 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.

Special Accommodations

These meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carolyn Porter 503–820–2280 (voice) or 503–820–2299 (fax), at least 5 days prior to the scheduled meeting date.

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

Dated: October 8, 2003.

Bruce C. Morehead,

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

[FR Doc. 03–26075 Filed 10–14–03; 8:45 am]

BILLING CODE 3510–22–S

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 03–092–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of regulations for the interstate movement of swine within a production system.

DATES: We will consider all comments that we receive on or before December 15, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 03–092–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 03–092–1. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 03–092–1" on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m.,

Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

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

FOR FURTHER INFORMATION CONTACT: For information regarding regulations for the interstate movement of swine within a production system, contact Dr. Adam Grow, National Surveillance Coordinator, National Center for Animal Health Programs, Veterinary Services, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737–1231; (301) 734–3752. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Interstate Movement of Swine Within a Production System.

OMB Number: 0579–0161.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301–8317), the Secretary of Agriculture is authorized to regulate the interstate and foreign commerce of animals and other articles; and to cooperate with foreign countries, States or other jurisdictions, or persons to prevent the introduction into or dissemination within the United States of any pest or disease of livestock and to prevent or eliminate burdens on foreign and interstate commerce.

Within the U.S. Department of Agriculture, the Animal and Plant Health Inspection Service (APHIS) has been delegated authority to carry out these activities.

APHIS regulations in title 9 of the Code of Federal Regulations, chapter I, subchapter C, govern the interstate movement of animals and other articles to prevent the spread of pests and diseases of livestock within the United States.

The regulations in part 71 of subchapter C contain requirements for moving swine interstate within a swine production system. A production system consists of separate farms that each specialize in a different phase of

swine production—sow herds, nursery herds, and finishing herds. These separate farms, all members of the same production system, may be located in more than one State. Our regulations facilitate the interstate movement of swine within a single production system while continuing to provide protection against the interstate spread of swine diseases. Moving swine interstate within a swine production system involves the use of two information collection activities in the form of a swine production health plan and an interstate swine movement report.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.081967 hours per response.

Respondents: Swine producers operating within swine production systems.

Estimated annual number of respondents: 1,200.

Estimated annual number of responses per respondent: 10.1.

Estimated annual number of responses: 12,200.

Estimated total annual burden on respondents: 1,000 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual

number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 9th day of October 2003.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03-26044 Filed 10-14-03; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Guidelines for Eligibility and Required Documentation for the Golden Access Passport

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service, Department of Agriculture; the Bureau of Land Management, Bureau of Reclamation, National Park Service, and the Fish and Wildlife Service, Department of the Interior; and the U.S. Army Corps of Engineers, Department of Defense are seeking comments from all interested individuals and organizations on the new information collection, "Guidelines for Eligibility and Required Documentation for the Golden Access Passport."

DATES: Comments on this notice must be received by December 15, 2003 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Recreation, Heritage, and Wilderness Resources Staff, Attn: Accessibility Program Manager, Mail Stop 1125, Forest Service, USDA, 1400 Independence Avenue, SW., Washington, DC 20090-1125.

Comments also may be submitted via facsimile to (202) 205-1145 or by e-mail to gap@fs.fed.us. The public is requested not to send duplicate written comments via regular mail.

The public may inspect comments received in the Office of the Director, Recreation, Heritage, and Wilderness Resources Staff, 4th Floor-Central, Sidney R. Yates Federal Building, Forest Service, USDA, 201 14th Street, SW., Washington DC, between the hours of 8:30 a.m. to 4 p.m. on business days. Visitors are encouraged to call ahead to

(202) 205-1706 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Janet Zeller, Accessibility Program Manager, Recreation, Heritage and Wilderness Resources Staff, at (202) 205-9597. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Guidelines for Eligibility and Required Documentation for the Golden Access Passport.

OMB Number: 0596-New.

Expiration Date of Approval: N/A.

Type of Request: New.

Abstract: The Golden Access Passport was created in 1980 by an amendment to the Land and Water Conservation Fund Act (LWCFA) of 1965. A Golden Access Passport is a free, lifetime permit that is issued without charge by the National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service, Department of the Interior; the Forest Service, Department of Agriculture; and the U.S. Army Corps of Engineers, Department of Defense to citizens or persons who are domiciled (permanent residents) in the United States, regardless of age, and who have a medical determination and documentation of blindness or permanent disability. Golden Access Passports may be obtained in person and upon proof of blindness or medically determined permanent disability in accordance with the criteria established in the LWCFA of 1965, as amended.

The Passport is not transferable and must be signed by the holder. This Passport entitles the holder and any persons accompanying the holder, such as a care assistant or the holder's spouse and children, in a single private, noncommercial vehicle, to general admission to a Federal area where an entrance fee is charged. This Passport also entitles the holder only to a 50 percent discount on use fees that are charged per vehicle, per person, or per single-family unit at outdoor recreation sites managed by the Forest Service or concessionaires.

In order to clarify and simplify the process for persons with disabilities to obtain the Golden Access Passport, all of the agencies that issue this free, lifetime Passport cooperated in the development of the Guidelines for Eligibility and Required Documentation for the Golden Access Passport. These Guidelines will be used by each agency

when assisting customers seeking to obtain the Passport.

Estimate of Burden: 5 minutes.

Type of Respondents: Individuals with permanent disabilities, who are applying for the free, lifetime Golden Access Passport.

Estimated Number of Respondents: 59,810.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 11,962 hours.

Comment Is Invited

Comment is invited on: (1) Whether the proposed collection of information is necessary for the stated purpose and the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Dated: October 7, 2003.

Gloria Manning,

Associate Deputy Chief, National Forest System.

[FR Doc. 03-26073 Filed 10-14-03; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers Used for Publication of Legal Notice, Comment and Appeal of Decisions for Pacific Northwest Region; Oregon and Washington

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice updates the listing of newspapers that will be used by all Ranger Districts, Forests, and the Regional Office of the Pacific Northwest Region to publish legal notices of decision subject to appeal under 36 CFR

parts 215 and 217 and to publish notices for public comment subject to the provisions of 36 CFR part 215. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices for public comment or decisions; thereby allowing the public to receive information of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the appeals process.

DATES: Publication of legal notices in the listed newspapers will begin with proposals for public comment or decisions subject to appeal that are made on or after October 15, 2003. The list of newspapers will remain in effect until another notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jill A. Dufour, Regional Environmental Coordinator, Pacific Northwest Region, 333 SW First Avenue, (P.O. Box 3623), Portland, Oregon 97208, phone: 503-808-2276.

SUPPLEMENTARY INFORMATION: Responsible Officials in the Pacific Northwest Region will give legal notice of decisions that may be subject to appeal under 36 CFR parts 215 and 217 in the following newspapers which are listed by Forest Service administrative units. Where more than one newspaper is listed for any unit, the first newspaper listed is the principle newspapers.

The principle newspaper shall be used to constitute legal evidence that the agency has given timely and constructive notice for comment and for decisions that may be subject to administrative appeal. The timeframe for appeal shall be based on the date of publication of a notice of decision in the principle newspaper.

Pacific Northwest Regional Office

Regional Forester decisions on Oregon National Forests:
The Oregonian, Portland, Oregon
Regional Forester decisions on Washington National Forests:
The Seattle Post-Intelligencer, Seattle, Washington
Columbia River Gorge National Scenic Area Manager decisions:
The Oregonian, Portland, Oregon

Oregon National Forests

Deschutes National Forest

Forest Supervisor decisions
Bend/Fort Rock District Ranger decisions
Crescent District Ranger decisions
Redmond Air Center Manager decisions
The Bulletin, Bend, Oregon
Sister District Ranger decisions—Sisters Nugget, Sisters, Oregon

Fremont-Winema National Forests

Forest Supervisor decisions
Bly District Ranger decisions
Lakeview District Ranger decisions
Paisley District Ranger decisions
Silver Lake District Ranger decisions
Chemult District Ranger decisions
Chiloquin District Ranger decisions
Klamath District Ranger decisions
Herald and News, Klamath Falls, Oregon

Malheur National Forest

Forest Supervisor decisions
Blue Mountain District Ranger decisions
Emigrant Creek District Ranger decisions
Prairie City District Ranger decisions
Blue Mountain Eagle, John Day, Oregon

Mt. Hood National Forest

Forest Supervisor decisions
Clackamas River District Ranger decisions
Zigzag District Ranger decisions
Hood River District Ranger decisions
Barlow District Ranger decisions
The Oregonian, Portland, Oregon

Ochoco National Forest

Forest Supervisor decisions—The Bulletin, Bend, Oregon
Newspapers which may provide additional notice of Forest Supervisor decisions:
Central Oregonian, Prineville, Oregon
Madras Pioneer, Madras, Oregon
Blue Mountain Eagle, John Day, Oregon
The Times-Journal, Condon, Oregon
Crooked River National Grassland Area Manager decisions—The Bulletin, Bend, Oregon

Newspaper which may provide additional notice of Area Manager decisions:
Madras Pioneer, Madras, Oregon
Lookout Mountain District Ranger decisions—The Bulletin, Bend, Oregon
Newspaper which may provide additional notice of District Ranger decisions:
Central Oregonian, Prineville, Oregon
Paulina District Ranger decisions—The Bulletin, Bend, Oregon
Newspapers which may provide additional notice of District Ranger decisions:
Blue Mountain Eagle, John Day, Oregon
The Times-Journal, Condon, Oregon

Rogue River-Siskiyou National Forests

Forest Supervisor (Rogue River) decisions—Mail Tribune, Medford, Oregon
Forest Supervisor (Siskiyou) decisions—Grants Pass Courier, Grants Pass

Applegate District Ranger decisions
Ashland District Ranger decisions
Butte Falls District Ranger decisions
J. Herbert Stone Nursery Managers decisions
Prospect District Ranger decisions
Mail Tribune, Medford, Oregon
Chetco-Gold Beach District Ranger decisions—Curry Coastal Pilot, Brookings, Oregon
Galice-Illinois Valley District Ranger decisions—Grants Pass Courier, Grants Pass, Oregon
Powers District Ranger decisions—The World, Coos Bay, Oregon
Newspaper which may provide additional notice of District Ranger decisions:
Curry County Reporter, Gold Beach, Oregon

Siuslaw National Forest

Forest Supervisor decisions—Corvallis Gazette-Times, Corvallis, Oregon
Hebo District Ranger decisions—Headlight Herald, Tillamook, Oregon
Mapelton District Ranger decisions
Oregon Dunes National Recreation Area Manager decisions
Waldport District Ranger decisions
Register-Guard, Eugene, Oregon

Umatilla National Forest

Forest Supervisor decisions
North Fork John Day District Ranger decisions
Heppner District Ranger decisions
Pomeroy District Ranger decisions
Walla Walla District Ranger decisions
East Oregonian, Pendleton, Oregon

Umpqua National Forest

Forest Supervisor decisions
Cottage Grove District Ranger decisions
Diamond Lake District Ranger decisions
North Umpqua District Ranger decisions
Tiller District Ranger decisions
Dorena Tree Improvement Center Manager decisions
The News Review, Roseburg, Oregon

Wallowa-Whitman National Forest

Forest Supervisor decisions
Baker Office—Whitman Unit decisions
Pine Office—Whitman Unit decisions
Unity Office—Whitman Unit decisions
Baker City Herald, Baker City, Oregon
Hells Canyon National Recreation Area ranger decisions:
Occurring in Oregon—
Wallowa County Chieftain, Enterprise, Oregon
Occurring in Idaho—
Lewiston Morning Tribune, Lewiston, Idaho
La Grande District Ranger decisions—
The Observer, La Grande, Oregon
Eagle Cap District Ranger decisions
Wallowa Valley District Ranger decisions

Wallowa County Chieftain,
Enterprise, Oregon

Willamette National Forest

Forest Supervisor decisions
Middle Fork District Ranger decisions
McKenzie River District Ranger
decisions
Sweet Home District Ranger decisions
Register-Guard, Eugene, Oregon
Detroit District Ranger decisions—
Salem Statesman Journal, Salem,
Oregon

Washington National Forests

Colville National Forest

Forest Supervisor decisions
Three Rivers District Ranger decisions
Statesman-Examiner, Colville,
Washington
Republic District Ranger decisions—
Republic News Miner, Republic,
Washington
Sullivan Lake District Ranger decisions
Newport District Ranger decisions
Newport Miner, Newport, Washington

Gifford Pinchot National Forest

Forest Supervisor decisions
Mount Adams District Ranger decisions
Mount St. Helens National Volcanic
Monument Manager decisions
The Columbian, Vancouver,
Washington
Cowlitz Valley District Ranger
decisions—The Chronicle, Chehalis,
Washington

Mt. Baker-Snoqualmie National Forest

Forest Supervisor decisions—Seattle
Post Intelligencer, Seattle,
Washington
Mt. Baker District Ranger decisions—
Skagit Valley Herald, Mt. Vernon,
Washington
Snoqualmie District Ranger decisions
(north half of district)—Valley Record,
North Bend, Washington
Snoqualmie District Ranger decisions
(south half of district)—Enumclaw
Courier Herald, Enumclaw,
Washington
Darrington District Ranger decisions
Skykomish District Ranger decisions
Everett Herald, Everett, Washington

*Okanogan and Wenatchee National
Forests*

Forest Supervisor decisions—The
Wenatchee World, Wenatchee,
Washington
Newspaper which may provide
additional notice of Forest Supervisor
decisions:
The Yakima Herald-Republic,
Yakima, Washington
Methow Valley District Ranger
decisions—Methow Valley News,
Twisp, Washington

Tonasket District Ranger decisions—
Wenatchee World, Wenatchee,
Washington
Newspaper which may provide
additional notice of District Ranger
decisions:
Okanogan Valley Gazette-Tribune,
Oroville, Washington
Cle Elum District Ranger decisions—
Ellensburg Daily Record, Ellensburg,
Washington
Newspaper which may provide
additional notice of District Ranger
decisions:
The Yakima Herald-Republic,
Yakima, Washington
Chelan District Ranger decisions
Entiat District Ranger decisions
Lake Wenatchee and Leavenworth
District Ranger decisions
The Wenatchee World, Wenatchee,
Washington
Naches District Ranger decisions
The Wenatchee World, Wenatchee,
Washington
Newspaper which may provide
additional notice of District Ranger
decisions:
The Yakima Herald-Republic,
Yakima, Washington
Olympic National Forest
Forest Supervisor decisions:
The Olympian, Olympia, Washington
Newspapers which may provide
additional notice of Forest Supervisor
decisions:
Mason County Journal, Shelton,
Washington
Peninsula Daily News, Port Angeles,
Washington
The Daily World, Aberdeen,
Washington
The Forks Forum, Forks, Washington,
Hood Canal District Ranger decisions—
Peninsula Daily News, Port Angeles,
Washington
Newspaper which may provide
additional notice of District Ranger
decisions:
Mason County Journal, Shelton,
Washington
Pacific District Ranger decisions (south
portion of district):
The Daily World, Aberdeen,
Washington
Newspapers which may provide
additional notice of District Ranger
decisions:
Peninsula Daily News, Port Angeles,
Washington
The Forks Forum, Forks, Washington
Pacific District Ranger decisions (north
portion of district)—Peninsula Daily
News, Port Angeles, Washington
Newspapers which may provide
additional notice of District Ranger
decisions:
The Forks Forum, Forks, Washington

The Daily World, Aberdeen,
Washington

Dated: October 3, 2003.

Jim Golden,

Deputy Regional Forester.

[FR Doc. 03-25977 Filed 10-14-03; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

**Submission for OMB Review;
Comment Request**

DOC has submitted to the Office of
Management and Budget (OMB) for
clearance the following proposal for
collection of information under the
provisions of the Paperwork Reduction
Act (44 U.S.C. chapter 35).

AGENCY: U.S. Census Bureau.

Title: 2004 Panel of the Survey of
Income and Program Participation
(SIPP), Core Instrument and Wave I
Topical Modules.

Form Number(s): SIPP 24105(L)
Director's Letter; SIPP/CAPI Automated
Instrument; SIPP 21003 Reminder Card.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 98,685 hours.

Number of Respondents: 97,650.

Avg Hours Per Response: 30 minutes.

Needs and Uses: The U.S. Census
Bureau plans to conduct the 2004 Panel
of the Survey of Income and Program
Participation (SIPP). This clearance
request is to accommodate the core
instrument for the life of the 2004 Panel,
the topical modules for the Wave 1
interviews, and the reinterview
instrument, which will be used during
the life of the 2004 Panel. The
reinterview instrument will be used for
quality control analysis of data collected
by the SIPP field representatives.

The SIPP is designed as a continuing
series of national panels of interviewed
households that are introduced every
few years, with each panel having
durations of 3 to 4 years. The 2004
Panel is scheduled for four years and
will include twelve waves which will
begin February 1, 2004. All household
members 15 years old or over are
interviewed a total of twelve times
(twelve waves), at 4-month intervals,
making the SIPP a longitudinal survey.

The survey is molded around a
central "core" of labor force and income
questions that remain fixed throughout
the life of a panel. The core is
supplemented with questions designed
to answer specific needs. These
supplemental questions are included
with the core and are referred to as
"topical modules." The topical modules
for the 2004 Panel Wave 1 are

Reciprocity History and Employment History. These topical modules were previously conducted in the SIPP 2001 Panel Wave 1 instrument. The 2004 Panel Wave 1 interviews will be conducted beginning February 1, 2004 and concluding on May 31, 2004.

Data provided by the SIPP are being used by economic policymakers, the Congress, state and local governments, and Federal agencies that administer social welfare or transfer payment programs, such as the Department of Health and Human Services and the Department of Agriculture. The SIPP represents a source of information for a wide variety of topics and allows information for separate topics to be integrated to form a single and unified database so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic policy formulators depend heavily upon the SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided these kinds of data on a continuing basis since 1983, permitting levels of economic well-being and changes in these levels to be measured over time. Monetary incentives to encourage non-respondents to participate is planned for all waves of the 2004 SIPP Panel.

Affected Public: Individuals or households.

Frequency: Every 4 months.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182.

OMB Desk Officer: Susan Schechter, (202) 395-5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, either by fax (202-395-7245) or e-mail (susan_schechter@omb.eop.gov).

Dated: October 8, 2003.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-26018 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

AGENCY: Census Bureau.

Title: Current Population Survey, Annual Social and Economic Supplement—2004.

Form Number(s): CPS-580, CPS-580(L)SP, CPS-676, CPS-676(SP).

Agency Approval Number: 0607-0354.

Type of Request: Revision of a currently approved collection.

Burden: 32,500 hours.

Number of Respondents: 78,000.

Avg Hours Per Response: 25 minutes.

Needs and Uses: The purpose of this request for review is to obtain clearance for the Annual Social and Economic Supplement (ASEC), formerly known as the Annual Demographic Survey (ADS), which we will conduct in conjunction with the February, March, and April 2004 Current Population Survey (CPS). Congressional passage of the State Children's Health Insurance Program, or Title XXI, led to a mandate from Congress, in 1999, that the sample size for the CPS, and specifically the Annual Social and Economic Supplement (ASEC), be increased to a level whereby more reliable estimates can be derived for the number of individuals participating in this program at the state level. By administering the ASEC in February, March, and April, rather than only in March as in the past, we have been able to achieve this goal. The Census Bureau, the Bureau of Labor Statistics (BLS), and the Department of Health and Human Services (HHS) sponsor this supplement.

The ASEC can be divided into five logical series of questions as follows: Work Experience; Personal Income and Noncash Benefits; Household Noncash Benefits; Welfare Reform Items; and Migration.

ASEC data are used by social planners, economists, Government officials, and market researchers to gauge the social and economic well-being of the Nation as a whole, and selected population groups of interest.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182 and Title 29 U.S.C., Sections 1-9.

OMB Desk Officer: Susan Schechter, (202) 395-5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202-395-7245) or email (susan_schechter@omb.eop.gov).

Dated: October 8, 2003.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-26016 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

AGENCY: U.S. Census Bureau.

Title: 2004 Census Test.

Form Number(s): DB-1: questionnaire; DB-5, DB-6A, DB-6B, DB-6C, DB-8: envelopes; DB-31(P): privacy notice; DB-16(L), DB-16(L)(UL), DB-17(L): cover letters; DB-5(L): advance letter; DB-9: reminder post card; DB-1(F): respondent flashcard booklet.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 33,530 hours.

Number of Respondents: 200,000.

Avg Hours Per Response: 10 minutes.

Needs and Uses: The U.S. Census Bureau requests authorization from the Office of Management and Budget to conduct the 2004 Census Test. The goal of the 2004 Census Test is to obtain information needed to inform decisions about adopting, refining, or rejecting potential new methods, content, and wording for the 2010 Census. The 2004 Census Test will evaluate the effectiveness of:

Mobile Computing Devices for Field Work—Methods for implementing an MCD system during the Nonresponse Followup (NRFU) operation. We are developing an MCD system that incorporates Spanish and English language capabilities, that can receive workload information and transmit census data, and that includes maps. We plan to assess the impact of the system on field infrastructure and data processing.

Coverage Improvement—New methods for improving coverage, including procedures to address overall coverage of the Nation's population and housing and procedures to address duplication issues. The 2004 Census Test Questionnaire will include two new questions (numbers 2 and 10) designed to ensure that each individual is counted once and only once and in the right place, revised residence rule instructions to help respondents understand who to include on census forms, and space to add information for four characteristics for persons seven through twelve (age, sex, date of birth, and relationship).

Changes to Questionnaire Content—Collect data on respondent reaction to the revised race and Hispanic Origin questions, including the removal of the "Some Other Race" ("SOR") option and the inclusion of examples for both questions. In addition, we are planning to record and behavior-code some of the NRFU interviews in order to gain additional insight into respondent reaction to the race and Hispanic Origin questions.

Methods to Identify Special Places/Group Quarters—As part of its research and development work for the 2010 census, the 2004 Census Test also will test improved definitions and methods for distinguishing between group quarters and housing units during census operations, in order to update the MAF in a comprehensive, integrated manner. The Group Quarters Validation (GQV) operation is covered by a separate OMB submission.

The 2004 Census Test, which is part of an extended test cycle leading up to the next decennial census, will be conducted in two sites—Northwest Queens Borough, NY, and three rural counties in Southwest Georgia (Colquitt, Tift, and Thomas). The test will use two modes for data collection (paper and MCD). Approximately 175,000 housing units in the test sites will receive a census questionnaire by mail (mailout/mailback universe, *i.e.* housing units that have city-style addresses such as 806 Main Street). Additionally, enumerators will deliver a questionnaire to approximately 25,000 housing units

that have non city-style addresses such as Rt. 7, Box 433 (update/leave universe). All respondents (those living in both the mailout/mailback and update/leave areas) will be asked to complete the forms and mail them back using the postage-paid envelopes provided.

Prior to the beginning of NRFU, a second questionnaire will be sent to each housing unit in the mailout/mailback universe in both sites that has not already returned the initial questionnaire. During the NRFU portion of the test, enumerators equipped with MCDs will visit and/or call non-respondents and attempt to collect the information.

The 2004 Census Test will include an array of data collection, data capture, and data processing operations along with the associated support activities necessary for obtaining the data required for evaluation. Although we will conduct a quality assurance operation during NRFU, we will not conduct the re-interview portion of the Race and Hispanic Origin Retinterview due to its operational complexity and resource requirements. We will conduct a short re-interview for quality-control purposes with approximately 5,800 households in the NRFU universe to verify that a NRFU enumerator visited the address and collected the appropriate address and household information.

Enumerator Taping Assistants (ETAs) also will tape and behavior-code an area sample of NRFU interviews (Northwest Queens Site, only) as enumerators are conducting the interviews. Data collected as a result of these interviews will be used in conjunction with missing data rates, NRFU response distributions, and the 2003 National Census Test results to evaluate respondent reactions to the new race and Hispanic Origin questions.

Affected Public: Individuals or households.

Frequency: One-time.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C.,

Sections 141 and 193.

OMB Desk Officer: Susan Schechter, (202) 395-5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202) 395-7245 or e-mail (susan_schechter@omb.eop.gov).

Dated: October 8, 2003.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-26017 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-810]

Mechanical Transfer Presses from Japan: Extension of Time Limit for Preliminary Results of Antidumping Administrative Review

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

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the administrative review of mechanical transfer presses (MTPs) from Japan until no later than February 28, 2004. The period of review is February 1, 2002 through January 31, 2003. This extension is made pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).

EFFECTIVE DATE: October 15, 2003.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, Office of AD/CVD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482-5255.

SUPPLEMENTARY INFORMATION:

Background

On February 16, 1990, the Department issued an antidumping duty order on mechanical transfer presses from Japan. *See Antidumping Duty Order: Mechanical Transfer Presses from Japan*, 55 FR 5642 (February 16, 1990). The term "mechanical transfer presses" refers to automatic metal-forming machine tools with multiple die stations in which the work piece is moved from station to station by a transfer mechanism designed as an integral part of the press and synchronized with the press action, whether imported as machines or parts suitable for use solely or principally with these machines. These presses may be imported assembled or unassembled. *See Mechanical Transfer Presses from Japan: Final Results of Antidumping Administrative Review* 68 FR 39515.

On February 24, 2003, the Department of Commerce (the Department) received a timely request for administrative review of the antidumping duty order on MTPs from Japan from respondent Hitachi Zosen Corporation (HZC), and its subsidiary Hitachi Zosen Fukui Corporation d/b/a H&F Corporation (H&F). On February 27, 2003, the Department received a timely request from the petitioner, IHI-Verson Press Technology, LLC, for an administrative review of HZC and H&F. On February 28, 2003, HZC and H&F submitted a request that the Department revoke the order with respect to HZC and H&F based on the absence of dumping in three consecutive reviews. On March 25, 2003, the Department published a notice of initiation of this administrative review, covering the period of February 1, 2002 through January 31, 2003 (*see* 68 FR 14394), for HZC and its subsidiary H&F. The preliminary results for HZC/H&F are currently due no later than October 31, 2003.

Extension of Time Limits for Preliminary Results

As a result of the fact that mechanical transfer presses are unique to each customer because they are designed to detailed specifications, there are complex issues with respect to normal value. In addition, HZC/H&F has requested revocation with respect to the order. Given these facts, it is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act. The Department is therefore extending the time period for issuing the preliminary results of this review by 120 days, from October 31, 2003, until no later than February 28, 2004, in accordance with section 751(a)(3)(A) of the Act. The final results continue to be due 120 days after the publication of the preliminary results. This notice is published pursuant to sections 751(a)(3)(A) and 777(I)(1) of the Act.

Dated: October 7, 2003.

Richard O. Weible,

Acting Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 03-26079 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-839]

Certain Polyester Staple Fiber from Korea: Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Final Results of 2001-2002 Administrative Review.

SUMMARY: On June 9, 2003, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on certain polyester staple fiber from Korea. The period of review is May 1, 2001, through April 30, 2002. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received and an examination of our calculations, we have made certain changes for the final results. The final weighted-average dumping margins for the two manufacturer/exporters are listed below in the "Final Results of the Review" section of this notice.

EFFECTIVE DATE: October 15, 2003.

FOR FURTHER INFORMATION CONTACT:

Andrew McAllister or Judith Rudman, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1174, or (202) 482-0192, respectively.

SUPPLEMENTARY INFORMATION:

Background

Since the publication of the preliminary results in this review (*see Certain Polyester Staple Fiber from Korea; Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Review*, 68 FR 34378 (June 9, 2003) ("Preliminary Results")), the following events have occurred:

The Department reported its findings from Huvis Corporation's ("Huvis") cost verification on July 2, 2003. *See* Memorandum from Robert Greger and Mark Todd to Neal Halper, Director, Office of Accounting, "Verification Report on the Cost of Production and Constructed Value Data Submitted by Huvis Corporation," dated July 2, 2003 ("Huvis Cost Verification Report"), which is on file in the Department's Central Records Unit ("CRU") in room B-099 of the main Department building.

We invited parties to comment on the preliminary results of the review. On

July 22, 2003, E.I. DuPont de Nemours, Inc., Arteva Specialties S.a.r.l., d/b/a KoSa, Wellman, Inc., and Intercontinental Polymers, Inc. (collectively "the petitioners"), and the respondents East Young Co., Ltd. ("East Young")/Stein Fibers, Ltd. ("Stein Fibers") and Huvis filed case briefs. On July 28, 2003, the above-mentioned parties, with the exception of East Young/Stein Fibers, filed rebuttal briefs.

Scope of the Order

For the purposes of this order, the product covered is certain polyester staple fiber ("PSF"). PSF is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to this order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable under the *Harmonized Tariff Schedule of the United States* ("HTSUS") at subheading 5503.20.00.20 is specifically excluded from this order. Also specifically excluded from this order are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from this order. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to this order is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under order is dispositive.

Period of Review

The period of review ("POR") is May 1, 2001, through April 30, 2002.

Verification

As stated in the *Preliminary Results* and provided in section 782(i) of the Tariff Act of 1930, as amended ("the Act"), we verified information provided by East Young and Huvis using standard verification procedures, including on-site inspection of the manufacturers' facilities, examination of relevant sales, cost and financial records, and selection

of original documentation containing relevant information.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the "Issues and Decision Memorandum" from Jeffrey May, Deputy Assistant Secretary, Import Administration to James J. Jochum, Assistant Secretary, Import Administration, dated October 6, 2003 ("Decision Memorandum"), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Department's CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/frnhome.htm>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Fair Value Comparisons

To determine whether sales of PSF from Korea to the United States were made at less than normal value, we compared export price ("EP") to normal value ("NV"). Our calculations followed the methodologies described in the *Preliminary Results*, except as noted below and in the final results calculation memoranda cited below, which are on file in the CRU.

Export Price

We used EP as defined in section 772(a) of the Act. We calculated EP based on the same methodologies described in the *Preliminary Results*.

Normal Value

We used the same methodology as that described in the *Preliminary Results* to determine the cost of production (\geq COP"), whether comparison market sales were at prices below the COP, and the NV.

Changes from the Preliminary Results

For East Young, in our calculation of NV based on constructed value, we have

adjusted the general and administrative expense ratio. See Memorandum from Team to File, "*Final Results Calculation Memorandum for East Young Co., Ltd.*," dated October 6, 2003 ("*East Young Final Calcs*"); see also Decision Memorandum, at Comment 10.

With respect to Huvis, we have adjusted its cost of manufacturing to account for purchases of certain materials from affiliated parties at non-arm's length prices. Also, we have used the revised selling, general and administrative expense ratio submitted by Huvis during the cost verification for its affiliated supplier. We have further adjusted the submitted ratio for the final results. See Memorandum from Robert Greger to Neal Halper, "*Cost of Production and Constructed Value Calculation Adjustments for the Final Results*," dated October 6, 2003.

Final Results of the Review

We determine that the following percentage margins exist for the period May 1, 2001, through April 30, 2002:

Exporter/manufacturer	Weighted-average margin percentage
East Young Co., Ltd.	4.07
Huvis Corporation	0.21 (<i>de minimis</i>)

Assessment Rates

The Department shall determine, and the United States Bureau of Customs and Border Protection ("BCBP") shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated exporter/importer (or customer)-specific assessment rates for merchandise subject to this review. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer (or customer)-specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to that importer (or customer) and dividing this amount by the total value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate was greater than *de minimis*, we calculated a per-unit assessment rate by aggregating the dumping margins calculated for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).

The Department will issue appropriate assessment instructions directly to the BCBP within 15 days of

publication of these final results of review.

Cash Deposit Rates

The following antidumping duty deposits will be required on all shipments of PSF from Korea entered, or withdrawn from warehouse, for consumption, effective on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies will be the rates listed above (except no cash deposit will be required if a company's weighted-average margin is *de minimis*, i.e., less than 0.5 percent); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, the previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit rate will be 11.35 percent, the "all others" rate established

in *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea, and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000).

These cash deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or

destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials 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 sanction.

We are issuing and publishing these results and this notice in accordance with sections section 751(a)(1) and 777(i)(1) of the Act.

Dated: October 6, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

Appendix I

List of Comments in the Issues and Decision Memorandum

Comment 1: Exclusion of Certain Home Market Sales Made By Huvis

Comment 2: Huvis' Fiber Composition Characteristic

Comment 3: Huvis' Duty Drawback

Comment 4: Huvis' Brokerage Expenses

Comment 5: Huvis' Major Inputs

Comment 6: Huvis' Affiliated Supplier's SG&A

Comment 7: Huvis' Parent Company G&A

Comment 8: Huvis' Per-Unit G&A Calculation

Comment 9: East Young's Comparison Market

Comment 10: East Young's G&A Ratio
[FR Doc. 03-26078 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-489-807]

Certain Steel Concrete Reinforcing Bars From Turkey; Notice of Extension of Time Limits for Preliminary Results in Antidumping Duty Administrative Review

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

EFFECTIVE DATE: October 15, 2003.

SUMMARY: The Department of Commerce is extending the time limits for completion of the preliminary results of the administrative review of the antidumping duty order on certain steel concrete reinforcing bars from Turkey. The period of review is April 1, 2002, through March 31, 2003.

FOR FURTHER INFORMATION CONTACT: Irina Itkin or Elizabeth Eastwood at (202)

482-0656 or (202) 482-3874, respectively, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 2003, the Department published a notice of initiation of administrative review of the antidumping duty order on certain steel concrete reinforcing bars from Turkey (68 FR 27781). The period of review is April 1, 2002, through March 31, 2003, and the preliminary results are currently due no later than December 31, 2003. The review covers twenty-three producers/exporters of the subject merchandise to the United States.

Extension of Preliminary Results

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), the Department shall make a preliminary determination in an administrative review of an antidumping order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend the 245-day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period. We determine that it is not practicable to complete this administrative review within the time limits mandated by section 751(a)(3)(A) of the Act, because this review involves a number of complicated issues for certain of the respondents, including the reporting of downstream sales for affiliated resellers and high inflation in Turkey during the period of review. Analysis of these issues requires additional time. Moreover, because one respondent, ICDAS Celik Enerji Tersane ve Ulasim Sanayi, A.S., has requested revocation in this review, we must verify its submitted data pursuant to 782(i)(2) of the Act. However, we will be unable to complete this verification before the date of the preliminary results as currently scheduled. Therefore, we have extended the deadline for completing the preliminary results until April 29, 2004.

This extension is in accordance with section 751(a)(3)(A) of the Act (19 U.S.C. 1675(a)(3)(A)) and 19 CFR 351.213(h)(2).

Dated: October 8, 2003.

Jeffrey A. May,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 03-26080 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 100603C]

Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT); Fall Meeting

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

ACTION: Notice of public meeting.

SUMMARY: In preparation for the 2003 ICCAT meeting, the Advisory Committee to the U.S. Section to ICCAT will hold its annual fall meeting in October 2003.

DATES: The open session will be held on October 26, 2003, from 1 p.m. to 3:15 p.m. Closed sessions will be held on October 26, 2003, from 3:30 p.m. to 5:30 p.m., October 27, 2003, from 9 a.m. to 5:30 p.m., and October 28, 2003, from 9 a.m. to noon. Written comments should be received no later than October 17, 2003.

ADDRESSES: The meeting will be held at the Hilton Hotel, 8727 Colesville Road, Silver Spring, MD 20910. Written comments should be sent to Erika Carlsen at NOAA Fisheries/SF4, Room 13114, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Erika Carlsen, 301-713-2276.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in an open session to consider information on stock status of highly migratory species and 2003 management recommendations of ICCAT's Standing Committee on Research and Statistics (SCRS). The only opportunity for public comment will be during the October 26, 2003, open session. Written comments are encouraged and, if mailed, should be received by October 17, 2003 (see **ADDRESSES**). Written comment can also be submitted during the open sessions of the Advisory Committee meeting.

The Advisory Committee will go into executive session on October 26, 2003, after the adjournment of the open session, on October 27, 2003, and on the

morning of October 28, 2003, to discuss sensitive information relating to upcoming international negotiations. These sessions are not open to the public.

Please be reminded that NMFS expects members of the public to conduct themselves appropriately for the duration of the meeting. At the beginning of the public comment session, an explanation of the ground rules will be provided (e.g., alcohol in the meeting room is prohibited, speakers will be called to give their comments in the order in which they registered to speak, each speaker will have an equal amount of time to speak, and speakers should not interrupt one another). The session will be structured so that all attending members of the public are able to comment, if they so choose, regardless of the degree of controversy of the subject(s). Those not respecting the ground rules will be asked to leave the meeting.

Special Accommodations

The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Erika Carlsen at (301) 713-2276 at least 5 days prior to the meeting date.

Dated: October 7, 2003.

Bruce C. Morehead,

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

[FR Doc. 03-25926 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-22-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh

October 7, 2003.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

EFFECTIVE DATE: October 15, 2003.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202)

927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.customs.gov>. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing, carryforward and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 68 FR 1599, published on January 13, 2003). Also see 67 FR 65339, published on October 24, 2002.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 7, 2003.

Commissioner,
*Bureau of Customs and Border Protection,
Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 18, 2002, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 2003 and extends through December 31, 2003.

Effective on October 15, 2003., you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
237	369,879 dozen.
331pt. ²	13,807 dozen pairs.
334	300,113 dozen.
335	474,197 dozen.
336/636	809,795 dozen.
340/640	5,613,089 dozen.
341	4,479,616 dozen.
352/652	18,594,156 dozen.
363	50,878,276 numbers.
369-S ³	3,250,002 kilograms.
634	934,988 dozen.
635	615,565 dozen.
638/639	3,083,489 dozen.
641	933,405 dozen.
645/646	741,053 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 2002.

² 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.

³ Category 369-S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 03-26008 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DR-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

October 7, 2003.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

EFFECTIVE DATE: October 15, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.customs.gov>. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being increased for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff

Schedule of the United States (see **Federal Register** notice 68 FR 1599, published on January 13, 2002). Also see 67 FR 63891, published on October 16, 2002.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 7, 2003.

Commissioner,

Bureau of Customs and Border Protection, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 9, 2002, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 2003 and extends through December 31, 2003.

Effective on October 15, 2003, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month limit ¹
Group I	
200, 218, 219, 226, 237, 239pt. ² , 300/301, 313–315, 317/326, 331pt. ³ , 333–336, 338/339, 340–342, 345, 347/348, 351, 352, 359–C ⁴ , 359–V ⁵ , 360–363, 410, 433–436, 438, 440, 442–444, 445/446, 447, 448, 611, 613–615, 617, 631pt. ⁶ , 633–636, 638/639, 640–643, 644, 645/646, 647, 648, 651, 652, 659–C ⁷ , 659–H ⁸ , 659–S ⁹ , 666pt. ¹⁰ , 845 and 846, as a group.	1,204,718,529 square meters equivalent.
Sublevels in Group I	
200	912,622 kilograms.
218	13,153,263 square meters.
219	2,937,047 square meters.
237	2,499,211 dozen.
300/301	2,645,278 kilograms.
313	49,434,737 square meters.
314	60,061,788 square meters.
315	147,506,238 square meters.
317/326	26,677,828 square meters of which not more than 4,967,491 square meters shall be in Category 326.
331pt.	2,413,908 dozen pairs.
334	376,725 dozen.
335	419,528 dozen.
336	209,616 dozen.
338/339	2,525,562 dozen of which not more than 1,928,584 dozen shall be in Categories 338–S/339–S ¹¹ .
340	862,279 dozen of which not more than 443,337 dozen shall be in Category 340–Z ¹² .
341	755,711 dozen of which not more than 448,173 dozen shall be in Category 341–Y ¹³ .
342	301,966 dozen.
345	140,639 dozen.
347/348	2,486,743 dozen.
351	691,381 dozen.
352	1,804,580 dozen.
359–C	756,244 kilograms.
359–V	1,053,705 kilograms.
360	9,427,398 numbers of which not more than 6,614,122 numbers shall be in Category 360–P ¹⁴ .
361	5,120,368 numbers.
362	8,389,237 numbers.
363	24,484,202 numbers.
433	23,041 dozen.
434	14,732 dozen.
435	27,058 dozen.
438	29,172 dozen.
442	44,115 dozen.
443	139,975 numbers.
444	233,906 numbers.
445/446	303,850 dozen.
447	77,785 dozen.
448	24,617 dozen.
613	9,283,957 square meters.
614	14,576,497 square meters.
615	30,371,800 square meters.
617	21,220,471 square meters.
631pt.	355,861 dozen pairs.
633	68,480 dozen.
634	745,017 dozen.
635	785,865 dozen.
636	621,232 dozen.

Category	Twelve-month limit ¹
638/639	2,697,940 dozen.
640	1,491,483 dozen.
641	1,411,350 dozen.
642	406,008 dozen.
643	598,379 numbers.
644	3,865,857 numbers.
645/646	899,294 dozen.
647	1,775,707 dozen.
648	1,243,793 dozen.
651	919,888 dozen of which not more than 158,194 dozen shall be in Category 651-B ¹⁵ .
652	3,457,520 dozen.
659-C	489,289 kilograms.
659-H	3,430,764 kilograms.
659-S	755,743 kilograms.
666pt.	559,373 kilograms.
845	2,556,613 dozen.
Group II	
332, 359-O ¹⁶ , 459pt. ¹⁷ and 659-O ¹⁸ , as a group	44,241,352 square meters equivalent.
Group III	
201, 220, 224-V ¹⁹ , 224-O ²⁰ , 225, 227, 369-O ²¹ , 400, 414, 469pt. ²² , 603, 604-O ²³ , 618-620 and 624-629, as a group.	52,741,020 square meters equivalent.
Sublevels in Group III	
224-V	4,418,950 square meters.

¹ The limits have not been adjusted to account for any imports exported after December 31, 2002.

² Category 239pt.: only HTS number 6209.20.5040 (diapers).

³ Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.

⁴ Category 359-C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

⁵ Category 359-V: only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.

⁶ Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

⁷ Category 659-C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

⁸ Category 659-H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

⁹ Category 659-S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

¹⁰ Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

¹¹ Category 338-S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023; Category 339-S: all HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

¹² Category 340-Z: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2050 and 6205.20.2060.

¹³ Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054.

¹⁴ Category 360-P: only HTS numbers 6302.21.3010, 6302.21.5010, 6302.21.7010, 6302.21.9010, 6302.31.3010, 6302.31.5010, 6302.31.7010 and 6302.31.9010.

¹⁵ Category 651-B: only HTS numbers 6107.22.0015 and 6108.32.0015.

¹⁶ Category 359-O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359-C); 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070 (Category 359-V); 6115.19.8010, 6117.10.6010, 6117.20.9010, 6203.22.1000, 6204.22.1000, 6212.90.0010, 6214.90.0010, 6406.99.1550, 6505.90.1525, 6505.90.1540, 6505.90.2060 and 6505.90.2545 (Category 359pt.).

¹⁷ Category 459pt.: all HTS numbers except 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

¹⁸ Category 659-O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659-C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659-H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, 6211.12.1020 (Category 659-S); 6115.11.0010, 6115.12.2000, 6117.10.2030, 6117.20.9030, 6212.90.0030, 6214.30.0000, 6214.40.0000, 6406.99.1510 and 6406.99.1540.

¹⁹ Category 224-V: only HTS numbers 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36.0020.

²⁰ Category 224-O: all HTS numbers except 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36.0020 (Category 224-V).

²¹ Category 369-O: all HTS numbers except 6307.10.2005 (Category 369-S); 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302.51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0025, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.0020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.1000, 9404.90.8040 and 9404.90.9505 (Category 369pt.).

²² Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

²³ Category 604-O: all HTS numbers except 5509.32.0000 (Category 604-A).

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Philip J. Martello,
Acting Chairman, Committee for the
Implementation of Textile Agreements.
[FR Doc. 03-26009 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DR-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Hong Kong

October 7, 2003.

AGENCY: Committee for the
Implementation of Textile Agreements
(CITA).

ACTION: Issuing a directive to the
Commissioner, Bureau of Customs and
Border Protection adjusting limits.

EFFECTIVE DATE: October 15, 2003.

FOR FURTHER INFORMATION CONTACT:
Naomi Freeman, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 482-4212. For information on the
quota status of these limits, refer to the
Quota Status Reports posted on the
bulletin boards of each Customs port,
call (202) 927-5850, or refer to the
Bureau of Customs and Border
Protection website at <http://www.customs.gov>. For information on
embargoes and quota re-openings, refer
to the Office of Textiles and Apparel
website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural
Act of 1956, as amended (7 U.S.C. 1854);
Executive Order 11651 of March 3, 1972, as
amended.

The current limits for certain
categories are being adjusted for swing
and special shift.

A description of the textile and
apparel categories in terms of HTS
numbers is available in the
CORRELATION: Textile and Apparel
Categories with the Harmonized Tariff
Schedule of the United States (see
Federal Register notice 68 FR 1599,
published on January 13, 2003). Also

see 67 FR 68566, published on
November 12, 2002.

Philip J. Martello,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

Committee for the Implementation of Textile Agreements

October 7, 2003.

Commissioner,
*Bureau of Customs and Border Protection,
Washington, DC 20229.*

Dear Commissioner: This directive
amends, but does not cancel, the directive
issued to you on November 1, 2002, by the
Chairman, Committee for the Implementation
of Textile Agreements. That directive
concerns imports of certain cotton, wool,
man-made fiber, silk blend and other
vegetable fiber textiles and textile products,
produced or manufactured in Hong Kong and
exported during the twelve-month period
which began on January 1, 2003 and extends
through December 31, 2003.

Effective on October 15, 2003, you are
directed to adjust the limits for the following
categories, as provided for under the Uruguay
Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
Group II 237, 239pt. ² , 331pt. ³ 332-348, 351, 352, 359(1) ⁴ , 359(2) ⁵ , 359pt. ⁶ , 433-438, 440- 448, 459pt. ⁷ , 631pt. ⁸ 633-648, 651, 652, 659(1) ⁹ , 659(2) ¹⁰ , 659pt. ¹¹ , and 443/ 444/643/644(1), as a group.	933,163,998 square meters equivalent.
Sublevel in Group II 647	664,257 dozen.
648	1,295,025 dozen of which not more than 1,280,235 dozen shall be in Category 648-W ¹²
Group III-only 852 ...	2,038,048 square me- ters equivalent.

¹ The limits have not been adjusted to ac-
count for any imports exported after December
31, 2002.

² Category 239pt.: only HTS number
6209.20.5040 (diapers).

³ Category 331pt.: all HTS numbers except
6116.10.1720, 6116.10.4810, 6116.10.5510,
6116.10.7510, 6116.92.6410, 6116.92.6420,
6116.92.6430, 6116.92.6440, 6116.92.7450,
6116.92.7460, 6116.92.7470, 6116.92.8800,
6116.92.9400 and 6116.99.9510.

⁴ Category 359(1): only HTS numbers
6103.42.2025, 6103.49.8034, 6104.62.1020,
6104.69.8010, 6114.20.0048, 6114.20.0052,
6203.42.2010, 6203.42.2090, 6204.62.2010,
6211.32.0010, 6211.32.0025 and
6211.42.0010.

⁵ Category 359(2): only HTS numbers
6103.19.2030, 6103.19.9030, 6104.12.0040,
6104.19.8040, 6110.20.1022, 6110.20.1024,
6110.20.2030, 6110.20.2035, 6110.90.9044,
6110.90.9046, 6201.92.2010, 6202.92.2020,
6203.19.1030, 6203.19.9030, 6204.12.0040,
6204.19.8040, 6211.32.0070 and
6211.42.0070.

⁶ Category 359pt.: all HTS numbers except
6115.19.8010, 6117.10.6010, 6117.20.9010,
6203.22.1000, 6204.22.1000, 6212.90.0010,
6214.90.0010, 6406.99.1550, 6505.90.1525,
6505.90.1540, 6505.90.2060, 6505.90.2545
and HTS numbers in 359(1) and 359(2).

⁷ Category 459pt.: all HTS numbers except
6115.19.8020, 6117.10.1000, 6117.10.2010,
6117.20.9020, 6212.90.0020, 6214.20.0000,
6405.20.6030, 6405.20.6060, 6405.20.6090,
6406.99.1505, 6406.99.1560.

⁸ Category 631pt.: all HTS numbers except
6116.10.1730, 6116.10.4820, 6116.10.5520,
6116.10.7520, 6116.93.8800, 6116.93.9400,
6116.99.4800, 6116.99.5400 and
6116.99.9530.

⁹ Category 659(1): only HTS numbers
6103.23.0055, 6103.43.2020, 6103.43.2025,
6103.49.2000, 6103.49.8038, 6104.63.1020,
6104.63.1030, 6104.69.1000, 6104.69.8014,
6114.30.3044, 6114.30.3054, 6203.43.2010,
6203.43.2090, 6203.49.1010, 6203.49.1090,
6204.63.1510, 6204.69.1010, 6210.10.9010,
6211.33.0010, 6211.33.0017 and
6211.43.0010.

¹⁰ Category 659(2): only HTS numbers
6112.31.0010, 6112.31.0020, 6112.41.0010,
6112.41.0020, 6112.41.0030, 6112.41.0040,
6211.11.1010, 6211.11.1020, 6211.12.1010
and 6211.12.1020.

¹¹ Category 659pt.: all HTS numbers except
6115.11.0010, 6115.12.2000, 6117.10.2030,
6117.20.9030, 6212.90.0030, 6214.30.0000,
6214.40.0000, 6406.99.1510, 6406.99.1540
and HTS numbers in 659(1) and 659(2).

¹² Category 648-W: only HTS numbers
6204.23.0040, 6204.23.0045, 6204.29.2020,
6204.29.2025, 6204.29.4038, 6204.63.2000,
6204.63.3000, 6204.63.3510, 6204.63.3530,
6204.63.3532, 6204.63.3540, 6204.69.2510,
6204.69.2530, 6204.69.2540, 6204.69.2560,
6204.69.6030, 6204.69.9030, 6210.50.5035,
6211.20.1555, 6211.20.6820, 6211.43.0040
and 6217.90.9060.

The Committee for the Implementation of
Textile Agreements has determined that
these actions fall within the foreign affairs
exception to the rulemaking provisions of 5
U.S.C. 553(a)(1).

Sincerely,
Philip J. Martello,
*Acting Chairman, Committee for the
Implementation of Textile Agreements.*
[FR Doc. 03-26010 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DR-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the Republic of Korea

October 7, 2003.

AGENCY: Committee for the
Implementation of Textile Agreements
(CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

EFFECTIVE DATE: October 16, 2003.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.customs.gov>. For information on embargoes and quota reopenings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing, carryover, carryforward and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 68 FR 1599, published on January 13, 2003). Also see 67 FR 63629, published on October 15, 2002.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 7, 2003.

Commissioner,
Bureau of Customs and Border Protection,
Washington, DC 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 8, 2002, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 2003 and extends through December 31, 2003.

Effective on October 16, 2003, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹	Category	Adjusted twelve-month limit ¹
Group I		638/639	5,635,027 dozen.
200-220, 224-V ² , 224-O ³ , 225-227, 300-326, 360- 363, 369pt., ⁴ , 400-414, 469pt., ⁵ , 603, 604, 611- 620, 625-629, 666pt. ⁶ , as a group	268,944,094 square meters equivalent.	640-D ¹⁶	3,049,675 dozen.
Sublevels within Group I		640-O ¹⁷	2,910,937 dozen.
200	640,029 kilograms.	641	1,151,914 dozen of which not more than 44,676 dozen shall be in Category 641- Y ¹⁸ .
201	3,429,125 kilograms.	643	876,267 numbers.
611	5,098,397 square me- ters.	644	1,342,946 numbers.
619/620	111,586,677 square meters.	645/646	4,169,617 dozen.
624	10,966,215 square meters.	647/648	1,426,540 dozen.
625/626/627/628/629	21,170,481 square meters.	659-H	1,615,571 kilograms.
Group II		659-S	246,152 kilograms.
237, 239pt. ⁷ , 331pt. ⁸ , 332-348, 351, 352, 359pt., 433-438, 440- 448, 459-W ⁹ , 459pt. ¹⁰ , 631pt. ¹¹ , 633-648, 651, 652, 659-H ¹² , 659-S ¹³ and 659pt. ¹⁴ , as a group	583,849,978 square meters equivalent.	Levels not in a group	
Sublevels within Group II		846	470,126 dozen.
333/334/335	368,724 dozen of which not more than 188,460 dozen shall be in Category 335.	¹ The limits have not been adjusted to ac- count for any imports exported after December 31, 2002.	
336	70,780 dozen.	² Category 224-V: only HTS numbers 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36.0020.	
338/339	1,638,771 dozen.	³ Category 224-O: all remaining HTS num- bers in Category 224.	
340	931,065 dozen of which not more than 483,439 dozen shall be in Category 340- D ¹⁵ .	⁴ Category 369pt.: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 6301.30.0010, 6301.30.0020, 6302.51.2000, 6302.51.3000, 6302.60.0010, 6302.60.0030, 6302.91.0025, 6302.91.0045, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6305.20.0000, 6306.11.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.8040 and 9404.90.9505.	
341	253,172 dozen.	⁵ Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.	
342/642	299,108 dozen.	⁶ Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.	
345	160,678 dozen.	⁷ Category 239pt.: only HTS number 6209.20.5040 (diapers).	
347/348	718,630 dozen.	⁸ Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.	
351/651	314,220 dozen.	⁹ Category 459-W: only HTS number 6505.90.4090.	
352	244,517 dozen.	¹⁰ Category 459pt.: all HTS numbers except 6505.90.4090 (Category 459-W); 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505, 6406.99.1560.	
433	15,519 dozen.		
434	7,959 dozen.		
435	41,586 dozen.		
436	17,605 dozen.		
438	69,286 dozen.		
442	59,492 dozen.		
444	63,639 numbers.		
445/446	58,220 dozen.		
447	99,328 dozen.		
448	41,853 dozen.		
459-W	113,213 kilograms.		
631pt.	83,909 dozen pairs.		
633/634/635	1,447,348 dozen of which not more than 164,125 dozen shall be in Category 633 and not more than 611,645 dozen shall be in Category 635.		
636	341,220 dozen.		

¹¹ Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

¹² Category 659-H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

¹³ Category 659-S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

¹⁴ Category 659pt.: all HTS numbers except 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659-H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, 6211.12.1020 (Category 659-S); 6115.11.0010, 6115.12.2000, 6117.10.2030, 6117.20.9030, 6212.90.0030, 6214.30.0000, 6214.40.0000, 6406.99.1510 and 6406.99.1540.

¹⁵ Category 340-D: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2025 and 6205.20.2030.

¹⁶ Category 640-D: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.3030 and 6205.90.4030.

¹⁷ 640-O: only HTS numbers 6203.23.0080, 6203.29.2050, 6205.30.1000, 6205.30.2050, 6205.30.2060, 6205.30.2070, 6205.30.2080 and 6211.33.0040.

¹⁸ Category 641-Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Philip J. Martello,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 03-26011 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DR-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Macau

October 7, 2003.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

EFFECTIVE DATE: October 15, 2003.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota

Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.customs.gov>. For information on embargoes and quota reopenings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for carryover, swing, carryforward, and the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 68 FR 1599, published on January 13, 2003). Also see 67 FR 68571, published on December 12, 2002.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 7, 2003.

Commissioner,
Bureau of Customs and Border Protection,
Washington, DC 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 1, 2002, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 2003 and extends through December 31, 2003.

Effective on October 15, 2003, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
Levels in Group I	
225	7,483,177 square meters.
317	4,981,603 square meters.
333/334/335	557,463 dozen of which not more than 269,850 dozen shall be in Categories 333/335.
336	119,535 dozen.
338	700,336 dozen.
339	2,854,953 dozen.
340	703,565 dozen.
341	427,978 dozen.

Category	Adjusted twelve-month limit ¹
342	191,467 dozen.
345	119,863 dozen.
347/348	1,600,390 dozen.
351	149,772 dozen.
359-C/659-C ²	821,164 kilograms.
359-V ³	273,724 kilograms.
625/626/627/628/629	7,010,464 square meters.
633/634/635	1,222,729 dozen.
638/639	3,619,089 dozen.
640	270,724 dozen.
641	325,294 dozen.
642	265,356 dozen.
645/646	634,606 dozen.
647/648	1,212,384 dozen.
659-S ⁴	273,724 kilograms.
Group II	
400-414, 433-438, 440-448, 459pt. ⁵ and 469pt. ⁶ , as a group	1,897,902 square meters equivalent.
Sublevel in Group II	
445/446	103,719 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 2002.

² Category 359-C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659-C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

³ Category 359-V: only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.

⁴ Category 659-S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, and 6211.12.1020.

⁵ Category 459pt.: all HTS numbers except 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

⁶ Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Philip J. Martello,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 03-26012 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DR-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

October 7, 2003.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

EFFECTIVE DATE: October 15, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.customs.gov>. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 68 FR 1599, published on January 13, 2003). Also see 67 FR 68577, published on November 12, 2002.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 7, 2003.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 1, 2002, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products,

produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 2003 and extends through December 31, 2003.

Effective on October 15, 2003, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month limit ¹
Group I 200-220, 224, 225/ 317/326, 226, 227, 300/301, 313-315, 360-363, 369-S ² , 369-O ³ , 400-414, 469pt ⁴ , 603, 604, 611, 613/614/615/ 617, 618, 619/620, 624, 625/626/627/ 628/629 and 666pt ⁵ , as a group. Sublevels in Group I 619/620 625/626/627/628/629 Sublevels in Group II 338/339 347/348 638/639 Within Group II Sub- group 333/334/335 447/448 651	234,582,296 square meters equivalent. 17,349,995 square meters. 22,576,442 square meters. 1,088,234 dozen. 1,535,616 dozen of which not more than 1,309,866 dozen shall be in Cat- egories 347-W/348- W ⁶ . 6,599,363 dozen. 362,029 dozen of which not more than 196,102 dozen shall be in Category 335. 23,310 dozen. 607,261 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 2002.

² Category 369-S: only HTS number 6307.10.2005.

³ Category 369-O: all HTS numbers except 6307.10.2005 (Category 369-S);
4202.12.4000, 4202.12.8020, 4202.12.8060,
4202.22.4020, 4202.22.4500, 4202.22.8030,
4202.32.4000, 4202.32.9530, 4202.92.0505,
4202.92.1500, 4202.92.3016, 4202.92.6091,
5601.10.1000, 5601.21.0090, 5701.90.1020,
5701.90.2020, 5702.10.9020, 5702.39.2010,
5702.49.1020, 5702.49.1080, 5702.59.1000,
5702.99.1010, 5702.99.1090, 5705.00.2020,
5805.00.3000, 5807.10.0510, 5807.90.0510,
6301.30.0010, 6301.30.0020, 6302.51.1000,
6302.51.2000, 6302.51.3000, 6302.51.4000,
6302.60.0010, 6302.60.0030, 6302.91.0005,
6302.91.0025, 6302.91.0045, 6302.91.0050,
6302.91.0060, 6303.11.0000, 6303.91.0010,
6303.91.0020, 6304.91.0020, 6304.92.0000,
6305.20.0000, 6306.11.0000, 6307.10.1020,
6307.10.1090, 6307.90.3010, 6307.90.4010,
6307.90.5010, 6307.90.8910, 6307.90.8945,
6307.90.9882, 6406.10.7700, 9404.90.1000,
9404.90.8040 and 9404.90.9505 (Category 369pt.).

⁴ Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

⁵ Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.90.0010, 6302.53.0010, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522, and 9404.90.9522.

⁶ Category 347-W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348-W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Philip J. Martello,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 03-26013 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DR-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in the Socialist Republic of Vietnam

October 7, 2003.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection.

EFFECTIVE DATE: October 15, 2003.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.customs.gov>. For information on embargoes and quota re-openings, refer

to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 68 FR 1599, published on January 13, 2003). Also see 68 FR 26575, published on May 16, 2003.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 7, 2003.

Commissioner,
Bureau of Customs and Border Protection,
Washington, DC 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on May 12, 2003, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products, produced or manufactured in Vietnam and exported during the twelve-month period which began on May 1, 2003 and extends through December 31, 2003.

Effective on October 15, 2003, you are directed to adjust the limits for the following categories, as provided for under the terms of the current bilateral textile agreement between the Governments of the United States and Vietnam:

Category	Restraint limit ¹
359-S/659-S ²	368,356 kilograms.
447	38,827 dozen.

¹ The limits have not been adjusted to account for any imports exported after April 30, 2003.

² Category 359-S: only HTS numbers 6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010 and 6211.12.8020; Category 659-S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Philip J. Martello,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 03-26014 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DR-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designations under the Textile and Apparel Commercial Availability Provision of the African Growth and Opportunity Act (AGOA)

October 8, 2003.

AGENCY: The Committee for the Implementation of Textile Agreements (The Committee).

ACTION: Determination

SUMMARY: The Committee has determined that certain fabrics, enumerated below, for use in men's and boys' shirts, cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA. The Committee hereby designates such apparel articles that are both cut and sewn or otherwise assembled in an eligible country from these fabrics as eligible for quota-free and duty-free treatment under the textile and apparel commercial availability provisions of the AGOA, and eligible under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 9819.11.24 to enter free of quotas and duties, provided all other fabrics are U.S. formed from yarns wholly formed in the U.S.

EFFECTIVE DATE: October 15, 2003.

FOR FURTHER INFORMATION CONTACT:

Janet E. Heinzen, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the AGOA and Presidential Proclamation 7350 of October 2, 2000; Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The commercial availability provision of the AGOA provides for duty-free and quota-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner and certain procedural requirements have been met. In Presidential Proclamation 7350, the President proclaimed that this treatment would apply to such apparel articles from fabrics or yarns designated by the appropriate U.S. government authority in the Federal Register. In Executive Order 13191, the President authorized the Committee to determine whether particular yarns or fabrics

cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA.

On June 2, 2003, the Committee received a request alleging that certain fabrics, listed below, for use in men's and boys' shirts, cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA. It requested that apparel articles from such fabrics be eligible for preferential treatment under the AGOA. On June 6, 2003, the Committee requested public comment on the petition (68 FR 33922). On June 23, 2003, the Committee and the U.S. Trade Representative (USTR) sought the advice of the Industry Sector Advisory Committee for Wholesaling and Retailing and the Industry Sector Advisory Committee for Textiles and Apparel. On June 23, 2003, the Committee and USTR offered to hold consultations with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (collectively, the Congressional Committees). On July 14, 2003, the U.S. International Trade Commission provided advice on the petition. Based on the information and advice received and its understanding of the industry, the Committee determined that the fabrics set forth in the request cannot be supplied by the domestic industry in commercial quantities in a timely manner. On July 30, 2003, the Committee and USTR submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such action, and advice obtained. A period of 60 calendar days since this report was submitted has expired, as required by the AGOA.

The Committee hereby designates as eligible for preferential treatment under subheading 9819.11.24 of the HTSUS, men's and boys' shirts, that are both cut and sewn or otherwise assembled in one or more eligible beneficiary sub-Saharan African countries, from the fabrics set forth below, not formed in the United States, provided that all other fabrics are wholly formed in the United States from yarns wholly formed in the United States, that are imported directly into the customs territory of the United States from an eligible beneficiary sub-Saharan African country.

An "eligible beneficiary sub-Saharan African country" means a country which the President has designated as a beneficiary sub-Saharan African country under section 506A of the Trade Act of 1974 (19 U.S.C. 2466a) and which has been the subject of a finding, published in the Federal Register, that the country has satisfied the requirements of section 113 of the AGOA (19 U.S.C. 3722) and

resulting in the enumeration of such country in U.S. note 1 to subchapter XIX of chapter 98 of the HTSUS.

Fabrics named in the request:

- (a) Fabrics of subheadings 5208.21, 5208.22, 5208.29, 5208.31, 5208.32, 5208.39, 5208.41, 5208.42, 5208.49, 5208.51, 5208.52 or 5208.59, of average yarn number exceeding 135 metric;
- (b) Fabrics of subheadings 5513.11 or 5513.21, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;
- (c) Fabrics of subheadings 5210.21 or 5210.31, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;
- (d) Fabrics of subheadings 5208.22 or 5208.32, not of square construction, containing more than 75 warp ends and fillings picks per square centimeter, of average yarn number exceeding 135 metric;
- (e) Fabrics of subheadings 5407.81, 5407.82 or 5407.83, weighing less than 170 grams per square meter, having a dobby weave created by a dobby attachment, of average yarn number exceeding 135 metric;
- (f) Fabrics of subheadings 5208.42 or 5208.49, not of square construction, containing more than 85 warp ends and filling picks per square centimeter, of average yarn number exceeding 85 metric, or exceeding 135 metric if the fabric is of oxford construction (a modified basket weave with a large filling yarn having no twist woven under and over two single, twisted warp yarns);
- (g) Fabrics of subheading 5208.51, of square construction, containing more than 75 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 95 or greater metric;
- (h) Fabrics of subheading 5208.41, of square construction, with a gingham pattern, containing more than 85 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 135 or greater metric, and characterized by a check effect produced by the variation in color of the yarns in the warp and filling;
- (i) Fabrics of subheading 5208.41, with the warp colored with vegetable dyes, and the filling yarns white or colored

with vegetable dyes, of average yarn number greater than 65 metric.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.03-26015 Filed 10-14-03; 8:45 am]

BILLING CODE 3510-DR-S

CONSUMER PRODUCT SAFETY COMMISSION

Chairman's Public Field Hearing Concerning All Terrain Vehicles

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public field hearing.

SUMMARY: The Chairman of the Consumer Product Safety Commission ("CPSC or Commission") will conduct a public field hearing in Albuquerque, New Mexico on November 6, 2003 to obtain information and views from the public concerning all terrain vehicles ("ATVs").

The Chairman requests members of the public to participate in this hearing. The Chairman is particularly interested in participation from users of ATVs (both recreational and occupational); persons who have been involved in accidents or have been injured while riding ATVs; state and local government officials or organizations involved with ATVs; medical professionals and emergency service providers; and manufacturers, distributors and dealers of ATVs.

DATES: The hearing will be held on November 6, 2003, beginning at 9 a.m. Requests to make oral presentations, and 10 copies of the text of the presentation, must be received by the Office of the Secretary no later than November 3, 2003. Persons making presentations at the meeting should provide an additional 10 copies for dissemination on the date of the meeting. The Chairman reserves the right to limit the number of persons who make presentations and the duration of their presentations. To prevent similar presentations, groups will be directed to designate a spokesperson.

ADDRESSES: The meeting will be held at Smith Brasher Hall, 717 University Blvd., S.W. (On the corner of University Blvd. and Coal Avenue), Albuquerque, New Mexico. Requests to make oral presentations, and texts of oral presentations should be captioned "ATV Hearing" and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda,

Maryland 20814. Requests and texts of oral presentations may also be submitted by facsimile to (301) 504-0127 or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For information about the schedule for submission of requests to make oral presentations and submission of texts of oral presentations, contact Rockelle Hammond, office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-6833; fax (301) 504-0127; or e-mail rhammond@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. Background

This meeting will be the third in a series of field hearings on ATVs. During the summer the Chairman conducted hearings in Alaska, and the Commission held a hearing in Morgantown, West Virginia. The question of ATV safety has been an issue of interest to the Commission since the 1980's when the Commission filed a lawsuit under section 12 of the Consumer Product Safety Act ("CPSA") to declare ATVs an imminently hazardous consumer product. 15 U.S.C. 2061(b)(1). The lawsuit was settled in 1988 by Consent Decrees between the Commission and ATV distributors that were effective for 10 years. The Commission continues to gather information about ATV-related injuries and deaths.

From 1997 to 2001 the estimated number of ATV-related injuries treated in hospital emergency rooms rose from 54,700 to 111,700 (a 104% increase). Deaths have also been increasing, and the Commission staff has estimated that there were 547 deaths associated with the use of ATVs in 2000. From 1997 to 2001 the estimated number of ATV drivers rose from 12 million to 16.3 million (a 36% increase), the estimated total number of driving hours rose from 1575 million to 2364 million (a 50% increase), and the estimated number of ATVs rose from 4 million to 5.6 million (a 40% increase). None of the increases in these measures of exposure to the risk of operating ATVs accounts for the increases in the number of injuries during the same time period.

The Commission has been petitioned by the Consumer Federation of America and other groups (Petition CP-02-4/HP-02-1) requesting that the Commission ban adult-size four wheel ATVs that are sold for the use of children under 16 years of age. The Commission requested written comments on the petition (67 FR 64353 and 67 FR 78776). This hearing will provide an additional opportunity for the public to express their views about this petition.

B. The Public Hearing

The purpose of the public hearing is to provide a forum for oral presentations concerning ATVs. Specifically, the Chairman requests comments from interested stakeholders and citizens on the following areas of interest:

1. Information about local and state ATV use restrictions, regulations and licensing activities and their impact upon ATV safety.
2. Current ATV use patterns (recreational, industrial, agricultural, or other uses), injuries and safety issues related to those specific uses.
3. Information from ATV owners and users regarding ATV use, safety issues, accidents and injuries, minimum riding and purchasing age requirements, and future government action.
4. Current local, state and industry safety efforts and training programs.
5. Information from ATV manufacturers and dealers regarding the availability and use of safety training for ATV purchasers, and ATV consumer purchasing patterns (age, model type and size, experienced vs. inexperienced riders, etc.).
6. Whether factors such as the rider's age, ATV engine size, and/or the large used ATV sales market (or any other factors) have influenced the increase in injuries and deaths observed by the Commission staff during its recent ATV risk analysis study.
7. Whether there should be a performance standard for ATVs and what requirements related to safety should be included.

Participation in the hearing is open. See the **DATES** section of this notice for information on making requests to give oral presentations at the hearing.

Dated: October 8, 2003.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 03-26057 Filed 10-14-03; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[OMB Control No. 9000-0011]

**Federal Acquisition Regulation;
Submission for OMB Review;
Preaward Survey Forms (Standard
Forms 1403, 1404, 1405, 1406, 1407,
and 1408)**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0011).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Preaward Survey forms (Standard Forms 1403, 1404, 1405, 1406, 1407, and 1408). A request for public comments was published in the **Federal Register** at 68 FR 41321 on July 11, 2003. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before November 14, 2003.

ADDRESSES: Submit comments, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Craig Goral, Acquisition Policy Division, GSA (202) 501-3856.

SUPPLEMENTARY INFORMATION:

A. Purpose

To protect the Government's interest and to ensure timely delivery of items of the requisite quality, contracting officers, prior to award, must make an affirmative determination that the prospective contractor is responsible, *i.e.*, capable of performing the contract. Before making such a determination, the contracting officer must have in his possession or must obtain information sufficient to satisfy himself that the prospective contractor (i) has adequate financial resources, or the ability to obtain such resources, (ii) is able to comply with required delivery schedule, (iii) has a satisfactory record of performance, (iv) has a satisfactory record of integrity, and (v) is otherwise qualified and eligible to receive an award under appropriate laws and regulations. If such information is not in the contracting officer's possession, it is obtained through a preaward survey conducted by the contract administration office responsible for the plant and/or the geographic area in which the plant is located. The necessary data is collected by contract administration personnel from available data or through plant visits, phone calls, and correspondence and entered on Standard Forms 1403, 1404, 1405, 1406, 1407, and 1408 in detail commensurate with the dollar value and complexity of the procurement. The information is used by Federal contracting officers to determine whether a prospective contractor is responsible.

B. Annual Reporting Burden

Respondents: 5,478.

Responses Per Respondent: 1.

Total Responses: 5,478.

Hours Per Response: 20.8.

Total Burden Hours: 113,942.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0011, Preaward Survey Forms, in all correspondence.

Dated: October 8, 2003.

Ralph J. Destefano,

Acting Director, Acquisition Policy Division.

[FR Doc. 03-26019 Filed 10-14-03; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****[OMB Control No. 9000-0136]****Federal Acquisition Regulation;
Submission for OMB Review;
Commercial Item Acquisitions**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000-0136).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning the clauses and provisions required for use in commercial item acquisitions. A request for public comments was published in the **Federal Register** at 68 FR 52186 on September 2, 2003. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology and ways to enhance the quality, utility, and clarity of the information to be collected. This information will be collected electronically when the online representations and certifications application (ORCA) is activated.

DATES: Submit comments on or before November 14, 2003.

FOR FURTHER INFORMATION CONTACT: Jerry Zaffos, Acquisition Policy Division, GSA (202) 208-6091.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405.

SUPPLEMENTARY INFORMATION:**A. Purpose**

The Federal Acquisition Streamlining Act of 1994 included Title VIII, entitled

Commercial Items. The title made numerous additions and revisions to both the civilian agency and Armed Service acquisition statutes to encourage and facilitate the acquisition of commercial items and services by Federal Government agencies.

To implement these changes, DoD, NASA, and GSA amended the Federal Acquisition Regulation (FAR) to include several streamlined and simplified clauses and provisions to be used in place of existing clauses and provisions. They were designed to simplify solicitations and contracts for commercial items.

Information is used by Federal agencies to facilitate the acquisition of commercial items and services.

B. Annual Reporting Burden

Respondents: 37,500.

Responses Per Respondent: 34.

Total Responses: 1,275,000.

Hours Per Response: .312.

Total Burden Hours: 397,800.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0136 regarding Commercial Item Acquisitions in all correspondence.

Dated: October 8, 2003.

Ralph J. Destefano,

Acting Director, Acquisition Policy Division.

[FR Doc. 03-26020 Filed 10-14-03; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****[OMB Control No. 9000-0133]****Federal Acquisition Regulations;
Submission for OMB Review; Defense
Production Act Amendments**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0133)

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a

request to review and approve an extension of a currently approved information collection requirement concerning Defense Production Act Amendments. A request for public comments was published in the **Federal Register** at 68 FR 52754 on September 5, 2003. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before November 14, 2003.

ADDRESSES: Submit comments, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Gerald Zaffos, Acquisition Policy Division, GSA (202) 208-6091.

SUPPLEMENTARY INFORMATION:**A. Purpose**

Title III of the Defense Production Act (DPA) of 1950 authorizes various forms of Government assistance to encourage expansion of production capacity and supply of industrial resources essential to national defense. The DPA Amendments of 1992 provide for the testing, qualification, and use of industrial resources manufactured or developed with assistance provided under Title III of the DPA.

FAR 34.1 and 52.234-1 require contractors, upon the direction of the contracting officer, to test Title III industrial resources for qualification, and provide the test results to the Defense Production Act Office. The FAR coverage also expresses Government policy to pay for such testing and provides definitions, procedures, and a contract clause to implement the policy. This information is used by the Defense Production Act Office, Title III Program, to determine whether the Title III industrial resource has been provided an impartial opportunity to qualify.

B. Annual Reporting Burden

Respondents: 6.

Responses Per Respondent: 3.

Total Annual Responses: 18.

Hours Per Response: 100.

Total Burden Hours: 1,800.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0133, in all correspondence.

Dated: October 8, 2003.

Ralph J. Destefano,

Acting Director, Acquisition Policy Division.

[FR Doc. 03-26021 Filed 10-14-03; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[OMB Control No. 9000-0047]

**Federal Acquisition Regulation;
Submission for OMB Review; Place of
Performance**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0047).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning place of performance. A request for public comments was published at 68 FR 41322 on July 11, 2003. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected. When the On-Line

Representation and Certifications Application (ORCA) becomes available, contractors will be able to complete the provision electronically; however, because the data being collected could change for a specific solicitation, contractor's will still be required to submit place of performance information on an exception basis; that is, whenever the place of performance for a specific solicitation is different from the place of performance shown in ORCA.

DATES: Submit comments on or before November 14, 2003.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, Washington, DC 20405

FOR FURTHER INFORMATION CONTACT: Gerald Zaffos, Acquisition Policy Division, GSA (202) 208-6091.

SUPPLEMENTARY INFORMATION:**A. Purpose**

The information relative to the place of performance and owner of plant or facility, if other than the prospective contractor, is a basic requirement when contracting for supplies or services (including construction). This information is instrumental in determining bidder responsibility, responsiveness, and price reasonableness. A prospective contractor must affirmatively demonstrate its responsibility. Hence, the Government must be apprised of this information prior to award. The contracting officer must know the place of performance and the owner of the plant or facility to (1) determine bidder responsibility; (2) determine price reasonableness; (3) conduct plant or source inspections; and (4) determine whether the prospective contractor is a manufacturer or a regular dealer. The information is used to determine the firm's eligibility for awards and to assure proper preparation of the contract.

B. Annual Reporting Burden

Respondents: 79,397.

Responses Per Respondent: 14.

Total Responses: 1,111,558.

Hours Per Response: .07.

Total Burden Hours: 77,810.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), Room 4035, 1800 F Street, NW, Washington, DC

20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0047, Place of Performance, in all correspondence.

Dated: October 8, 2003.

Ralph J. Destefano,

Acting Director, Acquisition Policy Division.

[FR Doc. 03-26022 Filed 10-14-03; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[OMB Control No. 9000-0048]

**Federal Acquisition Regulation;
Submission for OMB Review;
Authorized Negotiators**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0048).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning authorized negotiators. A request for public comments was published in the **Federal Register** at 68 FR 52574 on September 4, 2003. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before November 14, 2003.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this

burden to the General Services Administration, FAR Secretariat (MVA), 1800 F Streets, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Julia Wise, Acquisition Policy Division, GSA (202) 208-1168.

SUPPLEMENTARY INFORMATION:

A. Purpose

Firms offering supplies or services to the Government under negotiated solicitations must provide the names, titles, and telephone numbers of authorized negotiators to assure that discussions are held with authorized individuals. The information collected is referred to before contract negotiations and it becomes part of the official contract file.

B. Annual Reporting Burden

Respondents: 65,660.

Responses Per Respondent: 8.

Total Responses: 525,280.

Hours Per Response: .017.

Total Burden Hours: 8,930.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0048, Authorized Negotiators, in all correspondence.

Dated: October 8, 2003.

Ralph J. Destefano,

Acting Director, Acquisition Policy Division.

[FR Doc. 03-26023 Filed 10-14-03; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF EDUCATION

**Submission for OMB Review;
Comment Request**

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 14, 2003.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet

address

Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 8, 2003.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: New.

Title: Credit Enhancement for Charter School Facilities Program Performance Report.

Frequency: Semi-Annually; annually; material events.

Affected Public: Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 16.

Burden Hours: 151.

Abstract: ED will use the information through this report to monitor and evaluate competitive grants. These grants are made to private, non-profits; governmental entities; and consortia of these organizations. These organizations will use the funds to leverage private capital to help charter schools construct, acquire, and renovate school facilities.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov*, by selecting the "Browse Pending Collections" link and

by clicking on link number 2327. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202-4651 or to the e-mail address *vivan.reese@ed.gov*. Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her e-mail address *Kathy.Axt@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 03-26055 Filed 10-14-03; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

**Federal Energy Regulatory
Commission**

**[Docket Nos. RP00-331-004, RP01-23-006
and RP03-176-002]**

Algonquin Gas Transmission

Company; Notice of Compliance Filing

October 7, 2003.

Take notice that on August 12, 2003, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the revised tariff sheets listed in Appendices A and B of the filing.

Algonquin states that the purpose of this filing is to comply with the Commission's July 23, 2003 "Order on Rehearing and Compliance Filings" issued in Algonquin's Order No. 637 proceeding in the captioned dockets.

Algonquin states that copies of its filing have been mailed to all affected customers and interested state commissions, as well as to all parties on the official service lists.

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 "eLibrary" 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: October 14, 2003.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-26060 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-301-087]

ANR Pipeline Company; Notice of Negotiated Rate Filing

October 7, 2003.

Take notice that on September 30, 2003, ANR Pipeline Company (ANR), tendered for filing and approval a new service agreement between ANR and George B. Franklin & Son, Inc. and a gathering agreement. ANR requests that the Commission accept and approve the subject negotiated rate agreements to be effective October 1, 2003.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 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 "eLibrary".

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: October 14, 2003.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-26071 Filed 10-15-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95-408-053]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2003.

Take notice that on September 30, 2003, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised the following revised tariff sheets Second Revised Volume No. 1, the following revised tariff sheets bearing a proposed effective date of November 1, 2003:

Sixty-fifth Revised Sheet No. 25
Sixty-fifth Revised Sheet No. 26
Sixty-fifth Revised Sheet No. 27
Twenty-ninth Revised Sheet No. 30A

Columbia states that this filing is being submitted pursuant to Stipulation I, Article I, Section E, True-up Mechanism, of the Settlement (Settlement) in Docket No. RP95-408, *et al.* Pursuant to the true-up mechanism, Columbia is required to true-up its collections from the Settlement Component for twelve-month periods commencing November 1, 1996. In accordance with the Settlement, the true-up component of the Settlement Component is to be removed effective November 1 of each year. The instant filing is being made to remove such true-up component from the currently effective Settlement Component effective November 1, 2003.

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

Any person desiring to be heard or to protest said filing should file a motion

to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 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 "eLibrary". 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: October 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. E3-00035 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. P-2586-000]

Conecuh River Project; Notice of Meeting To Discuss Compliance With Section 106 of the National Preservation Act

October 7, 2003.

a. *Date and Time of Meeting:* October 21, 2003, 10 a.m.

b. *Place:* Alabama Historical Commission, 468 South Perry Street, Montgomery, AL.

c. *Contacts:* AHC: Amanda L. McBride (SHPO) at 334-343-3184.

FERC: Pennie Lewis-Partee at (202) 502-6018; e-mail pennie.lewispartee@ferc.gov.

d. *Purpose of the Meeting:* Representatives of the FERC, the AHC, and the licensee for the Conecuh River Project (Project No. 2586) will meet to discuss compliance with Section 106, National Historic Preservation Act, and the opportunities for executing a Programmatic Agreement for the

proposed relicensing of the Conecuh Project.

e. Proposed Agenda:

Introduction and Recognition of Participants

Explanation of the Project

Delineation of the Area of Potential Effects

Identification of Historic Properties

Assessment of Effects

Taking Unavoidable Effects into

Account

Follow-up Actions

f. All local, state, and federal agencies, Indian Tribes, and interested parties, are hereby invited to attend this meeting as participants.

g. This meeting is posted on the Commission's calendar located at <http://www.ferc.gov/EventCalendar/EventsList.aspx> along with other related information.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-26059 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-19-000]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 7, 2003.

Take notice that on October 2, 2003, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1-A, the following tariff sheets, to become effective November 5, 2003:

Seventh Revised Sheet No. 214

Original Sheet No. 214A

Seventh Revised Sheet No. 215

El Paso states that these tariff sheets, being filed as a result of the technical conference held September 24, 2003 at Docket No. RP00-336-014, are designed to provide additional scheduling flexibility for El Paso's shippers, and are filed to propose a tiered scheduling priority for firm service under Rate Schedule FT-1.

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 "eLibrary" (FERRIS). 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: October 14, 2003.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-26068 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-18-008]

Iroquois Gas Transmission System, L.P.; Notice of Negotiated Rates

October 7, 2003.

Take notice that on October 1, 2003, Iroquois Gas Transmission System, L.P. (Iroquois) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, First Revised Sheet No. 8, to become effective November 1, 2003.

Iroquois states that the purpose of this filing is to submit gas transportation contract No. R-1365-03 with Amerada Hess Corporation (Amerada) dated June 17, 2003 because this agreement does not conform to the form of service agreement for firm reserved service contained in Iroquois' tariff. Iroquois states that it is adding this Amerada agreement to a new list of non-conforming service agreements as identified on Sheet No. 1 and Sheet No. 8 in its tariff.

Iroquois states that copies of its filing were served on all jurisdictional customers and interested state regulatory agencies and all parties to the proceeding.

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 "eLibrary". 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: October 14, 2003.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-26070 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-13-000]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Tariff Filing

October 7, 2003.

Take notice that on October 1, 2003, Maritimes & Northeast Pipeline, L.L.C. (Maritimes) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets reflecting an effective date of November 1, 2003: Second Revised Sheet No. 4; First Revised Sheet No. 5.

Maritimes states that it is filing these tariff sheets to amend its Preliminary Statement and System Map to provide an updated description of the Maritimes' system once its Phase III mainline extension facilities are placed into service.

Maritimes states that copies of its filing have been mailed to all affected customers of Maritimes 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 section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary". 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: October 14, 2003.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-26063 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-14-000]

Maritimes & Northeast Pipeline L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

October 7, 2003.

Take notice that on October 1, 2003, Maritimes & Northeast Pipeline, L.L.C. (Maritimes) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Fifth Revised Sheet No. 11, to become effective on November 1, 2003.

Maritimes states that it is making this Fuel Retainage Quantity (FRQ) filing, pursuant to section 20 of the General Terms and Conditions (GT&C) of its FERC Gas Tariff. Maritimes is proposing an increase of 0.30% to the four seasonal periods, the projected Fuel Retainage Percentage for each of the four periods will be 1.20%.

Maritimes also states that it is submitting the calculation of the (FRQ) Deferred Account amount, pursuant to

section 20 of the GT&C, which provides that Maritimes will calculate surcharges or refunds designed to amortize the net monetary value of the balance in the FRQ Deferred Account at the end of the previous accumulation period. Maritimes states that for the period August 1, 2002, through July 31, 2003, the FRQ Deferred Account resulted in a net debit balance of approximately \$1,607,858.38, inclusive of carrying charges, that will be surcharged to Maritimes' customers.

Maritimes states that copies of this filing were mailed to all affected customers of Maritimes 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 section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary". 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: October 14, 2003.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-26064 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-15-000]

PG&E Gas Transmission, Northwest Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 7, 2003.

Take notice that on October 1, 2003, PG&E Gas Transmission, Northwest Corporation (GTN) tendered for filing to be part of its FERC Gas Tariff, Second Revised Volume No. 1-A, Second Revised Sheet No. 11, with an effective date of November 1, 2003.

GTN states that this sheet is being filed to update the list of shippers to which GTN's Competitive Equalization Surcharge applies.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 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 "eLibrary". 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: October 14, 2003.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-26065 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP04-16-000]

PG&E Gas Transmission, Northwest
Corporation; Notice of Proposed
Change in FERC Gas Tariff

October 7, 2003.

Take notice that on October 1, 2003, PG&E Gas Transmission, Northwest Corporation (GTN) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1-A, Fourth Revised Sheet No. 4, with an effective date of November 1, 2003.

GTN states that it is revising this tariff sheet to modify the rate for service under Rate Schedule FTS-1(E-2)(WWP) in accordance with the negotiated rate formula for that service as specified in GTN's tariff.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 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 "eLibrary." 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: October 14, 2003.

Linda Mitry,
Acting Secretary.

[FR Doc. 03-26066 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. CP01-416-002]

Sierra Production Company; Notice of
Application

October 7, 2003.

Take notice that on September 29, 2003, Sierra Production Company, (Sierra), filed an application seeking to amend its Presidential Permit issued by the Commission on December 28, 2001, in Docket No. CP01-416-000, and amended in Docket No. CP01-416-001 on December 3, 2002, all as more fully set forth in the application on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.gov> using the "eLibrary (formerly 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.

In Sierra's December 3 Presidential Permit, the Commission authorized it to increase its importation service from 5,000 Mcf to 12,000 Mcf per day of natural gas from Southern Alberta, Canada to Montana. Sierra states that subsequent to Commission issuance of its Presidential Permit, additional volumes over and above the amended amount have been proffered by four producers in the immediate area of Sierra's well in Alberta, Canada. Further, Sierra has increased the pipeline size immediately past the permitted facilities to 6-inch pipe which allows Sierra to transport a current capacity of 24,000 Mcf per day which can be accommodated through the permitted facilities. Accordingly, Sierra requests that the Commission amend the Presidential Permit to increase the imported natural gas volume from 12,000 Mcf per day to 24,000 Mcf per day.

Any questions regarding the application should be directed to Sam Baldridge, Petroleum Landman, Business Development, Sierra Production Company, 707 Iowa Avenue, Whitefish, Montana 59937, at (406) 862-0753.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal

Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions 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 instructions on the Commission's Web site under the "e-Filing" link.

Comment Date: October 28, 2003.

Linda Mitry,
Acting Secretary.

[FR Doc. 03-26058 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03-401-002]

Southern LNG Inc.; Notice of Compliance Filing

October 7, 2003.

Take notice that on October 1, 2003, Southern LNG (Southern LNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheet in compliance with the Commission's order on September 16, 2003: 2nd Substitute 2nd Revised Sheet No. 99.

On March 12, 2003, the Commission issued Order No. 587-R in Docket No. RM96-1-024, which revised the Commission's regulations to incorporate changed standards of the North American Energy Standards Board. Southern LNG filed sheets on July 14, 2003 to comply with Order No. 587-R, and the September 16, 2003 order conditionally accepted the sheets. Southern LNG states that the proposed sheet complies with the condition to the September 16, 2003 order. The sheet has an effective date of July 1, 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 eLibrary 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: October 14, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. 03-26061 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-20-000]

Terasen Sumas Inc.; Notice of Rate Filing

October 7, 2003.

Take notice that on October 2, 2003, Terasen Sumas Inc. tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, Eleventh Revised Sheet No. 4, with a proposed effective date of October 1, 2003.

Terasen Sumas Inc. states that the tariff sheet reflects the new ACA unit surcharge rate of \$0.0021 Dth. As the new ACA rate is a decrease, Terasen Sumas Inc. has sought a waiver to allow the collection of the new rate effective October 1, 2003.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 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 "eLibrary". 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: October 14, 2003.

Linda Mitry,
Acting Secretary.

[FR Doc. 03-26069 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03-435-002]

Texas Gas Transmission, LLC; Notice of Compliance Filing

October 7, 2003.

Take notice that on October 3, 2003, Texas Gas Transmission, LLC (Texas Gas), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets as indicated on Appendix A to the filing, to be effective July 1, 2003.

Texas Gas states that this is an administrative filing. Texas Gas also states that the purpose of the filing is to submit tariff sheets already accepted by the Commission for incorporation into Texas Gas FERC Gas Tariff, Second Revised Volume No. 1.

Texas Gas states that copies of the tariff sheets are being mailed to all parties on the official service list in this docket, to Texas Gas' official service list, to Texas Gas' jurisdictional customers, and to 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 eLibrary 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: October 15, 2003.

Linda Mitry,
Acting Secretary.

[FR Doc. 03-26062 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP04-17-000]****Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing**

October 7, 2003.

Take notice that on October 1, 2003 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 Nineteenth Revised Sheet No. 29, with an effective date of November 1, 2003.

Transco states that the filing is submitted pursuant to Section 38 of the General Terms and Conditions of Transco's FERC Gas Tariff which provides that Transco will file a redetermination of its fuel retention percentage applicable to Rate Schedules LG-A, LNG and LG-S to be effective each November 1. Transco further states the derivation of the revised fuel retention percentage included therein is based on Transco's actual gas required for operations (GRO) for the period September 2000 through August 2003 plus the balance accumulated in the Deferred GRO Account at August 31, 2003. Transco indicates that Appendix A to the filing, contains work papers supporting the derivation of the revised fuel retention percentages.

Transco states that copies of the filing are being mailed to its affected customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 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 "eLibrary". 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: October 14, 2003.

Linda Mitry,
Acting Secretary.

[FR Doc. 03-26067 Filed 10-14-03; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER03-1375-000]****Waymart Wind Farm L.P.; Notice of Filing**

September 26, 2003.

Take notice that on September 23, 2003, Waymart Wind Farm L.P. tendered for filing an application for authorization to sell energy and capacity at market-based rates pursuant to section 205 of the Federal Power Act.

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 eLibrary (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.

Comment Date: October 14, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. E3-00036 Filed 10-14-03; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. EC03-139-000, et al.]****Enron Power Marketing, Inc., et al.; Electric Rate and Corporate Filings**

October 2, 2003.

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

1. Enron Power Marketing, Inc. and Peaker LLC**[Docket No. EC03-139-000]**

Take notice that on September 26, 2003, Enron Power Marketing, Inc. (EPMI) and Peaker LLC (Peaker) (collectively Applicants) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act seeking authorization for the disposition of jurisdictional assets relating to the transfer from EPMI to Peaker of its interests in two long-term electric capacity purchase and sale contracts between, respectively: (1) EPMI and Spokane Energy, LLC; and (2) EPMI and Avista Corp. The Applicants requested that the Commission grant the authorizations to allow the Transfer to take place by November 15, 2003. Applicants have request confidential treatment of Exhibits G and I of the application.

Comment Date: October 17, 2003.**2. High Desert Power Project, LLC****[Docket No. EG03-109-000]**

On September 26, 2003 High Desert Power Project, LLC (High Desert) filed with the Federal Energy Regulatory Commission an application for redetermination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Comment Date: October 23, 2003.**3. High Desert Power Trust****[Docket No. EG03-110-000]**

On September 26, 2003 High Desert Power Trust (Trust), filed with the Federal Energy Regulatory Commission an application for redetermination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Comment Date: October 23, 2003.

4. Tractebel Energy Marketing, Inc.; Trigen-Syracuse Energy Corporation

[Docket Nos. ER94-142-027 and ER00-2603-001]

Take notice that on September 29, 2003, Tractebel Energy Marketing, Inc. and Trigen-Syracuse Energy Corporation submitted their triennial market power analyses pursuant to Commission Orders in Docket No. ER94-142-000 dated January 7, 1994 and Docket No. ER00-2603-000 dated June 22, 2003.

Comment Date: October 20, 2003.

5. The Cincinnati Gas & Electric Company; Covert Generating Company, LLC

[Docket Nos. ER96-2504-006 and ER01-520-005]

Take notice that on September 15, 2003, The Cincinnati Gas & Electric Company (CG&E) and Covert Generating Company, LLC (Covert), submitted a filing of a non-material change in the characteristics that the Commission relied upon in granting CG&E and Covert market-based rate authorization under section 205 of the Federal Power Act.

Comment Date: October 14, 2003.

6. NewCorp Resources Electric Cooperative, Inc.

[Docket No. ER03-1116-001]

Take notice that on September 29, 2003, NewCorp Resources Electric Cooperative, Inc. (NewCorp) pursuant to section 205 of the Federal Power Act and Part 35 of the Commission's regulations, submitted a compliance filing pursuant to the Commission's Letter order issued August 29, 2003 in Docket No. ER03-116-000.

Comment Date: October 20, 2003.

7. Palama, LLC

[Docket No. ER03-1316-000]

Take notice that on September 9, 2003, Palama, LLC (Palama) petitioned the Commission for acceptance of Palama FERC Rate Schedule No.1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations. Palama states that it intends to engage in wholesale electric power and energy purchases and sales as a marketer.

Comment Date: October 14, 2003.

8. ECONergy PA, Inc.

[Docket No. ER03-1336-000]

Take notice that on September 15, 2003, ECONergy PA, Inc. submitted for filing a Notice of Cancellation of their Market-Based Rate Authority.

ECONergy PA, Inc. requests that the cancellation be made effective immediately.

Comment Date: October 16, 2003.

9. Troy Energy, LLC

[Docket No. ER03-1396-000]

Take notice that on September 29, 2003, Troy Energy, LLC (Troy) tendered for filing a rate schedule pursuant to which Troy will provide Reactive Power and Voltage Control from Generation Sources Service to American Transmission Systems, Inc. Troy requests an effective date of October 1, 2003.

Troy states that a copy of the filing was served upon the American Transmission Systems, Inc.

Comment Date: October 20, 2003.

10. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER03-1397-000]

Take notice that on September 29, 2003, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) pursuant to section 205 of the Federal Power Act and § 35.12 of the Commission's regulations, submitted for filing an Interconnection and Operating Agreement among Coggon Municipal Light Plant Board, Midwest ISO, and Interstate Power and Light Company, a wholly-owned subsidiary of Alliant Energy.

Midwest ISO states that a copy of this filing was served on Coggon Municipal Light Plant Board and Interstate Power and Light Company.

Comment Date: October 20, 2003.

11. South Carolina Electric & Gas Company

[Docket No. ER03-1398-000]

Take notice that on September 29, 2003, South Carolina Electric & Gas Company (SCE&G) filed with the Federal Energy Regulatory Commission several documents constituting the agreement between SCE&G and Columbia Energy LLC (Columbia Energy) regarding the interconnection of the Columbia Energy facilities located at Columbia, SC, with the SCE&G transmission system, including an executed Operating Agreement for Interconnected Generation Between Columbia Energy, LLC (Columbia Energy) and SCE&G and an executed Construction & Maintenance Agreement for Interconnection Facilities Between Columbia Energy and SCE&G. SCE&G has requested an effective date of November 15, 2003.

Comment Date: October 20, 2003.

12. MidAmerican Energy Company

[Docket No. ER03-1399-000]

Take notice that on September 29, 2003, MidAmerican Energy Company (MidAmerican), filed with the Commission an amended Interconnection Agreement.

MidAmerican requests an effective date of January 10, 2003 for the agreement and seeks a waiver of the Commission's 60-day notice requirement. MidAmerican states it has served a copy of the filing on the Iowa Utilities Board, the Illinois Commerce Commission, the South Dakota Public Utilities Commission and Interstate Power and Light Company.

Comment Date: October 20, 2003.

13. Duke Energy Corporation

[Docket No. ER03-1400-000]

Take notice that on September 29, 2003, Duke Energy Corporation, on behalf of Duke Electric Transmission, (collectively, Duke) tendered for filing a revised Service Agreement for Network Integration Transmission Service (NITSA) between Duke and New Horizon Electric Membership Cooperative, Inc. Duke seeks an effective date for the revised NITSA of September 1, 2003.

Comment Date: October 20, 2003.

14. Sempra Energy Trading Corp.

[Docket No. ER03-1413-000]

Take notice that on September 26, 2003, Sempra Energy Trading Corp (SET) filed a notice of change in status, election to file triennial updates, and a revised rate schedule.

Comment Date: October 17, 2003.

15. Midwest Independent Transmission System Operator, Inc.

[Docket No. ES03-62-000]

Take notice that on September 30, 2003, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to make no more than \$105 million of short-term borrowings under a line of credit agreement.

The Midwest ISO also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment Date: October 16, 2003.

16. Archer-Daniels-Midland Company

[Docket No. QF89-234-001]

Take notice that on September 17, 2003, Archer-Daniels-Midland Company (Archer-Daniels) filed with the Commission an application for recertification of a facility as a

qualifying cogeneration facility pursuant to section 292.207(b) of the Commission's regulations. No determination has been made that the submittal constitute a complete filing.

Archer-Daniels states that the facility has a nameplate rating of approximately 260 MW and is located in Cedar Rapids, Iowa. Archer-Daniels also states the facility is interconnected with IES Utilities, Inc (IES). Archer-Daniels further states it may sell electric energy to IES or other third-parties. IES provides backup power and maintenance power and that IES may provide supplementary power and interruptible power to the facility.

Comment Date: October 17, 2003.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502-8222 or TTY, (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. E3-00042 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AC04-1-000, et al.]

PJM Interconnection L.L.C., et al.; Electric Rate and Corporate Filings

October 7, 2003.

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

1. PJM Interconnection, L.L.C.

[Docket No. AC04-1-000]

Take notice that on October 1, 2003, PJM Interconnection, L.L.C. (PJM) tendered for filing with the Federal Energy Regulatory Commission (Commission) a letter addressed to John M. Delaware, Chief Accountant of the Commission, requesting authorization to defer depreciation of certain capital costs, required to integrate additional transmission owners into its markets and systems, until January 1, 2005. PJM then proposes to amortize the deferred amounts, plus finance charges, over 36 months, beginning on January 1, 2005. Action on this accounting request will affect the determination of amounts to be billed under PJM's formula tariff.

Comment Date: October 21, 2003.

2. Georgia Natural Gas Company

[Docket No. ER03-1403-000]

Take notice that on September 30, 2003, Georgia Natural Gas Company (f/k/a Atlanta Gas Light Services, Inc.) (f/k/a The Energy Spring, Inc.) pursuant to Section 35.15 of the Commission's regulations, 18 CFR 35.15, submitted a Notice of Cancellation to terminate its Electric Rate Schedule FERC No. 1. Georgia Natural Gas Company requests an effective date of October 31, 2003.

Comment Date: October 21, 2003.

3. PPM Colorado Wind Ventures, Inc.

[Docket No. EG04-2-000]

Take notice that on October 1, 2003, PPM Colorado Wind Ventures, Inc. (PPM Colorado) tendered for filing an Application for Determination of Exempt Wholesale Generator Status (Application) pursuant to Section 32 of the Public Utility Holding Company Act of 1935.

PPM Colorado states that a copy of the Application has been sent to the Public Utilities Commission of Colorado, the California Public Utilities Commission, the Oregon Public Utility Commission, the Washington Utilities and Transportation Commission, the Utah Public Service Commission, the Idaho

Public Utilities Commission, and the Wyoming Public Service Commission, as "affected state commissions" under 18 CFR 365.2(b)(3), and the Securities and Exchange Commission.

Comment Date: October 28, 2003.

4. Southeastern Power Administration

[Docket No. EF03-3011-000]

Take notice that on September 30, 2003, the Deputy Secretary of Energy confirmed and approved on an interim basis, effective on October 1, 2003, Rate Schedules SOCO-1-B, SOCO-2-B, SOCO-3-B, SOCO-4-B, ALA-1-K, MISS-1-K, Duke-1-B, Duke-2-B, Duke-3-B, Duke-4-B, Santee-1-B, Santee-2-B, Santee-3-B, Santee-4-B, SCE&G-1-B, SCE&G-2-B, SCE&G-3-B, SCE&G-4-B, Regulation-1, Replacement-1, Pump-1-A, and Pump-2 for power from Southeastern Power Administration's (Southeastern) Georgia-Alabama-South Carolina System. The rate schedules have been submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis, effective October 1, 2003, and ending September 30, 2007.

The Deputy Secretary of Energy states that the Commission, by order issued July 15, 2003, in Docket No. EF02-3011-000, confirmed and approved Rate Schedules SOCO-1-A, SOCO-2-A, SOCO-3-A, SOCO-4-A, ALA-1-J, MISS-1-J, Duke-1-A, Duke-2-A, Duke-3-A, Duke-4-A, Santee-1-A, Santee-2-A, Santee-3-A, Santee-4-A, SCE&G-1-A, SCE&G-2-A, SCE&G-3-A, SCE&G-4-A, and Pump-1-A, Pump-2, and Regulation-1 and Replacement-1. Southeastern proposes in the instant filing to replace these rate schedules.

Comment Date: October 28, 2003.

5. Southeastern Power Administration

[Docket No. EF03-3021-000]

Take notice that on September 30, 2003, the Deputy Secretary of the Department of Energy confirmed and approved on an interim basis, effective on October 1, 2003, Rate Schedules CBR-1-E, CSI-1-E, CEK-1-E, CM-1-E, CC-1-F, CK-1-E, CTV-1-E, and SJ-1-B for power from Southeastern Power Administration's (Southeastern) Cumberland System of Projects. The rate schedules have been submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis effective October 1, 2003 and ending September 30, 2008.

The Deputy Secretary states that the Commission, by order issued March 17, 2000, in Docket No. EF99-3021-000, confirmed and approved Rate Schedules CBR-1-D, CSI-1-D, CK-1-D, CC-1-E,

CM-1-D, CEK-1-D, CTV-1-D, and SJ-1-A. Southeastern proposes in the instant filing to replace these rate schedules.

Comment Date: October 28, 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 eLibrary (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. 03-26035 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER95-1528-007, et al.]

Wisconsin Public Service Corporation, et al.; Electric Rate and Corporate Filings

October 1, 2003.

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

1. Wisconsin Public Service Corporation; WPS Energy Services, Inc.; WPS Power Development, Inc. (and its subsidiaries)

[Docket No. ER95-1528-007 and ER96-1088-032]

Take notice that on September 26, 2003 Wisconsin Public Service Corporation, WPS Energy Services, Inc., and WPS Power Development, Inc. (PDI) submitted a notice of change in status to reflect the September 19, 2003 acquisition by PDI Stoneman, Inc., a PDI subsidiary, of a 33⅓% ownership interest in Mid-American Power LLC (Mid American), owner of a 54 MW plant in the Dairyland Power Cooperative control area. This change in status does not affect the market analysis under consideration in the above-captioned proceeding.

WPS states that copies were served on the Public Service Commission of Wisconsin and the participants in the above-captioned dockets.

Comment Date: October 17, 2003.

2. Northern Indiana Public Service Company

[Docket No. ER96-399-005]

Take notice that on September 26, 2003, Northern Indiana Public Service Company filed a refund report in compliance with the order issued by the Commission on December 30, 2002, 101 FERC ¶ 61,394.

Northern Indiana Public Service Company states that copies of this filing have been sent all parties on the Commission's official service list.

Comment Date: October 17, 2003.

3. Allegheny Power

[Docket No. ER03-309-006]

Take notice that on September 29, 2003, Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company, doing business as Allegheny Power (Allegheny Power), tendered for filing with the Federal Energy Regulatory Commission an amendment to their August 28, 2003 compliance filing in PJM Interconnection, L.L.C., et al., 104 FERC ¶ 61,154. Allegheny Power requests that the Commission accept the amendment to the Interconnection and Operating Agreement to become effective December 20, 2002.

Comment Date: October 20, 2003.

4. Westar Energy, Inc.

[Docket No. ER03-939-002]

Take notice that on September 29, 2003, Westar Energy, Inc. (Westar) submitted for filing a revised Electric

Interconnection Contract modified to conform Service Schedule D to the unbundling requirements of Order No. 888 and reflect the actual effective date, based on the closing of the transaction between Westar and Midwest Energy, Inc., in Docket No. EC03-23-000. This filing is in compliance with the Commission's August 29, 2003 Order in Docket No. ER03-939-000.

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

Comment Date: October 20, 2003.

5. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER03-1018-001]

Take notice that on September 29, 2003, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing proposed revisions to Schedule 10—ISO Cost Recovery Adder of its Open Access Transmission Tariff, FERC Electric Tariff, Second Revised Volume No.1, in compliance with the Commission August 29, 2003 Order Accepting, In Part, and Rejecting, In Part, Proposed Tariff Revisions, 104 FERC ¶ 61,231. Midwest ISO has requested the original effective date of September 1, 2003.

Midwest ISO has also requested waiver of the service requirements set forth in 18 CFR 385.2010. The Midwest ISO states that it has electronically served a copy of this filing, with attachments, upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-transmission Owners, the Midwest ISO Advisory Committee participants, as well as all state commissions within the region. In addition, Midwest ISO states the filing has been electronically posted on the Midwest ISO's Web site at www.midwestiso.org under the heading "Filings to FERC" for other interested parties in this matter. Midwest ISO states that they will provide hard copies to any interested parties upon request.

Comment Date: October 20, 2003.

6. Portland General Electric Company

[Docket No. ERO3-1027-001]

Take notice that on September 26, 2003, Portland General Electric Company (PGE) filed a refund report as Ordered by the Commission in Docket No. ER03-1027-000.

PGE states that copies of the filing were served upon the Oregon Public Utility Commission.

Comment Date: October 17, 2003.

7. Western Systems Power Pool

[Docket No. ER03-1149-001]

Take notice that on September 16, 2003, Western Systems, Power Pool

(WSPP) submitted a revised cover-page of the WSPP Agreement and a revised table of contents. WPSS states that they inadvertently omitted these changes from the filing WSPP Agreement by Commission Order dated September 11, 2003.

Comment Date: October 10, 2003.

8. Westar Energy, Inc.

[Docket No. ER03-1183-002]

Take notice that on September 26, 2003, Westar Energy, Inc. (Westar) submitted for filing corrections to certain revised sheets of Second Revised Rate Schedule FERC No. 264, Electric Transmission and Service Contract between Westar Energy, Inc. and Kansas Electric Power Cooperative, Inc. (KEPCo). Westar states that these corrections include suggestions of FERC Staff to make certain definitions more clear. Specifically, Westar notes that definition 1.19 on First Revised Sheet No. 7 has been changed to more clearly define the Westar Zone. Westar further states other changes have been made to Fourth Revised Sheet No. 40 to more clearly define points of interconnection.

Westar state that copies of this filing was served upon the Kansas Corporation Commission and KEPCo.

Comment Date: October 17, 2003.

9. EnerConnect, Inc.

[Docket No. ER03-1343-000]

Take notice that on September 15, 2003, EnerConnect, Inc. submitted for filing a Notice of Cancellation of its Market-Base Rate Authority (MBRA) in Docket No. ER96-1424-000. EnerConnect, Inc. states that it has never used the MBRA in any transactions or conducted business that would required an MBRA. EnerConnect Inc is requesting an effective date of September 9, 2003.

Comment Date: October 10, 2003.

10. Tampa Electric Company

[Docket No. ER03-1392-000]

Take notice that on September 26, 2003, Tampa Electric Company (Tampa Electric) tendered for filing notices of cancellation of the service agreements under its open access transmission tariff with the following customers: Dynegy Power Marketing, Inc.; Reliant Energy Services, Inc.; and SCANA Energy Marketing, Inc. Tampa Electric proposes that the cancellations be made effective on October 1, 2003.

Tampa Electric states that copies of the filing have been served on the affected customers and the Florida Public Service Commission.

Comment Date: October 17, 2003.

11. Aquila, Inc.

[Docket No. ER03-1393-000]

Take notice that on September 26, 2003, Aquila, Inc. (Aquila), filed with the Commission, pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d, and part 35 of the Commission's regulations, a Temporary Interconnection Agreement between Aquila, Inc. d/b/a Aquila Networks—WPK and the Glen Elder City Government dated as of September 2, 2003. Aquila states that the Interconnection Agreement is filed as Service Agreement No. 106 to Aquila's FERC Electric Tariff, Third Revised Volume No. 26. Aquila requests that the Agreement be made effective September 2, 2003.

Comment Date: October 17, 2003.

12. Hartford Steam Company

[Docket ER03-1394-000]

Take notice that on September 26, 2003, Hartford Steam Company (Hartford Steam) submitted for filing pursuant to Schedule 205 of the Federal Power Act and part 35 of the Commission's regulations, the Energy Purchase Agreement EPA, by and between Hartford Steam and The Connecticut Light and Power Company (CL&P). Under the terms of the EPA, Hartford Steam will sell to CL&P for resale excess energy produced by its 7.5 MW cogeneration facility. Hartford Steam requests a waiver of the Commission's notice requirements to permit the EPA to become effective as of September 1, 2000.

Comment Date: October 17, 2003.

13. New England Power Company

[Docket No. ER03-1395-000]

Take notice that on September 26, 2003, New England Power Company (NEP) submitted for filing: (i) Second Revised Service Agreement No. 6 between NEP and its affiliate, Granite State Electric Company (Granite State), under NEP's FERC Electric Tariff, Original Volume No. 1; and (ii) Second Revised Service Agreement No. 109 between NEP and its affiliate, Massachusetts Electric Company (MECO), under NEP's FERC Electric Tariff, Second Revised Volume No. 9. NEP states that copies of this filing have been served on Granite State, MECO and regulators in the states of Massachusetts and New Hampshire.

Comment Date: October 17, 2003.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC

20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502-8222 or TTY, (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. E3-00041 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM02-1-000 and RM02-1-001]

Before Commissioners: Pat Wood, III, Chairman; William L. Massey, and Nora Mead Brownell: Standardization of Generator Interconnection Agreements and Procedures; Order Denying Stay and Granting Extension

Issued October 7, 2003.

1. On July 24, 2003, the Commission issued Order No. 2003, Standardization of Generator Interconnection Agreements and Procedures.¹ The final rule will become effective on October 20, 2003. Several parties have requested that the Commission stay the effective date of this rule pending rehearing and judicial review, while other parties have requested that the Commission extend the effective date of the rule or extend the date on which compliance filings

¹ Standardization of Generator Interconnection Agreements and Procedures, Order No. 2003, 68 FR 49,845 (Aug. 19, 2003), FERC Stats. & Regs. ¶ 31,146 (2003) ("Final Rule").

are due. This order denies the requests for stay of Order No. 2003, but grants the requests to extend the effective date of the rule and the date on which compliance filings are due.

I. Background

2. On August 25, 2003, the Commission received requests for stay of all or part of Order No. 2003 from the Alabama Public Service Commission (Alabama PSC); Mississippi Public Service Commission (Mississippi PSC); Southern Company Services, Inc. (Southern); and the National Rural Electric Cooperative Association in a joint filing with the American Public Power Association (NRECA-APPA).²

3. On September 26, 2003, the Commission granted the requests of the Midwest Independent Transmission System Operator, Inc., the New York Independent System Operator, Inc., PJM Interconnection, L.L.C., the New England Power Pool Participants Committee and ISO New England, Inc., the New England Transmission Owners (NETO), the California Independent System Operator Corporation and its Jurisdictional Participating Transmission Owners and the New York Transmission Owners (NYTO) (Collectively, "Independent Movants") to extend the date on which compliance filings were due for independent transmission-owning entities until January 20, 2004.

4. Between September 22, 2003 and October 2, 2003, the Commission received requests from various non-independent transmission owners, including Arizona Public Service Company (APS), Cleco Energy, LLC, Entergy Services (Entergy), NETO, NYTO, Progress Energy, and Southern Company Services (Southern) (collectively "Non-Independent Movants") requesting that non-independent transmission owners also be granted an extension of time to comply with Order No. 2003 until January 20, 2004.

II. Request for Stay

A. Arguments Raised

5. Southern argues that the Commission should stay the final rule provisions on two issues: Network Resource Interconnection Service (NR Service) and refunds of Network Upgrade costs. Southern asks that the stay remain in effect until the Commission grants rehearing and

removes the two provisions, or, alternatively, if the Commission denies rehearing, until Southern is able to seek judicial review of the two provisions.

6. Southern first argues that NR Service threatens system reliability because it ignores the need to perform additional studies if the Generating Facility is ever designated a network resource, and removes the incentive to site new generation in close proximity to loads. Southern then argues that NR Service would harm transmission providers and their customer by eliminating the pricing signals that ensure that network resources are economical resource options. Also, the "contradictory and inherently vague" NR Service provisions would be difficult and costly to implement and revise once the Commission provides the necessary clarification. Furthermore, requiring transmission providers to adopt the "inherently vague and inconsistent" NR Service provisions is a violation of due process.³ Finally, the threat of irreparable harm is imminent because of the impending effective date of the Final Rule and the fact that Southern has "at least two" Interconnection Customers that could claim they would be entitled to take NR Service.

7. Second, Southern argues that a stay should be granted with respect to (1) the five-year deadline for refund to the Interconnection Customer of the cost of Network Upgrades, and (2) the requirement that an Interconnection Customer receive such refunds when transmission service is taken at locations on the Transmission Provider's system other than from the generating facility itself. Without a stay, other transmission customers will be subject to the costs of Network Upgrades that provide them no benefit. Southern argues that even if it is successful on appeal, because many generator owners are undercapitalized special-purpose entities and have had severe financial problems of late, it is possible that these Interconnection Customers would not be able to pay such amounts if ordered to do so.

8. Alabama PSC and Mississippi PSC raise arguments similar to those presented by Southern and request that the Commission stay the effective date of Order No. 2003 in its entirety until

the Commission acts on their requests for rehearing. And, if the Commission fails to grant their requests for rehearing, the Commission should stay the interconnection rule until these matters are addressed by a court. They argue that retail customers in their states will face irreparable harm because these customers risk losing their low-cost power, along with "the resulting negative impacts to their quality of life and comparative economic advantages for purposes of attracting new industries." Even if they prevail on judicial review, "it is unlikely that monetary damages could be awarded at that time to rectify this harm" because the Commission lacks the authority to make such awards and recovery from merchant power entities may not be possible.

9. NRECA-APPA request a stay of the effective date of Order No. 2003 "because the issues raised in this request are so important to NRECA-APPA, as well as consumers, state regulators, and many market participants."

B. Discussion

10. To assure definiteness and finality in Commission proceedings, the Commission typically does not stay its orders.⁴ The Commission may stay its action when "justice so requires."⁵ In addressing motions for stay, the Commission considers: (1) Whether the moving party will suffer irreparable injury without a stay; (2) whether issuing the stay will substantially harm other parties; and (3) whether a stay is in the public interest.⁶ The key element in the inquiry is irreparable injury to the moving party.⁷ If a party is unable to demonstrate that it will suffer irreparable harm absent a stay, we need not examine the other factors.⁸ The standard for showing irreparable harm is strict, as the DC Circuit has explained:

First, the injury must be both certain and great; it must be actual and not theoretical. Injunctive relief 'will not be granted against something merely feared as liable to occur at some indefinite time.' It is also well settled that economic loss does not, in and of itself, constitute irreparable harm. . . . Implicit in each of these principles is the further requirement that the movant substantiate the claim that irreparable injury is 'likely' to occur. Bare allegations of what is likely to occur are of no value since the court must

² Some movants requested a stay as part of their requests for rehearing or clarification (Alabama PSC, Mississippi PSC, and NRECA-APPA). All requests for rehearing and clarification will be addressed in a subsequent order.

³ *Citing Satellite Broadcasting Company, Inc. v. FCC*, 824 F.2d 1, 3 (DC Cir. 1987) ("Traditional concepts of due process incorporated into administrative law preclude an agency from penalizing a private party for violating a rule without first providing adequate notice of the substance of the rule."); *Jolly v. Coughlin*, 76 F.3d 468, 482 (2d Cir. 1996) (noting that the "alleged violation of a constitution right * * * triggers a finding of irreparable harm").

⁴ *Midland*, 56 FERC at 61,630. See also *Sea Robin Pipeline Co.*, 92 FERC ¶ 61,217 (2000).

⁵ 5 U.S.C. 705 (2000).

⁶ See e.g., *CMS Midland, Inc.*, 56 FERC ¶ 61,177 at 61,631 (1991) (*Midland*), *aff'd sub nom. Michigan Municipal Cooperative Group v. FERC*, 990 F.2d 1377 (D.C. Cir. 1993).

⁷ *Midland*, 56 FERC at 61,631.

⁸ *Id.*

decide whether the harm will in fact occur. The movant must provide proof that the harm has occurred in the past and is likely to occur again, or proof indicating that the harm is certain to occur in the near future.⁹

Because none of the movants have met the irreparable harm criterion, we do not discuss the remaining two factors for evaluating a stay request.

11. Regarding the claim that the final rule threatens system reliability, the movants have not shown that their concerns about the effects on reliability are more than speculation. Bare allegations regarding the effect on reliability without a substantive showing that such harm is likely or certain to occur are insufficient. The Commission believes that this rule, in fact, will protect reliability.¹⁰

12. Likewise, the claims regarding the economic effects of the final rule, including Southern's arguments regarding the refund obligations, do not demonstrate irreparable harm. First, the movants have not made the necessary showing that the expected economic effects are more than mere speculation. By failing to show that "harm has occurred in the past and is likely to occur again" or providing "proof indicating that the harm is certain to occur in the near future,"¹¹ the movants have not substantiated their claims that the final rule will result in economic harm. Moreover, even if the movants could show that these costs are more certain than speculative, they have not shown that the costs are more than economic losses. In order for an economic loss to be irreparable harm, it must be unrecoverable and must threaten economic viability.¹² Since the parties have not made this showing, we cannot conclude that the alleged economic losses constitute irreparable harm.

13. As for the claim that the final rule is vague and ambiguous in certain respects and violates due process, that is a matter for rehearing or clarification.

III. Requests for Extension of Compliance and Effective Date

A. Arguments Raised

14. The Non-Independent Movants request that the Commission allow non-independent entities until January 20, 2004 to make their compliance filings. The Non-Independent Movants argue that transmission providers need the

additional time to assimilate the provisions of Order No. 2003 into their OATTs and to ensure proper implementation of Order No. 2003's provisions. Additionally, several suggest that granting an extension of the filing date until after the Commission rules on the various pending requests for rehearing would make it unnecessary for them to have to make more than one compliance filing if the Commission grants rehearing.

15. Additionally, NYTO and NETO request that transmission providers belonging to RTOs and ISOs (as distinct from the RTOs or ISOs themselves) be granted an extension until January 20, 2004 to allow them to work with their respective ISOs or RTOs to develop joint compliance filings. APS also requests that the extension of time be granted to jurisdictional entities in the Western Interconnection who jointly own facilities with non-jurisdictional entities, and, like ISOs and RTOs, employ a collaborative stakeholder process to develop their OATTs.

16. Southern and Entergy add that they need additional time to safely implement the Network Resource Interconnection Service portions of Order No. 2003. Finally, Southern also requests that the Commission delay the effective date of the rule by 90 days.

B. Discussion

17. In response to the concerns of the Non-Independent Movants (including APS, NETO, and NYTO), the Commission grants the requests for extension of the compliance deadline until January 20, 2004. The Commission intends to act on the pending rehearing requests prior to that date.

18. In order to avoid confusion, the Commission will also grant the requests to extend the effective date of the rule until January 20, 2004.

The Commission orders

(A) All requests for stay are hereby denied, as discussed in the body of this order.

(B) Requests for extension of the compliance deadline and effective date until January 20, 2004 are granted.

(C) The Secretary is hereby directed to publish this order in the Federal Register.

By the Commission.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-25970 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP03-302-000, CP03-303-000, CP03-304-000, PF03-1-000, and CP03-301-000]

Cheyenne Plains Gas Pipeline Company and Colorado Interstate Gas Company; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Cheyenne Plains Pipeline Project

October 3, 2003.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (DEIS) on the natural gas pipeline facilities proposed by Cheyenne Plains Gas Pipeline Company (CPG) and Colorado Interstate Gas Company (CIG) in the above-referenced dockets. The proposed project, referred to as the Cheyenne Plains Pipeline Project, is located in various counties in Colorado and Kansas.

The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that if the project is constructed as modified and with the appropriate mitigation measures as recommended, it would have limited adverse environmental impact.

The U.S. Department of Agriculture, Forest Service (FS) is participating as a cooperating agency in the preparation of this DEIS as they (the FS) will be issuing their own Record of Decision on whether or not to issue a special use authorization for the portion of the pipeline that crosses the Pawnee National Grassland (PNG). The Forest Service's Record of Decision is appealable under 36 CFR Part 215, Notice, Comment and Appeal Procedures for National Forest System Projects and Activities. In agreement with 36 CFR 215.13, only individuals and organizations who submit substantive written or oral comments during the 45-day comment period for the DEIS for the proposed Cheyenne Plains Pipeline Project (and specifically addresses the portion on the PNG) may appeal the Regional Forester's decision as documented in the Record of Decision.

The U.S. Fish and Wildlife Service (FWS) is also a cooperating agency in the preparation of the DEIS because the project has the potential to affect endangered species, migratory birds, wildlife, and habitat.

The DEIS addresses the potential environmental effects of the

⁹ *Wisconsin Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985) (*Wisconsin Gas*) (citations omitted).

¹⁰ See e.g., Order No. 2003, FERC Stats. & Regs. ¶ 31,146 at P 7 (noting that preserving reliability is one of the goals of Order No. 2003).

¹¹ *Wisconsin Gas*, 758 F.2d at 674.

¹² See *id.*

construction and operation of the following facilities:

- A total of 379.8 miles of 30-inch-diameter mainline, with 189.0 miles in Colorado (Weld, Morgan, Washington, Yuma, and Kit Carson Counties) and 190.8 miles in Kansas (Sherman, Wallace, Logan, Scott, Lane, Finney, Hodgeman, Ford, and Kiowa Counties);
- 0.2 mile of 20-inch-diameter lateral¹ (Sand Dune Lateral) in Kiowa County, Kansas;
- 4.2 miles of 30-inch-diameter lateral (South Rattlesnake Creek Lateral) in Kiowa County, Kansas;
- 3.0 miles of 8-inch-diameter lateral (Cossell Lake Lateral) in Kiowa County, Kansas;
- one 2,443-horsepower (hp) jumper compressor installed within CIG's existing compressor station located at the Cheyenne Hub in Weld County, Colorado;
- three 10,310-hp turbine compressors installed in a new CPG compressor station located at the Cheyenne Hub;
- a new gas treatment plant at the Cheyenne Hub consisting of separate amine and glycol processing trains;
- nine new interconnects² with existing pipeline systems. These interconnects would include metering facilities and would consist of two receipt points, one each with CIG and

Wyoming Interstate Company at the Cheyenne Hub in Weld County, Colorado, and seven delivery points, one with Kinder Morgan Interstate Pipeline Company in Scott County, Kansas, one with Natural Gas Pipeline Company of America in Ford County, Kansas, and one each with Southern Star Central Gas Pipeline, LLC, ANR Pipeline Company, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, and Kansas Gas Service Company in Kiowa County, Kansas;

- 32 mainline valves (MLVs), consisting of 1 at the Cheyenne Hub, 4 at interconnects in Kiowa County, Kansas, and 27 located independently along the mainline and laterals; and
- two pig³ launchers, two pig receivers, and five pig launcher and receivers, each collocated with new MLV sites.

Comment Procedures and Public Meetings

Any person wishing to comment on the DEIS may do so. Please carefully follow these instructions so that your comments are properly recorded:

- Send an original and two copies of your comments to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

- Label one copy of your comments for the attention of Gas Branch 1, DG2E;
- Reference Docket No. CP03-302-000 on the original and both copies; and
- Mail your comments so that they will be received in Washington, DC on or before November 24, 2003.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. Therefore, the Commission encourages electronic filing of comments. See Title 18 Code of Federal Regulations (CFR) Section 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at <http://www.ferc.gov> under the "eFiling" link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on "Sign-up" under "New User." You will be asked to select the type of filing you are making. This filing is considered a "Comment on Filing."

In addition to or in lieu of sending written comments, the FERC invites you to attend the public meetings the staff will conduct in the project area to receive comments on the draft EIS. All meetings will begin at 7 p.m., and are scheduled as follows:

Date	Location
Tuesday, November 18, 2003	Quality Inn, 14378 US Highway 34, Fort Morgan, Colorado, (970) 867-8208.
Wednesday, November 19, 2003	Old Town Museum, 420 S. 14th Street, Burlington, Colorado, (719) 346-7382.
Thursday, November 20, 2003	Scott City Fairgrounds, Fair Ground Road, Scott City, Kansas, (620) 872-2626.

Interested groups and individuals are encouraged to attend and present oral comments on the DEIS. Transcripts of the meetings will be prepared.

After comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a final EIS will be published and distributed by the staff. The final EIS will contain the staff's responses to timely comments received on the DEIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (Title 18 CFR 385.214).

Anyone may intervene in this proceeding based on this draft EIS. You must file your request to intervene as specified above.⁴ You do not need intervenor status to have your comments considered.

The DEIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502-8371.

A limited number of copies of the DEIS are available from the Public Reference Room identified above. In addition, copies of the DEIS have been mailed to Federal, state, and local agencies; elected officials; Native American tribes; newspapers; public

libraries; intervenors to the FERC's proceeding; individuals who provided scoping comments; and individuals who requested the DEIS.

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208 FERC (3372) or on the FERC Internet Web site (<http://www.ferc.gov>). Using the "eLibrary" (formerly FERRIS) link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" (*i.e.*, CP03-302-000), and follow the instructions. You may also search using the phrase "Cheyenne Plains" in the "Text Search" field. For assistance with access to eLibrary, the helpline can be reached at 1-866-208-

¹ A lateral is typically a smaller diameter pipeline that takes gas from the main system to deliver it to a customer, local distribution system, or another interstate transmission system.

² An interconnect is a connection to another pipeline system that is used to deliver or receive

gas. Metering and regulating facilities would typically be included at each interconnect.

³ A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

⁴ Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov.

In addition, the Commission now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to <http://www.ferc.gov/esubscribenow.htm>.

Information concerning the involvement of the FS is available from John Oppenlander at (970) 346-5005. Information concerning the involvement of the FWS is available from Dan Mulhern at (785) 539-3474 (ext. 109).

Magalie R. Salas,

Secretary.

[FR Doc. E3-00040 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2574-032 Maine]

Merimil Limited Partnership; Notice of Availability of Draft Environmental Assessment

October 3, 2003.

In accordance with the National Environmental Policy Act of 1969 (NEPA) and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for license for the Lockwood Hydroelectric Project, located on the Kennebec River in Kennebec County, Maine, and prepared a draft environmental assessment (DEA). The DEA contains staff's analysis of the environmental effects of the proposal and concludes that licensing the project, with additional staff recommended measures, would not constitute a major federal action significantly affecting the human environment.

A copy of the DEA is available for review at the Commission in the Public Reference Room, or it may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" 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.

Please file any comments (an original and 8 copies) within 45 days from the date of this letter. The comments should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix the Project No. 2574-032 to all comments. Comments may be filed electronically via the Internet in lieu of paper (*see* 18 CFR 385.2001(a)(1)(iii), and the instructions on the Commission's Web site at www.ferc.gov under the "e-filing" link). The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E3-00038 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2000-036]

Power Authority of the State of New York ; Notice of Comment Deadline

October 3, 2003.

On September 30, 2003, pursuant to Rule 602 (18 CFR 385.603) the Power Authority of the State of New York (PASNY) filed an offer of settlement on behalf of itself, the Allegheny Electric Cooperative, Inc., Public Power Association of New Jersey, Rhode Island Public Utilities Commission, and the Vermont Department of Public Service, in the relicensing proceeding for PASNY's St. Lawrence Hydroelectric Project No. 2000.

The offer of settlement was not joined in by intervenor Massachusetts Municipal Wholesale Electric Company.

Comments on the offer of settlement may be filed not later than 10 days after the filing of the offer, and reply comments may be filed not later than 15 days after the filing of the offer.

Magalie R. Salas,

Secretary.

[FR Doc. E3-00037 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL03-6-000]

Natural Gas Markets Conference; Supplemental Notice of Public Conference and Agenda

October 3, 2003.

1. As announced in the Notice of Conference issued September 23, 2003, the Federal Energy Regulatory Commission (FERC) will convene a public conference on October 14, 2003. To provide sufficient time for the agenda, the meeting time has been changed, and will now start at 9 a.m. in the Commission Meeting Room. This year's conference on natural gas markets will focus on the findings and recommendations contained in the National Petroleum Council's (NPC) report: *Balancing Natural Gas Policy—Fueling the Demands of a Growing Economy*.¹ All interested persons are invited to attend. No registration is required for attendance. All visitors must check-in at the First Street entrance and have picture identification readily available to ensure quick admittance.

2. The conference will consist of two sessions. The first session will feature three panel presentations by the NPC study team. Panel 1 will address gas supply. Panel 2 will address gas demand. Panel 3 will address infrastructure issues. A question and answer period will follow the presentations, with an opportunity for audience participation.

3. The second session will feature an open forum to discuss any issues the Commission should consider in shaping its future regulatory policies concerning the natural gas industry. The open forum will consist of oral presentations by interested parties, limited to five minutes, followed by responsive discussion.

4. To assist in organizing the conference, parties wishing to participate in discussions regarding the NPC presentations or to speak at the open forum are requested to submit an expression of interest by October 10, 2003, via e-mail to Robert Flanders at robert.flanders@ferc.gov. Parties should identify the speaker and indicate

¹ The NPC Report's summary of findings and recommendations was released by the NPC on September 25, 2003, and is available on the NPC Web site at www.npc.org. The entire integrated report is scheduled to be released by the NPC on or about the day of the conference on the NPC Web site. Printed copies of the integrated report will not be distributed at the conference.

whether they wish to participate in the NPC-related presentations or raise other issues at the open forum. Parties may also sign up to speak at the open forum on the day of the conference, subject to time constraints.

5. The purpose of this conference is to discuss generic issues and not contested cases pending before the Commission. If any comments raise specific issues concerning pending contested cases, those comments will be subject to the Commission's Off-the-Record Communications rules located in subpart V of part 385 of the Commission's regulations, including the public notice requirements and sanctions listed in sections 385.2201(h) and (i).

6. The conference will be transcribed. Those interested in acquiring the transcript should contact Ace Reporters at 202-347-3700 or 800-336-6646. Transcripts will be placed in the public record ten days after the Commission receives the transcripts. Additionally, Capitol Connection offers the opportunity for remote listening and viewing of the conference. It is available for a fee, live or over the Internet, via C-Band Satellite. Persons interested in receiving the broadcast, or who need information on making arrangements should contact David Reininger or Julia Morelli at Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.gmu.edu> and click on "FERC."

7. For additional information, please contact Robert Flanders at 202-502-8442 or at robert.flanders@ferc.gov.

Magalie R. Salas,
Secretary.

[FR Doc. E3-00039 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0298; FRL-7325-5]

Plant-Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting; Renewal of Pesticide Information Collection Activities and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) this notice announces that EPA is seeking public comment on the following Information Collection Request (ICR): Plant-

Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting (EPA ICR No. 1693.03, OMB Control No. 2070-0142). This is a request to renew an existing ICR that is currently approved and due to expire July 31, 2004. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket ID number OPP-2003-0298, must be received on or before December 15, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit III. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT:

Nancy Vogel, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6475; fax number: (703) 305-5884; e-mail address: vogel.nancy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you are a person or company involved with agricultural biotechnology that may develop and market plant incorporated protectants. Potentially affected entities may include, but are not limited to:

- Pesticide manufacturers (NAICS 325320), e.g., Establishments primarily engaged in the formulation and preparation of agricultural and household pest control chemicals.
- Seed companies (NAICS 111), e.g., Establishments primarily engaged in growing crops, plants, vines, or trees and their seeds.
- Colleges, universities, and professional schools (NAICS 611310), e.g., Establishments of higher learning which are engaged in development and marketing of plant-incorporated protectants.
- Establishments involved in research and development in the life sciences (NAICS 54171), e.g., Establishments primarily engaged in conducting research in the physical, engineering, or life sciences, such as agriculture and biotechnology.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be

affected by this action. Other types of entities not listed above could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3 and sections 25(a) and (b) and the Federal Food, Drug, and Cosmetic Act (FFDCA) sections 346a and 371. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

II. How Can I Get Copies of this Document and Other Related Information?

A. Docket

EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0298. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

B. Electronic Access

You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

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

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit II.A. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

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

III. How Can I Respond to this Action?

A. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper

receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit III.B. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2003-0298. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP-2003-0298. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically

captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit III.A. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2003-0298.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP-2003-0298. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit II.A.

B. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

C. What Should I Consider when I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

D. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.
2. Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

IV. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: Plant-Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting.

ICR numbers: EPA ICR No. 1693.03, OMB Control No. 2070-0142.

ICR status: This ICR is a renewal of an existing ICR that is currently

approved by OMB and is due to expire July 31, 2004.

Abstract: This information collection program provides the EPA with information necessary to support two new requirements on manufacturers of some plant-incorporated protectants: The provision that requires registrants that make CBI claims to substantiate such claims when they are made, and the provision that requires manufacturers of plant-incorporated protectants exempted from requirements of registration under the final rule to report adverse effects to the Agency. Current CBI regulations at 40 CFR part 2 require that claimants substantiate their CBI claims for their own records when the claim is made and subsequently provide the substantiation to EPA only if requested. 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 in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

V. What are EPA's Burden and Cost Estimates for this ICR?

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

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this ICR is estimated to be 1,370 hours. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: Persons or companies involved with agricultural biotechnology that may develop and market plant incorporated protectants.

Estimated total number of potential respondents: 14.

Frequency of response: On occasion.
Estimated total/average number of responses for each respondent: 1.
Estimated total annual burden hours: 1,370.

Estimated total annual burden costs: \$121,438.

VI. Are There Changes in the Estimates from the Last Approval?

Total respondent costs associated with this program rose from \$119,992 to \$121,438. Total Agency costs rose from \$9,047 to \$11,074. Changes to total costs associated with this program are due to the increase in labor rates, reflecting the most current estimates.

VII. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: October 3, 2003.

Susan B. Hazen,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.
[FR Doc. 03-25938 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7574-5]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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

FOR FURTHER INFORMATION CONTACT:

Susan Auby (202) 566-1672, or e-mail at auby.susan@epa.gov and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 1189.12; Identification Listing and Rulemaking Petitions (Proposed rule for Wastewater Treatment Exemptions); was approved 08/06/2003; in 40 CFR

261.3(a)(2)(iv)(A)-(G); OMB Number 2050-0053; expires 11/30/2004.

EPA ICR No. 0113.08; NESHAP for Mercury; was approved 08/06/2003; in 40 CFR part 61, subpart E; OMB Number 2060-0097; expires 08/31/2006.

EPA ICR No. 2104.01; Brownfields Program—Revitalization Grantee Reporting; was approved 08/14/2003; in 40 CFR parts 30 and 31; OMB Number 2050-0192; expires 08/31/2006.

EPA ICR No. 0597.08; Tolerance petitions for Pesticides on Food/Feed Crops and New Inert Ingredients; was approved 08/14/2003, in 40 CFR 152.50, and 40 CFR parts 160, 163, 177 and 180; OMB Number 2070-0024; expires 08/31/2006.

EPA ICR No. 2107.01; Survey to Determine the Effectiveness of No Discharge Zones (NDZs) for Vessel Sewage and Marine Sanitation Devices; was approved 08/15/2003; in 40 CFR part 140, and 40 CFR parts 140.3, 140.3(a)(1), 140.4, 140.4(a)(b)(c); OMB Number 2040-0254; expires 07/31/2004.

EPA ICR No. 1949.02; National Environmental Performance Track Program; was approved 08/26/2003; OMB Number 2010-0032; expires 08/31/2006.

EPA ICR No. 0795.11; Notification of Chemical Exports—TSCA Section 12(b); was approved 08/25/2003; in 40 CFR part 707, subpart D; OMB Number 2070-0030; expires 08/31/2006.

EPA ICR No. 2092.01; Tribal Operator Certification Program; was approved 07/31/2003; OMB Number 2040-0252; expires 07/31/2006.

EPA ICR No. 2057.01; Eliciting Risk Tradeoffs for Valuing Fatal Cancer Risks; was approved 02/28/2003; OMB No. 2090-0020; expires 02/28/2006.

Dated: September 29, 2003.

Sara Hisel McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. 03-26049 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[RCRA-2003-0010; FRL-7574-6]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Land Disposal Restrictions No-Migration Variances, EPA ICR Number 1353.07, OMB Control Number 2050-0062

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request for an existing approved collection. This ICR is scheduled to expire on September 30, 2003. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. This ICR describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before November 14, 2003.

ADDRESSES: Submit your comments, referencing docket ID number RCRA-2003-0010, to (1) EPA online using EDOCKET (our preferred method), by email to rcra-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, OSWER Docket (5305T), 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

David Eberly, Office of Solid Waste, (5303W), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-8645; fax number: (703) 308-8638; e-mail address: eberly.david@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On May 19, 2003, (68 FR 27057), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID No. RCRA-2003-0010, which is available for public viewing at the OSWER Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OSWER Docket is (202) 566-0740. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

Title: Land Disposal Restrictions No-Migration Variances.

Abstract: To receive a variance from the hazardous waste land disposal prohibitions, owner/operators of hazardous waste storage or disposal facilities may petition the Environmental Protection Agency to allow land disposal of a specific restricted waste at a specific site. The EPA Regional Offices will review the petitions and determine if they successfully demonstrate "no migration." The applicant must

demonstrate that hazardous wastes can be managed safely in a particular land disposal unit, so that "no migration" of any hazardous constituents occurs from the unit for as long as the waste remains hazardous. If EPA grants the variance, the waste is no longer prohibited from land disposal in that particular unit. If the owner/operator fails to make this demonstration, or chooses not to petition for the variance, best demonstrated available technology (BDAT) requirements of 40 CFR 268.40 must be met before the hazardous wastes are placed in a land disposal unit.

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 in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9,506 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Business or other for profit, Federal Government, and State, Local or Tribal Government.

Estimated Number of Respondents: 1.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 3,168 hours.

Estimated Total Annual Cost: \$188,805 includes \$0 annualized capital or O&M costs.

Changes in the Estimates: There is a change of 31 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens.

Dated: September 29, 2003.

Sara Hisel McCoy,
Acting Director, Collection Strategies
Division.

[FR Doc. 03-26050 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OAR-2003-0081; FRL-7574-7]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Emission Reporting Requirements for Ozone SIP Revision Relating to Statewide Budgets for NO_x Emissions To Reduce the Regional Transport of Ozone, EPA ICR Number 1857.03, OMB Control Number 2060-0445

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. This ICR is scheduled to expire on October 31, 2003. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. This ICR describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before November 14, 2003.

ADDRESSES: Submit your comments, referencing docket ID number OAR-2003-0081, to (1) EPA online using EDOCKET (our preferred method), by e-mail to a-and-r-Docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William L. Johnson, Air Quality Strategies and Standards Division, Ozone Policy Strategies Group, Mail Code C539-02, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone

number: (919) 541-5245; fax number: (919) 541-0824; e-mail address: Johnson.WilliamL@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 11, 2003 (68 FR 41335), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA has received one comment and has addressed the comment received.

EPA has established a public docket for this ICR under Docket ID No. OAR-2003-0081, which is available for public viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May

31, 2002), or go to <http://www.epa.gov/edocket>.

Title: Emission Reporting Requirements for Ozone SIP Revisions Relating to Statewide Budgets for NO_x Emissions to Reduce the Regional Transport of Ozone.

Abstract: States which are subject to the NO_x SIP call are required to collect data on NO_x emissions and submit this data to EPA. Data from large NO_x sources which States are requiring to be controlled to meet the State NO_x budget must be reported annually for the ozone season. States must report NO_x emissions from all sources triennially. In order to report this data, States must require large sources of NO_x emissions to monitor emissions and report emissions to the State or to EPA. Resources must be expended by sources to install and calibrate emission monitors and to collect and report emissions data. This data is necessary to allow EPA to assess the ability of States to meet their NO_x budgets allocated under the NO_x SIP call. The data submission is not voluntary. It is required under 40 CFR 51.122. All emissions data received by EPA will be treated as public 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 in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 142 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 21 States plus the District of Columbia, industries with large boilers, electrical generating units or power plants, cement kilns.

Estimated Number of Respondents: 2,467.

Frequency of Response: quarterly, annually, triennially.

Estimated Total Annual Hour Burden: 492,192.

Estimated Total Annual Cost: \$53,856,580 which includes \$16,136,170 annualized capital, \$12,606,505 O&M costs and \$25,113,907 labor costs.

Changes in the Estimates: There is a increase of 207,446 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is a result of the fact that during the first three years of the information collection (*i.e.*, 2000 through 2002,) only a part of the sources covered by the NO_x SIP call were required or expected to install controls and begin collecting and reporting emissions data. During the period 2003 through 2005 most sources covered by the NO_x SIP call are expected to be in compliance with the regulations and thus subject to monitoring emissions and reporting. This change is due to the phasing in of program requirements over a period of time.

Dated: September 30, 2003.

Doreen Sterling,

Acting Director, Collection Strategies Division.

[FR Doc. 03-26051 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7574-4]

National Dialogue on EPA's Draft Report on the Environment, 2003

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Office of Environmental Information, the Office of Research and Development and EPA's Regional Offices are conducting national dialogue sessions with a broad spectrum of stakeholders to solicit feedback on the Draft Report on the Environment issued June 23, 2003. EPA will conduct five sessions and will invite representatives from Federal, State, and local governments, tribes, academia, non-governmental organizations, and business and industry. Interested members of the general public may attend the meetings and will have an opportunity to provide comment at an appointed time during the session. Because space is limited, those planning to attend must RSVP to the individual

listed in the **FOR FURTHER INFORMATION CONTACT** no later than one week before the meeting. The information contact will also provide the specific meeting locations in the cities listed below as well as directions.

DATES: The dates for the dialogue sessions are:

1. November 6, 2003 9 a.m. to 4:30 PM, Chicago, IL
2. November 13, 2003, 9 a.m. to 4:30 PM, Atlanta, GA
3. November 18, 2003, 9 a.m. to 4:30 PM, San Francisco, CA
4. November 20, 2003, 9 a.m. to 4:30 PM, Seattle, WA
5. December 12, 2003, 9 a.m. to 4:30 PM, Dallas, TX

FOR FURTHER INFORMATION CONTACT:

Dawn Banks-Waller, Office of Environmental Information, Office of Information Analysis and Access, Environmental Analysis Division, (2842T), U.S. EPA, 1200 Pennsylvania Ave NW., Washington, DC 20460. Telephone (202) 566-0625, fax (202) 566-1066 or e-mail banks-waller.dawn@epa.gov.

SUPPLEMENTARY INFORMATION: On June 23, 2003, EPA released the Draft Report on the Environment (RoE) and its accompanying Technical Document. The report presents EPA's first-ever national picture of the U.S. environment. The report describes what EPA knows—and doesn't know—about the current state of the environment at the national level, and how the environment is changing. The report highlights the progress our nation has made in protecting its air, water, and land resources and describes the measures that can be used to track the status of the environment and human health.

EPA has issued the report as a draft to stimulate dialogue and invite input into developing and improving environmental indicators in the future. The national dialogue sessions are a first step in soliciting feedback on the report and will focus on:

- Assessing the quality, structure, relevance, appropriateness of, and needed improvements to the report,
 - Identifying additional or new questions/indicators, changes in indicators, gaps, indicator improvements, etc., and
 - Assessing the use of the report for planning and decision-making.
- Feedback obtained from these sessions will be used to shape the next and future editions of the report.

To view, download, or order hardcopies of the RoE and the Technical Document or to provide comments on the documents, please visit the EPA

Environmental Indicators Initiative Web site at <http://www.epa.gov/indicators/roe/>.

Dated: October 3, 2003.

Elaine G. Stanley,

Director, Office of Information Analysis and Access.

[FR Doc. 03-26052 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2002-0001; FRL-7330-9]

National Pollution Prevention and Toxics Advisory Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 (Public Law 92-463), EPA gives notice of a 2-day meeting of the National Pollution Prevention and Toxics Advisory Committee (NPPTAC). The purpose of the NPPTAC is to provide advice and recommendations to EPA regarding the overall policy and operations of the programs of the Office of Pollution Prevention and Toxics (OPPT).

DATES: The meeting will be held on November 4, 2003, from 1:30 p.m. to 5:30 p.m., and November 5, 2003, from 8:30 a.m. to 4 p.m.

Registration to attend the meeting, identified as NPPTAC November 2003 meeting, must be received on or before October 29, 2003. Registration will be also accepted at the meeting.

Requests to provide oral comments at the meeting, identified as NPPTAC November 2003 meeting, must be received in writing on or before October 27, 2003.

Written comments, identified as NPPTAC November 2003 meeting, may be submitted at any time. Written comments received on or before October 27, 2003 will be forwarded to the NPPTAC members prior to or at the meeting.

ADDRESSES: The meeting will be held at Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209.

For address information concerning registration, the submission of written comments, and requests to present oral comments, refer to Unit I. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: For general information contact: Barbara Cunningham, Director, Environmental

Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Mary Hanley, Designated Federal Officer, Office of Pollution Prevention and Toxics (7401M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-9891; e-mail address: npptac.oppt@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of particular interest to those persons who have an interest in or may be required to manage pollution prevention and toxic chemical programs, individuals, or groups concerned with environmental justice, children's health, or animal welfare, as they relate to OPPT's programs under the Toxic Substances Control Act (TSCA) and the Pollution Prevention Act (PPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in the activities of the NPPTAC. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

To submit written comments to the docket: Identify the submission as OPPT-2002-0001 docket, NPPTAC November 2003 meeting.

Electronically: At <http://www.epa.gov/edocket/>, search for OPPT-2002-0001, and follow the directions to submit comments.

By mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), OPPT-2002-0001, 7407T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

To register to attend the meeting: Pre-registration for the November 2003 NPPTAC meeting and requests for special accommodations may be made by visiting the NPPTAC web site at: <http://www.epa.gov/oppt/npptac/meetings.htm>. Registration will also be available at the meeting. Special accommodations may also be requested by calling (202) 564-9891 and leaving your name and telephone number.

To request an opportunity to provide oral comments: You must register first in order to request an opportunity to

provide oral comments at the meeting. To register visit the NPPTAC web site at: <http://www.epa.gov/oppt/npptac/meetings.htm>. If you have problems downloading the registration form, e-mail us at npptac.oppt@epa.gov or leave a message at (202) 564-9891. Please indicate your name and telephone number.

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

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPPT-2002-0001. The official public docket consists of the documents specifically related to the NPPTAC, any public comments received, and other information related to the NPPTAC. 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 EPA's Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. EPA's Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. EPA's Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

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

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

II. Background

The proposed agenda for the NPPTAC meeting includes items related to the chemical management and pollution prevention programs at OPPT, for example: Existing Chemicals Program, including the High Production Volume Challenge Program, New Chemicals

Program, Pollution Prevention, Risk Assessment, Risk Management, Risk Communication, and coordination with States, Tribes, and other stakeholders. The meeting is open to the public.

III. How Can I Request to Participate in this Meeting?

You may register to attend the meeting by filling out the registration form according to the instructions listed under Unit I.A. Please note that registration will assist in planning adequate seating; however, members of the public can register the day of the meeting, therefore all seating will be available on a first come, first serve basis.

Please make sure to indicate in your registration if you require special accommodations. In order to provide special accommodations, the request should be received by October 22, 2003.

Requests to provide oral comments at the meeting must be submitted in writing on or before October 27, 2003, with a registration form. Please note that time for oral comments may be 3 to 5 minutes per speaker, depending on the number of requests received.

You may submit written comments to the docket listed under Unit I.B. Written comments can be submitted at any time. If written comments are submitted on or before October 27, 2003, they will be provided to the NPPTAC members prior to or at the meeting. If you provide written comments at the meeting, 35 copies will be needed.

Do not submit any information that is considered CBI.

List of Subjects

Environmental protection, NPPTAC, Pollution prevention, Toxics, Toxic chemicals, Chemical health and safety.

Dated: October 8, 2003.

Margaret Schneider,

Acting Director, Office of Pollution, Prevention, and Toxics.

[FR Doc. 03-26053 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0331; FRL-7329-6]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing a new active ingredient not included in any

previously registered product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket ID number OPP-2003-0331, must be received on or before November 14, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Leonard Cole, Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5412; e-mail address: cole.leonard@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0331. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include

Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

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

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

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or

other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

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

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification,

EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2003-0331. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP-2003-0331. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2003-0331.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP-2003-0331. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as

CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the registration activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Registration Applications

EPA received an application as follows to register a pesticide product containing a new active ingredient not included in any previously registered product pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Product Containing an Active Ingredient Not Included in Any Previously Registered Product

File Symbol: 67979-G. **Applicant:** Syngenta Seeds, 3054 Cornwallis Road, Research Triangle Park, NC 27709-2257. **Product name:** VIP3A Insect Control Protein. **Type of product:** Plant-incorporated protectant. **Active ingredient:** *Bacillus thuringiensis* VIP3A insect control protein as expressed in Event COT102 cotton plants. **Proposed classification/Use:** None. For a seed increase registration.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: September 30, 2003.

Janet L. Andersen,

Director, Biopesticides and Pollution Division, Office of Pesticide Programs.

[FR Doc. 03-25809 Filed 10-14-03; 8:45 am]

BILLING CODE 6560-50-S

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 7, 2003.

A. Federal Reserve Bank of Kansas City (James Hunter, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Bancorp III*, Stillwell, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank of Kansas City, Kansas City, Missouri.

Board of Governors of the Federal Reserve System, October 9, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03-26085 Filed 10-14-03; 8:45 am]

BILLING CODE 6210-01-S

Governors not later than October 24, 2003.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Western Bancshares, Inc.*, Van Horn, Texas, and Western Financial of Texas, Inc., Wilmington, Delaware; to acquire 100 percent of the voting shares of First National Bank, Lubbock, Texas.

Board of Governors of the Federal Reserve System, October 9, 2003.

Margaret M. Shanks,

Assistant Secretary of the Board.

[FR Doc. 03-26105 Filed 10-14-03; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 11:30 a.m., Monday, October 20, 2003.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Director, Office of Board Members; 202-452-2955.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: October 10, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03-26219 Filed 10-10-03; 2:38 pm]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: OS-0937-0200/OS-0990-0220]

Agency Information Collection

Activities: Proposed Collection;

Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

#1 Type of Information Collection

Request: Extension of Currently Approved Collection;

Title of Information Collection: HHS Payment Management forms;

Form/OMB No.: OS-0937-0200;

Use: The PSC-270 is used to request advance or reimbursement payments to grantees. It serves in place of the SF-270. The PSC-272 is used to monitor cash advances made to grantees and the collect disbursement data. It serves in place of the SF-272.

Frequency: On occasion and quarterly;

Affected Public: State, local, or tribal governments, business or other for profit, non for profit institutions;

Annual Number of Respondents: 18,490;

Total Annual Responses: 73,560;

Average Burden Per Response: 15 minutes to 3 hours;

Total Annual Hours: 220,980.

#2 Type of Information Collection

Request: Extension of a currently approved collection;

Title of Information Collection: Voluntary Industry Partner Surveys to Implement E.O. 12862;

Form/OMB No.: OS-0990-0220;

Use: DHHS will survey its partners and stakeholders to learn how they feel about departmental services. The

information will be used to identify ways to improve the efficiency, quality, timeliness, and cost effective ways to provide services to the public.

Frequency: On occasion;

Affected Public: Business or other for profit, not for profit institutions, State, local, or tribal government;

Annual Number of Respondents: 4,680;

Total Annual Responses: 4680;

Average Burden Per Response: 15 hours;

Total Annual Hours: 902.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access the HHS Web site address at <http://www.hhs.gov/oirm/infocollect/pending/> or e-mail your request, including your address, phone number, OMB number, and OS document identifier, to John.Burke@hhs.gov, or call the Reports Clearance Office on (202) 690-8356.

Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the OS Paperwork Clearance Officer designated at the following address: Department of Health and Human Services, Office of the Secretary, Assistant Secretary for Budget, Technology, and Finance, Office of Information and Resource Management, Attention: John Burke (0937-0200/0990-0220), Room 531-H, 200 Independence Avenue, SW., Washington DC 20201.

Dated: October 6, 2003

John P. Burke, III,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 03-26056 Filed 10-14-03; 8:45 am]

BILLING CODE 4168-17-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection

Activities: Proposed Collection;

Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) allow the proposed information collection project: "Medical Expenditure Panel Survey—Medical

Provider Component (MEPS-MPC) for 2003" In accordance with the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(e)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by December 15, 2003.

ADDRESSES: Written comments should be submitted to: Cynthia D. McMichael, Reports Clearance Officer, AHRQ, 540 Gaither Road, Room #5022, Rockville, MD 20850.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT:

Cynthia D. McMichael, AHRQ, Reports Clearance Officer, (301) 427-1651.

SUPPLEMENTARY INFORMATION:

Proposed Project

"Medical Expenditure Panel Survey—Medical Provider Components (MEPS-MPC) for 2003".

The MEPS-MPC is a survey of hospitals, physicians and other medical providers. The purpose of this survey is to supplement and verify the information provided by respondent households participating in the household component of the MEPS (MEPS-HC) about their use of medical services in the United States.

With the permission of members of the households surveyed in the MEPS-HC, AHRQ contractor will contact the medical providers of the HC survey respondents to determine the actual dates of service, the diagnoses, the services provided, the amount that was charged, the amount that was paid and the source of payment. Thus, the MPC is derived from or is based upon the core survey, (MEPS-HC) and will improve the quality of the core survey data.

The Medical Expenditure Panel Survey Household Component (MEPS-HC) conducted in 2003, will provide annual estimates, based upon a national representative sample, of health care use, expenditures, sources of payment and insurance coverage, for the U.S. civilian non-institutionalized population for 2003. Data from medical providers linked to household respondents in the MEPS Household component for calendar year 2003, will be collected beginning 2004 and continuing into the year 2005. MEPS is co-sponsored by the Agency for Healthcare Research and Quality (AHRQ) and the National Center for Health Statistics (NCHS).

Data Confidentiality Provisions

MEPS data confidentiality is protected under the AHRQ and NCHS Confidentiality statutes, section 308(d) and section 924(c) of the Public Health

Service Act (42 U.S.C. 242m(d) and 42 U.S.C. 299c-3(c), respectively).

Methods of Collection

The Medical Provider Survey will be conducted predominantly by telephone,

but may include self-administered mail surveys, if requested by the respondent. The MPC for Calendar year 2003 estimated annual hour burden is as follows:

Type of provider	Number of respondents	Average No. of patients/provider	Number of patient/provider pairs	Average No. of events/patient	Average burden/event (minutes)	Total hours of burden
MPC 2003:						
Hospital Office-based	5,095	2.2	11,210	3.2	5	2,977
Doctor	16,031	1.3	20,840	3.5	5	6,054
Separately Billing doctor	15,879	1.4	22,230	1.3	5	2,399
Home Health	505	1.1	555	5.8	5	267
Pharmacy	7,481	2.6	19,450	10.3	3	10,017
Total	44,991	.....	74,285	.....	.....	21,714

Request for Comments

In accordance with the above cited legislation, comments on the AHRQ information collection are requested with regard to any of the following:

(a) Whether the proposed collection of information is necessary for the proper performance of functions of AHRQ, including whether the information will have practical utility; (b) the accuracy of the AHRQ's estimate of burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: October 9, 2003.

Carolyn M. Clancy,

Director.

[FR Doc. 03-26093 Filed 10-14-03; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Substance Abuse and Mental Health Services Administration****Suspension of a Laboratory Which No Longer Meets Minimum Standards to Engage in Urine Drug Testing for Federal Agencies**

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services routinely publishes a list of laboratories in the **Federal Register** that are currently certified to meet standards of Subpart C of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29925) dated June 9, 1994. This notice informs the public that effective October 6, 2003 the following laboratory's certification is suspended:

Doctors Laboratory, Inc., 2906 Julia Drive, P.O. Box 2658, Valdosta, Georgia 31602.

FOR FURTHER INFORMATION CONTACT:

Donna M. Bush, Ph.D., Division of Workplace Programs, CSAP, 5600 Fishers Lane, Rockwall II, Suite 815, Rockville, Maryland 20857, 301-443-6014 (voice), 301-443-3031 (fax).

Anna Marsh,

Acting Executive Officer, SAMHSA.

[FR Doc. 03-25982 Filed 10-14-03; 8:45 am]

BILLING CODE 4160-20-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard**

[USCG-2003-16224]

Commercial Fishing Industry Vessel Safety Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting.

SUMMARY: The Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC) will meet to discuss various issues relating to commercial vessel safety in the fishing industry. The meetings are open to the public.

DATES: CFIVSAC will meet on November 12 and 13, 2003, from 8 a.m. to 5 p.m. The meetings may close early

if all business is finished. Requests to make oral presentations should reach the Coast Guard on or before October 22, 2003. Written material for distribution at the meeting should reach the Coast Guard on or before November 5, 2003. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before November 1, 2003. Send written material with 25 copies and requests to make oral presentations to Ensign Ken Rockhold, Commandant (G-MOC-3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://www.dms.dot.gov>.

ADDRESSES: CFIVSAC will meet at the Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington DC 20008. The World Wide Web site can be found at: <http://www.omnihotels.com>.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Ken Vazquez, Assistant to the CFIVSAC Executive Director, telephone (202) 267-0478, fax (202) 267-0506. You can also visit the CFIVSAC World Wide Web site at: <http://www.uscg.mil/hq/g-m/cfvs/cfivac.htm> for up to date meeting information and a listing of the past meeting minutes.

SUPPLEMENTARY INFORMATION: The Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC) will meet to discuss various issues relating to commercial vessel safety in the fishing industry. The meetings are open to the public.

Notice of the meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda includes the following:
(1) Approval of last meeting's minutes.

(2) Report from the Coast Guard on the status of legislative change proposals and regulatory projects with respect to mandatory exams, training requirements, stability requirements, and immersion suit requirements.

(3) Updated status report from the Coast Guard on casualty data and statistics.

(4) Presentation on Maritime Transportation Security Act of 2002 and Automatic Identification System as related to fishing vessels.

(5) Discussions and working group sessions by the subcommittees on risk based examinations, boundary line and training.

Procedural

The meetings are open to the public. Please note the meetings may close early if all business is finished. At the Chair's discretion, members of the public may make presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Executive Director no later than October 22, 2003. Written material for distribution at the meeting should reach the Coast Guard no later than November 5, 2003. If you would like a copy of your material distributed to each member of the committee in advance of the meeting, please submit 25 copies to the Executive Director no later than November 1, 2003.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Executive Director as soon as possible but no later than November 5, 2003.

Dated: October 7, 2003.

Joseph J. Angelo,

Director of Standards, Marine Safety, Security & Environmental Protection.

[FR Doc. 03-26031 Filed 10-14-03; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1494-DR]

Delaware; Amendment No. 2 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Delaware (FEMA-1494-DR), dated September 20, 2003, and related determinations.

EFFECTIVE DATE: September 29, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 29, 2003.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-26000 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1494-DR]

Delaware; Amendment No. 3 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Delaware (FEMA-1494-DR), dated September 20, 2003, and related determinations.

EFFECTIVE DATE: October 6, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Delaware is hereby amended to include Categories C through G under the Public Assistance program for the

following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 20, 2003:

Kent, New Castle, and Sussex Counties for Categories C through G under the Public Assistance program (already designated for Individual Assistance, including direct Federal assistance and debris removal (Category A) and emergency protective measures (Category B), including direct Federal assistance under the Public Assistance program.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-26001 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1493-DR]

District of Columbia; Amendment No. 2 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the District of Columbia (FEMA-1493-DR), dated September 20, 2003, and related determinations.

EFFECTIVE DATE: September 29, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 29, 2003.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25991 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1492-DR]

Maryland; Amendment No. 2 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Maryland (FEMA-1492-DR), dated September 19, 2003, and related determinations.

EFFECTIVE DATE: September 29, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 29, 2003.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance

Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25989 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1492-DR]

Maryland; Amendment No. 3 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Maryland (FEMA-1492-DR), dated September 19, 2003, and related determinations.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Maryland is hereby amended to include Categories C through G under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 19, 2003:

The independent City of Baltimore and the counties of Allegany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester for Categories C through G under the Public Assistance Program (already designated for debris removal (Category A) and emergency protective measures (Category B), including direct Federal assistance, and Individual Assistance, including direct Federal assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and

Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25990 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1490-DR]

North Carolina; Amendment No. 3 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA-1490-DR), dated September 18, 2003, and related determinations.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of North Carolina is hereby amended to include Categories C through G under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 2003:

Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Jones, Martin, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Tyrrell and Washington Counties for Categories C through G under the Public Assistance program (already designated for Individual Assistance, including direct Federal assistance and debris removal (Category A) and emergency protective measures (Category B), including direct Federal assistance under the Public Assistance Program.)

Franklin, Granville, Greene, Lenoir, Nash, Person, Vance, Warren, Wayne, and Wilson Counties for Individual and Public Assistance. Direct Federal assistance is authorized.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25995 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-3187-EM]

Ohio; Amendment No. 1 to Notice of an Emergency Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Ohio (FEMA-3187-EM), dated September 23, 2003, and related determinations.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Ohio is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of September 23, 2003:

Ashland, Ashtabula, Erie, Geauga, Huron, Knox, Lake, Lorain, Lucas, Portage, Summit, and Trumbull Counties for emergency protective measures (Category B) under the Public Assistance program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management

Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-26006 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1497-DR]

Pennsylvania; Major Disaster and Related Determinations

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

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA-1497-DR), dated September 26, 2003, and related determinations.

EFFECTIVE DATE: September 26, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 26, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania, resulting from Tropical Storms Henri and Isabel, and related severe storms and flooding on September 15-23, 2003, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Pennsylvania.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and Hazard Mitigation throughout the State, and

any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation, and the Other Needs Assistance under Section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs. If Public Assistance is later requested and warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Thomas Davies, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster:

Chester County for Individual Assistance.

All counties within the Commonwealth of Pennsylvania are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-26005 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****[FEMA-1491-DR]****Virginia; Amendment No. 7 to Notice of a Major Disaster Declaration**

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA-1491-DR), dated September 18, 2003, and related determinations.

EFFECTIVE DATE: October 2, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 2003:

The Independent Cities of Bedford, Chesapeake, Colonial Heights, Danville, Franklin, Hampton, Newport News, Petersburg, Portsmouth, Richmond, and Waynesboro, and the counties of Amelia, Appomattox, Charlotte, Culpeper, Cumberland, Greene, Halifax, Hanover, King George, Lunenburg, Madison, Mecklenburg, Nelson, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Spotsylvania, and Warren for Categories C through G under the Public Assistance program (already designated for Individual Assistance, including direct Federal assistance and debris removal (Category A) and emergency protective measures (Category B), including direct Federal assistance under the Public Assistance program.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance

Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25992 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****[FEMA-1491-DR]****Virginia; Amendment No. 6 to Notice of a Major Disaster Declaration**

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia (FEMA-1491-DR), dated September 18, 2003, and related determinations.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 1, 2003.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25993 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****[FEMA-1491-DR]****Virginia; Amendment No. 5 to Notice of a Major Disaster Declaration**

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA-1491-DR), dated September 18, 2003, and related determinations.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 2003:

The Independent Cities of Emporia, Fairfax, Poquoson, and Suffolk, and the counties of Accomack, Augusta, Brunswick, Caroline, Chesterfield, Dinwiddie, Essex, Goochland, Greensville, Henrico, Isle of Wight, James City, King and Queen, King William, Louisa, New Kent, Northampton, Page, Rockbridge, Southampton, Stafford, Surry, Sussex, and York for Categories C through G under the Public Assistance program (already designated for Individual Assistance, including direct Federal assistance and debris removal (Category A) and emergency protective measures (Category B), including direct Federal assistance under the Public Assistance Program.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs; 83.544, Public Assistance

Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25994 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1496-DR]

West Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA-1496-DR), dated September 23, 2003, and related determinations.

EFFECTIVE DATE: September 29, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of West Virginia is hereby amended to include the Hazard Mitigation Grant Program for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 23, 2003:

All counties in the State of West Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance

Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-26002 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1496-DR]

West Virginia; Amendment No. 2 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of West Virginia (FEMA-1496-DR), dated September 23, 2003, and related determinations.

EFFECTIVE DATE: September 30, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 30, 2003.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-26003 Filed 10-14-03; 8:45 am]

BILLING CODE 6712-02-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1496-DR]

West Virginia; Amendment No. 3 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA-1496-DR), dated September 23, 2003, and related determinations.

EFFECTIVE DATE: October 6, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of West Virginia is hereby amended to include Categories C through G under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 23, 2003:

Grant, Hampshire, Hardy, Morgan, Pendleton, and Tucker Counties for Categories C through G under the Public Assistance program (already designated for debris removal (Category A) and emergency protective measures (Category B) under the Public Assistance program.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-26004 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****Notice of Adjustment of Countywide Per Capita Impact Indicator**

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

ACTION: Notice.

SUMMARY: FEMA gives notice that the countywide per capita impact indicator under the Public Assistance program for disasters declared on or after October 1, 2003 will be increased.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: James Walke, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3834.

SUPPLEMENTARY INFORMATION: Response and Recovery Directorate Policy No. 9122.1 provides that FEMA will adjust the countywide per capita impact indicator under the Public Assistance program to reflect annual changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice of an increase in the countywide per capita impact indicator to \$2.77 for all disasters declared on or after October 1, 2003.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 2.2 percent for the 12-month period ended in August 2003. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 18, 2003.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25997 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****Notice of Maximum Amount of Assistance Under the Individuals and Households Program, Notice of Maximum Amount of Repair Assistance, and Notice of Maximum Amount of Replacement Assistance**

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security

ACTION: Notice.

SUMMARY: FEMA gives notice of the maximum amounts for assistance under the Individuals and Households Program for emergencies and major disasters declared on or after October 1, 2003.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Berl Jones, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-4235.

SUPPLEMENTARY INFORMATION: Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the "Act"), 42 U.S.C. 5174, prescribes that FEMA must annually announce the maximum amounts for assistance provided under the Individuals and Households (IHP) Program. FEMA gives notice that the maximum amount of IHP financial assistance provided to an individual or household under section 408 of the Act with respect to any single emergency or major disaster is \$25,600. The maximum amount of Repair Assistance is \$5,100, and the maximum amount of Replacement Assistance is \$10,200. The increases in award amounts as stated above are for any single emergency or major disaster declared on or after October 1, 2003.

FEMA bases the adjustments on an increase in the Consumer Price Index for All Urban Consumers of 2.2 percent for the 12-month period ended in August 2003. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 18, 2003.

(Catalog of Federal Domestic Assistance No. 83.558, Individual and Household—Housing; 83.559, Individual and Household—Disaster

Housing Operations; 83.560, Individual and Household—Other Needs.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25996 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****Notice of Adjustment of Statewide Per Capita Impact Indicator**

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

ACTION: Notice.

SUMMARY: FEMA gives notice that the statewide per capita impact indicator under the Public Assistance program for disasters declared on or after October 1, 2003 will be increased.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: James Walke, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, and (202) 646-3834.

SUPPLEMENTARY INFORMATION: 44 CFR 206.48 provides that FEMA will adjust the statewide per capita impact indicator under the Public Assistance program to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice that the statewide per capita impact indicator will be increased to \$1.11 for all disasters declared on or after October 1, 2003.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 2.2 percent for the 12-month period ended in August 2003. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 18, 2003.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25998 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF HOMELAND SECURITY

Notice of Adjustment of Disaster Grant Amounts

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

ACTION: Notice.

SUMMARY: FEMA gives notice of an increase of the maximum amount for Small Project Grants to State and local governments and private nonprofit facilities for disasters declared on or after October 1, 2003.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: James Walke, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3834.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act) prescribes that FEMA must annually adjust the maximum grant amount made under section 422, Small Project Grants, Simplified Procedure, relating to the Public Assistance program, to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice of an increase of the maximum amount of any Small Project Grant made to the State, local government, or to the owner or operator of an eligible private nonprofit facility, under Sec. 422 of the Stafford Act, to \$54,100 for all disasters declared on or after October 1, 2003.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 2.2 percent for the 12-month period ended in August 2003. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 18, 2003.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-25999 Filed 10-14-03; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Recovery Plan for *Sidalcea oregana* var. *calva* (Wenatchee Mountains Checker-mallow)

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and comment.

SUMMARY: The U.S. Fish and Wildlife Service ("we") announces the availability of the Draft Recovery Plan for *Sidalcea oregana* var. *calva* (Wenatchee Mountains Checker-mallow) for public review. This endangered plant is found only in Chelan County, Washington. This draft recovery plan describes the status of the species, recovery objectives and criteria, and specific actions needed to reclassify *Sidalcea oregana* var. *calva* from endangered to threatened, and to ultimately delist it. We solicit review and comment from local, State, and Federal agencies, and the public on this draft recovery plan.

DATE: Comments on the draft recovery plan must be received on or before December 15, 2003, to receive our consideration.

ADDRESSES: Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following location: U.S. Fish and Wildlife Service, Central Washington Field Office, 215 Melody Lane, Suite 119, Wenatchee, Washington 98801 (telephone: 509-665-3508). Requests for copies of the draft recovery plan and written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. An electronic copy of this recovery plan is also available at <http://endangered.fws.gov/recovery/index.html#plans>.

FOR FURTHER INFORMATION CONTACT: Tim McCracken, Fish and Wildlife Biologist, at the above address.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants is a primary goal of our endangered species program and the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. Recovery plans describe actions considered necessary for the

conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

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 requires that public notice, and an opportunity for public review and comment, be provided during recovery plan development. We will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. Substantive technical comments may result in changes to the plan. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plan, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individual responses to comments will not be provided.

This draft recovery plan was developed by Service biologists coordinating with botanists, plant ecologists, and planners from the Natural Heritage Program and Natural Area Program, Washington Department of Natural Resources; and the U.S. Forest Service. We also consulted with various experts from universities, agency representatives, and non-governmental organizations in the development of this plan.

Sidalcea oregana var. *calva* was listed as an endangered species on December 22, 1999 (64 FR 71680). This rare, attractive member of the mallow family (Malvaceae) is endemic to Chelan County, Washington, where it is found in wetlands and moist meadows of the Wenatchee Mountains. Just five populations are known, and four of these five number from only eight to a few hundred individuals. Populations occur on a mixture of private, State, and Federal lands. Critical habitat was designated for this species on September 6, 2001 (66 FR 46536).

The primary threats to *Sidalcea oregana* var. *calva* include habitat fragmentation, degradation, or loss due to conversion of native wetlands to orchards and other agricultural uses; rural residential development and associated impacts; altered hydrology; competition from native and nonnative plants; recreational impacts; woody plant encroachment; and activities associated with fire suppression. To a lesser extent the species is threatened by livestock grazing, road construction, and

timber harvesting and associated impacts including changes in surface runoff. The species is highly vulnerable to extirpation from demographic factors or random, naturally occurring events due to the very small size of most of the remaining populations.

The interim objective of this draft recovery plan is to stabilize the existing populations and accomplish increases in population sizes and geographic distribution across the historical range of the species sufficient to consider downlisting of *Sidalcea oregana* var. *calva* to threatened status. The primary objective of the plan is to recover the species to the point that it can be delisted.

Actions proposed to achieve the recovery of *Sidalcea oregana* var. *calva* include maintaining the current geographical distribution of the species through effective management and coordination with private landowners and other agencies; identifying potential habitat and developing a sound protocol for reintroducing the species within its historically occupied range; conducting research and monitoring essential to the conservation of the species; collecting seed representing the genetic diversity of the species across its range and storing it in a secure facility; surveying to identify potential additional populations; and developing outreach materials to provide information about the species, its habitat, and management recommendations to local landowners.

Public Comments Solicited

We solicit written comments on the draft recovery plan described. All comments received by the date specified above will be considered in developing a final recovery plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 11, 2003.

Don Weathers,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 03-25983 Filed 10-14-03; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-310-2810-DG]

Notice of Intent To Amend Land Use Plans and Prepare an Associated Environmental Assessment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to amend land use plans in Alaska and prepare an Associated Environmental Assessment.

SUMMARY: This document provides notice that the Bureau of Land Management (BLM) intends to address wildland fire and fuels management in its land use plans, through a statewide plan amendment and Environmental Assessment (EA). This amendment will provide a consistent approach for incorporating current wildland fire and fuels management policy into land use plans in order to comply with the National Fire Plan and 2001 Federal Fire Policy. It will also provide interim guidance for wildland fire and fuels management on BLM-managed lands for which completion of new land use plans is scheduled or on-going. The amendment will include an analysis of fire and fuels management actions on a landscape scale and their impacts on the human environment. An EA level analysis is anticipated to be sufficient to address the complexity of known issues.

The amendment will provide wildland fire and fuels management direction to all public lands managed by the Anchorage, Glennallen and Northern Field Offices. The following land use plans will be addressed during this amendment process and amended as appropriate: the Southwest Management Framework Plan (MFP), Southcentral MFP, Fortymile MFP, Northwest MFP, Central Yukon Resource Management Plan (RMP), White Mountains National Recreation Area RMP, Utility Corridor RMP, Fort Wainwright RMP, Fort Greely RMP, and the Steese National Conservation Area RMP. Fire management direction will also be developed for the National Petroleum Reserve-Alaska in conjunction with this planning effort.

Several concurrent land use planning efforts will be occurring at each Field Office. These include the Ring of Fire RMP (Anchorage Field Office, draft due 2004, final 2005), the Kobuck-Seward RMP (Northern Field Office, scheduled to begin 2004), and the East Alaska RMP (Glennallen Field Office, draft due 2004, final 2005). The fire decisions reached through the fire planning effort outlined in this **Federal Register** notice will be incorporated into these and other future land use planning efforts as they are completed.

The Federal Land Policy and Management Act (FLPMA) planning process (43 CFR 1600) will be used for all lands, except for the Alaska Petroleum Reserve-Alaska lands, which are not governed by the FLPMA planning process. The BLM will work closely with interested parties to

identify the management decisions that are best suited to the needs of the public. This process will take into account local, regional and national needs and concerns. This includes public and firefighter safety. This notice initiates the public scoping process to identify specific issues and develop planning criteria. The scoping process will include an evaluation of the needs and interests of the public.

DATES: The scoping comment period will commence with the publication of this notice and end 60 days after publication. Comments regarding issues and planning criteria should be received on or before the end of the scoping period. Specific dates and locations for public participation will be published in local papers and broadcast on local community calendars at a later date.

ADDRESSES: Comments regarding the Wildland Fire and Fuels Management Land Use Plan Amendment for Alaska should be sent to: Planning and Environmental Coordinator, Bureau of Land Management, Alaska Fire Service, P.O. Box 35005, Ft. Wainwright, AK 99703.

FOR FURTHER INFORMATION CONTACT: Mary Lynch, Planning and Environmental Coordinator, Bureau of Land Management, Alaska Fire Service, P.O. Box 35005, Ft. Wainwright, AK 99703, (907) 356-5863.

SUPPLEMENTARY INFORMATION:

Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours 7:30 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EA. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety. Documents pertinent to this proposal may be examined at the Alaska Fire Service at the address listed above.

Fire suppression in Alaska has been addressed on an interagency, multi-jurisdictional, landscape scale in the Alaska Interagency Wildland Fire Management Plan 1998 (AIWFMP). Four appropriate management responses defined as Management Options

(Critical, Full, Limited, and Modified) are identified in the plan. The four management options offer land managers a choice of the full range of suppression alternatives. Aggressive initial attack to surveillance to be implemented by the suppression organizations are options that have been included. BLM-managed lands in Alaska have designated management options. However, wildland fire management encompasses more than suppression actions. A spectrum of fire and fuels management activities to achieve ecosystem sustainability, accomplish resource-related objectives and protect communities or public safety are available. Current Federal fire policy states that land use plans will define and identify overall wildland fire and fuel management direction to meet land use and resource management objectives.

The proposed plan amendment and planning process would improve wildland fire management on BLM-managed lands in Alaska and more adequately integrate fire management direction with resource objectives by: (1) Reviewing management option designations and documenting related resource objectives and criteria to evaluate changing those designations (2) establishing broad objectives for wildland fire and fuels management, (3) identifying general guidelines for fuel treatments, and (4) identifying general restrictions for fire management practices. Anticipated issues for the plan amendments include: protection of human life, protection of property, protection of natural and cultural resources, integration of fire and resource management, and wildlife habitat. The interdisciplinary planning team will be comprised of resource specialists with the expertise necessary to address these issues.

The planning process will allow the public, Native organizations, State and Federal agencies, local elected officials, and BLM subject matter specialists to participate in scoping and alternative development and analysis. Public scoping to identify specific issues to be addressed in the plan will be an early opportunity for the public to provide input. Subsequent opportunities for public involvement will occur at specific stages in the planning process. Agency representatives and interested persons are invited to contact Alaska Fire Service officials at any time during the EA process.

Dated: August 19, 2003.

Henri Bisson,

Alaska State Director.

[FR Doc. 03-25286 Filed 10-14-03; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO-260-09-1060-00-24 1A]

Wild Horse and Burro Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of meeting.

SUMMARY: The Bureau of Land Management (BLM) announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands.

DATES: The Advisory Board will meet Monday, November 3, 2003, from 8 a.m., to 5 p.m., local time, and on Tuesday, November 4, 2003, from 8 a.m., to 3 p.m., local time.

ADDRESSES: The Advisory Board will meet at the Capital Hilton, 1001 16th St. NW., Washington, DC 20036, (202) 393-1000.

Written comments pertaining to the Advisory Board meeting should be sent to: Bureau of Land Management, National Wild Horse and Burro Program, NV-960, Attention: Ramona DeLorme, 1340 Financial Boulevard, Reno, Nevada, 89520. Submit written comments pertaining to the Advisory Board meeting no later than close of business October 29, 2003. *See* **SUPPLEMENTARY INFORMATION** section for electronic access and filing address.

FOR FURTHER INFORMATION CONTACT: Janet Neal, Wild Horse and Burro Public Outreach Specialist, (775) 861-6583.

Individuals who use a telecommunications device for the deaf (TDD) may reach *Ms. Neal* at any time by calling the Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

I. Public Meeting

Under the authority of 43 CFR part 1784, the Wild Horse and Burro Advisory Board advises the Secretary of the Interior, the Director of the BLM, the Secretary of Agriculture, and the Chief, Forest Service, on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands. The tentative agenda for the meeting is:

Monday, November 3, 2003 (8 a.m.-5 p.m.)

8 a.m.: Call to Order & Introductions:
8:15 a.m.: Old Business:
FY 03 Program Update
FY 04 Gather Strategy
Herd Areas at AML
9:30 a.m.: Break
9:45 a.m.: Old Business (continued):
12:30 p.m.: Lunch
1:30 p.m.: Old Business (continued):
Fertility Control Research
2:30 p.m.: Break
2:45 p.m.: New Business
Action Sub-Committee Report on
Adoption Program
4 p.m.: Public Comments
4:45 p.m.: Recap/Summary
5-6 p.m. Adjourn: Roundtable
Discussion

Tuesday, November 4, 2003 (8 a.m.-3 p.m.)

8 a.m.: New Business (continued):
Further Board Discussion on Sub-
Committee Report
9:45 a.m.—10 a.m.: Break
New Business (continued):
12 p.m.: Lunch
1 p.m.: Board Recommendations
2:30 p.m.: Next Meeting/Date/Site
3 p.m.: Adjourn

The meeting site is accessible to individuals with disabilities. An individual with a disability needing an auxiliary aid or service to participate in the meeting, such as interpreting service, assistive listening device, or materials in an alternate format, must notify the person listed under **FOR FURTHER INFORMATION CONTACT** two weeks before the scheduled meeting date. Although the BLM will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

The Federal advisory committee management regulations [41 CFR 101-6.1015(b),] require BLM to publish in the **Federal Register** notice of a meeting 15 days prior to the meeting date.

II. Public Comment Procedures

Members of the public may make oral statements to the Advisory Board on November 3, 2003, at the appropriate point in the agenda. This opportunity is anticipated to occur at 4 p.m., local time. Persons wishing to make statements should register with the BLM by noon November 3, 2003, at the meeting location. Depending on the number of speakers, the Advisory Board may limit the length of presentations. At previous meetings, presentations have been limited to three minutes in length. Speakers should address the specific

wild horse and burro-related topics listed on the agenda. Speakers must submit a written copy of their statement to the address listed in the **ADDRESSES** section or bring a written copy to the meeting.

Participation in the Advisory Board meeting is not a prerequisite for submission of written comments. The BLM invites written comments from all interested parties. Your written comments should be specific and explain the reason for any recommendation. The BLM appreciates any and all comments, but those most useful and likely to influence decisions on management and protection of wild horses and burros are those that are either supported by quantitative information or studies, or those that include citations to and analysis of applicable laws and regulations. Except for comments provided in electronic format, speakers should submit two copies of their written comments where feasible. The BLM will not necessarily consider comments received after the time indicated under the **DATES** section or at locations other than that listed in the **ADDRESSES** section.

In the event there is a request under the Freedom of Information Act (FOIA) for a copy of your comments, the BLM will make them available in their entirety, including your name and address. However, if you do not want the BLM to release your name and address in response to a FOIA request, you must state this prominently at the beginning of your comment. The BLM will honor your request to the extent allowed by law. The BLM will release all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, in their entirety, including names and addresses.

Electronic Access and Filing Address

Speakers may transmit comments electronically via the Internet to: Janet_Neal@blm.gov. Please include the identifier "WH&B" in the subject of your message and your name and address in the body of your message.

Dated: October 8, 2003.

James G. Kenne,

Acting Deputy Assistant Director, Renewable Resources and Planning.

[FR Doc. 03-25969 Filed 10-14-03; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS) Eastern Gulf of Mexico (GOM) Oil and Gas Lease Sale 189

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final Notice of Sale (FNOS) 189.

SUMMARY: On December 10, 2003, MMS will open and publicly announce bids received for blocks offered in Eastern GOM Oil and Gas Lease Sale 189, pursuant to the OCS Lands Act (43 U.S.C. 1331-1356, as amended) and the regulations issued thereunder (30 CFR part 256).

The Final Notice of Sale 189 Package (FNOS 189 Package) contains information essential to bidders, and bidders are charged with the knowledge of the documents contained in the Package.

DATES: Public bid reading will begin at 9 a.m., Wednesday, December 10, 2003, in the Grand Ballroom of the Royal Sonesta Hotel, 300 Bourbon Street, New Orleans, Louisiana. All times referred to in this document are local New Orleans times, unless otherwise specified.

ADDRESSES: Bidders can obtain a FNOS 189 Package containing this Notice of Sale and several supporting and essential documents referenced herein from the MMS Gulf of Mexico Region Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, (504) 736-2519 or (800) 200-GULF.

Filing of Bids: Bidders must submit sealed bids to the Regional Director (RD), MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, between 8 a.m. and 4 p.m. on normal working days, and from 8 a.m. to the Bid Submission Deadline of 10 a.m. on Tuesday, December 9, 2003. If bids are mailed, please address the envelope containing all of the sealed bids as follows:

Attention: Mr. John L. Rodi, MMS Gulf of Mexico Region, Contains Sealed Bids for Sale 189.

If the RD receives bids later than the time and date specified above, he will return those bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m. on Tuesday, December 9, 2003. Should an unexpected event such as flooding or travel restrictions be significantly disruptive to bid submission, the MMS Gulf of Mexico Region may extend the Bid Submission Deadline. Bidders may

call (504) 736-0557 for information about the possible extension of the Bid Submission Deadline due to such an event.

Areas Offered for Leasing: The MMS is offering for leasing all of the unleased whole blocks located within the portion of the Eastern GOM Planning Area that is west of 87 degrees 30 minutes West Longitude and which range from 100 to 196 miles south of Alabama, and from about 70 to 148 miles offshore Louisiana. Please see the map included in the final NOS 189 Package: "Lease Terms, Economic Conditions, and Stipulations, Sale 189, Final." All of these blocks are shown on the following Official Protraction Diagrams (which may be purchased from the MMS Gulf of Mexico Region Public Information Unit):

Outer Continental Shelf Official Protraction Diagrams (These diagrams sell for \$2.00 each)

NG16-02 Lloyd Ridge (revised November 1, 2000)

Please Note: ACD-NH16-11 De Soto Canyon (revised November 1, 2000)

Please Note: A CD-ROM (in ARC/INFO and Acrobat (.pdf) format) containing all of the GOM Leasing Maps and Official Protraction Diagrams, except for those not yet converted to digital format, is available from the MMS Gulf of Mexico Region Public Information Unit for a price of \$15.00. For additional information, please call Mr. Charles Hill (504) 736-2795.

All blocks are shown on these Leasing Maps and Official Protraction Diagrams. The available Federal acreage of all blocks in this sale is shown in the document "List of Blocks Available for Leasing in Sale 189" included in the FNOS 189 Package.

Areas Not Available for Leasing: The following whole blocks located within the sale area are currently leased and are therefore not available for bid in this sale:

De Soto Canyon Blocks 133-137, 177, 179-182, 223-226, 267-270, 309, 311, 314, 354, 401, 402, 443, 445-447, 485, 488-491, 529, 530, 534, 535, 573, 574, 576, 577, 617-624, 664-666, 668, 709, 710, 793, 794, 796, 798, 837, 838, 840, 842, 843, 883, 887, 927, 929, 932, 970, 971, 975, 976

Lloyd Ridge Blocks 1, 2, 5-7, 45-52, 91, 94-96, 133-137, 139, 140, 177, 183, 221, 265, 267, 268, 309, 315, 316, 354, 355, 359, 360, 399-402, 443-446

Statutes and Regulations: Each lease issued in this sale is subject to the OCS Lands Act of August 7, 1953, 67 Stat. 462; 43 U.S.C. 1331 et seq., as amended (92 Stat. 629), hereinafter called "the Act"; all regulations issued pursuant to

the Act and in existence upon the Effective Date of the lease; all regulations issued pursuant to the statute in the future which provide for the prevention of waste and conservation of the natural resources of the OCS and the protection of correlative rights therein; and all other applicable statutes and regulations.

Lease Terms and Conditions: Initial period, minimum bonus bid amount, rental rates, royalty rates, minimum royalty, and royalty suspension areas are shown on the map "Lease Terms, Economic Conditions, and Stipulations, Sale 189, Final" for leases resulting from this sale:

Initial Period: 10 years;

Minimum Bonus Bid Amount: \$37.50 per acre or fraction thereof;

Rental Rates: \$7.50 per acre or fraction thereof, to be paid on or before the first day of each lease year until a discovery in paying quantities of oil or gas, then at the expiration of each lease year until the start of royalty-bearing production;

Royalty Rates: 12½ percent royalty rate, except during periods of royalty suspension, to be paid monthly on the last day of the month next following the month during which the production is obtained;

Minimum Royalty: After the start of royalty-bearing production: \$7.50 per acre or fraction thereof per year, to be paid at the expiration of each lease year with credit applied for actual royalty paid during the lease year. If actual royalty paid exceeds the minimum royalty requirement, then no minimum royalty payment is due;

Royalty Suspension Area: Royalty suspension of 12 million barrels of oil equivalent, subject to both oil and gas price thresholds, will apply to all leases in this sale. Please see the map "Lease Terms, Economic Conditions, and Stipulations, Sale 189, Final" for specific details regarding royalty suspension eligibility, applicable price thresholds, and implementation.

Stipulations: Four lease stipulations, (1) Military Areas; (2) Evacuation; (3) Coordination; and (4) Protected Species, apply to all blocks in this sale. See the map, "Lease Terms, Economic Conditions, and Stipulations, Sale 189, Final" in the FNOS 189 Package. The texts of the proposed stipulations are contained in the document "Lease Stipulations for Oil and Gas Lease Sale 189, Final" included in the FNOS 189 Package.

Information to Lessees: The FNOS 189 Package contains an "Information To Lessees" document which provides detailed information on certain specific

issues pertaining to this oil and gas lease sale.

Method of Bidding: For each block bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 189, not to be opened until 9 a.m., Wednesday, December 10, 2003." The total amount of the bid must be in a whole dollar amount; any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document "Bid Form and Envelope" contained in the FNOS 189 Package.

The MMS published a list of restricted joint bidders, which applies to this sale, in the **Federal Register** on October 10, 2003. Bidders must execute all documents in conformance with signatory authorizations on file in the MMS Gulf of Mexico Region Adjudication Unit. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must include on the bid form the proportionate interest of each participating bidder, stated as a percentage, using a maximum of five decimal places, e.g., 33.33333 percent. The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders. Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including payment of the one-fifth bonus bid amount on all high bids. A statement to this effect must be included on each bid (see the document "Bid Form and Envelope" contained in the FNOS 189 Package).

Rounding: The following procedure must be used to calculate the minimum bonus bid, annual rental, and minimum royalty: Round up to the next whole dollar amount if the calculation results in a decimal figure (see next paragraph).

Please Note: The minimum bonus bid calculation, including all rounding, is shown in the document "List of Blocks Available for Leasing in Sale 189" included in the FNOS 189 Package.

Bonus Bid Deposit: Each bidder submitting an apparent high bid must submit a bonus bid deposit to the MMS equal to one-fifth of the bonus bid amount for each such bid. Under the authority granted by 30 CFR 256.46(b), the MMS requires bidders to use electronic funds transfer procedures for payment of one-fifth bonus bid deposits

for Sale 189, following the detailed instructions contained in the document "Instructions for Making EFT Bonus Payments" included in the FNOS 189 Package. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury (account specified in the EFT instructions) by 1:00 p.m. Eastern Time the day following bid reading. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States. If a lease is awarded, however, MMS requests that only one transaction be used for payment of the four-fifths bonus bid amount and the first year's rental.

Please Note: Certain bid submitters (i.e., those that are NOT currently an OCS mineral lease record title holder or designated operator OR those that have ever defaulted on a one-fifth bonus bid payment (EFT or otherwise)) are required to guarantee (secure) their one-fifth bonus bid payment prior to the submission of bids. For those who must secure the EFT one-fifth bonus bid payment, one of the following options may be used: (1) Provide a third-party guarantee; (2) Amend Development Bond Coverage; (3) Provide a Letter of Credit; or (4) Provide a lump sum payment in advance via EFT. The EFT instructions specify the requirements for each option.

Withdrawal of Blocks: The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids: The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless the bidder has complied with all requirements of this Notice, including the documents contained in the associated FNOS 189 Package and applicable regulations; the bid is the highest valid bid; and the amount of the bid has been determined to be adequate by the authorized officer. The Attorney General may also review the results of the lease sale prior to the acceptance of bids and issuance of leases. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance. To ensure that the Government receives a fair return for the conveyance of lease rights for this sale, high bids will be evaluated in accordance with MMS bid adequacy procedures. A copy of the current procedures, "Modifications to the Bid Adequacy Procedures" (64 FR 37560 of July 12, 1999), can be obtained from the

MMS Gulf of Mexico Region Public Information Unit via the Internet.

Successful Bidders: As required by the MMS, each company that has been awarded a lease must execute all copies of the lease (Form MMS-2005 (March 1986) as amended), pay by EFT the balance of the bonus bid amount and the first year's rental for each lease issued in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I, as amended. Each bidder in a successful high bid must have on file in the MMS Gulf of Mexico Region Adjudication Unit a currently valid certification (Debarment Certification Form) certifying that the bidder is not excluded from participation in primary covered transactions under Federal nonprocurement programs and activities. A certification previously provided to that office remains currently valid until new or revised information applicable to that certification becomes available. In the event of new or revised applicable information, the MMS will require a subsequent certification before lease issuance can occur. Persons submitting such certifications should review the requirements of 43 CFR part 12, subpart D. A copy of the Debarment Certification Form is contained in the FNOS 189 Package.

Affirmative Action: The MMS requests that, prior to bidding, Equal Opportunity Affirmative Action Representation Form MMS 2032 (June 1985) and Equal Opportunity Compliance Report Certification Form MMS 2033 (June 1985) be on file in the Gulf of Mexico Region Adjudication Unit. This certification is required by 41 CFR 60 and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967. In any event, prior to the execution of any lease contract, both forms are *required* to be on file in the MMS Gulf of Mexico Region Adjudication Unit.

Geophysical Data and Information Statement: Pursuant to 30 CFR 251.12, the MMS has a right to access geophysical data and information collected under a permit in the OCS. Each bidder submitting a bid on a block in Sale 189, or participating as a joint bidder in such a bid, must submit a Geophysical Data and Information Statement identifying any processed or reprocessed pre- and post-stack depth migrated geophysical data and information in its possession or control and used in the evaluation of that block. The existence, extent (*i.e.*, number of line miles for 2D or number of blocks for 3D) and type of such data and

information must be clearly identified. The statement must include the name and phone number of a contact person, and an alternate, knowledgeable about the depth data sets (that were processed or reprocessed to correct for depth) used in evaluating the block. In the event such data and information includes data sets from different timeframes, you should identify only the most recent data set used for block evaluations.

The statement must also identify each block upon which a bidder participated in a bid but for which it does not possess or control such depth data and information.

Each bidder must submit a separate Geophysical Data and Information Statement in a sealed envelope. The envelope should be labeled "Geophysical Data and Information Statement for Oil and Gas Lease Sale 189" and the bidder's name and qualification number must be clearly identified on the outside of the envelope. This statement must be submitted to the MMS at the Gulf of Mexico Regional Office, Attention: Resource Evaluation (1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394) by 10 a.m. on Tuesday, December 9, 2003. The statement may be submitted in conjunction with the bids or separately. Do not include this statement in the same envelope containing a bid. These statements will not be opened until after the public bid reading at Lease Sale 189 and will be kept confidential. An Example of Preferred Format for the Geophysical Data and Information Statement is included in the FNOS 189 Package.

Please refer to NTL No. 2003-G05 for more detail concerning submission of the Geophysical Data and Information Statement, making the data available to the MMS following the lease sale, preferred format, reimbursement for costs, and confidentiality.

Dated: October 7, 2003.

R.M. "Johnnie" Burton,

Director, Minerals Management Service.

[FR Doc. 03-26077 Filed 10-14-03; 8:45 am]

BILLING CODE 4310-MR-P

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Sunshine Act Meeting Notice

TIME AND DATE: 9 a.m. to 2 p.m., Friday, November 14, 2003.

PLACE: The offices of the Morris K. Udall Scholarship and Excellence in National Environmental Policy

Foundation, 130 South Scott Avenue, Tucson, AZ 85701.

STATUS: This meeting will be open to the public, unless it is necessary for the Board to consider items in executive session.

MATTERS TO BE CONSIDERED: (1) A report on the U.S. Institute for Environmental Conflict Resolution; (2) A report from the Udall Center for Studies in Public Policy; (3) A report on the Native Nations Institute; (4) Program Reports; and (5) A Report from the Management Committee.

PORTIONS OPEN TO THE PUBLIC: All sessions with the exception of the session listed below.

PORTIONS CLOSED TO THE PUBLIC: Executive session.

FOR FURTHER INFORMATION CONTACT: Christopher L. Helms, Executive Director, 130 South Scott Avenue, Tucson, AZ 85701, (520) 670-5529.

Dated: October 9, 2003.

Christopher L. Helms,

Executive Director, Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Federal Register Liaison Officer.

[FR Doc. 03-26114 Filed 10-10-03; 10:03 am]

BILLING CODE 6820-FN-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346; License No. NPF-3]

FirstEnergy Nuclear Operating Company, Davis-Besse Nuclear Power Station, Unit 1; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated August 25, 2003, submitted by Greenpeace on behalf of the Nuclear Information & Resource Service and the Union of Concerned Scientists (collectively, the Petitioners), the U.S. Nuclear Regulatory Commission (NRC) has been requested to take enforcement actions against FirstEnergy Nuclear Operating Company (FirstEnergy), the licensee for Davis-Besse Nuclear Power Station in Oak Harbor, Ohio, and the NRC has also been requested to suspend the Davis-Besse license and prohibit plant restart until certain conditions have been met.

As bases for requesting the NRC to take enforcement actions against the licensee, the Petitioners state that FirstEnergy has failed to complete commitments related to the NRC's 50.54(f) design basis letter (issued on October 9, 1996), and refer to numerous design basis violations dating back to

plant licensing. The petitioners request that the NRC suspend the Davis-Besse license and prohibit plant restart until all design basis deficiencies identified in response to the NRC's 50.54(f) design basis letter are adequately addressed, the plant probabilistic risk assessment (PRA) is updated to reflect design flaws, and no systems are in a "degraded but operable" condition.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the NRC's Office of Nuclear Reactor Regulation (NRR). As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time.

A copy of the petition is available in the Agencywide Documents Access and Management System (ADAMS) for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC's Web site, <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room), using Accession No. ML032400435. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 7th day of October, 2003.

For the Nuclear Regulatory Commission.

J.E. Dyer,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 03-25988 Filed 10-14-03; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8905]

Finding of No Significant Impact and Notice of Availability of the Environmental Assessment Addressing a License Amendment Request To Approve Rio Algom LLC's Plan To Demolish Its Mill at Its Ambrosia Lake Uranium Mill Tailings Impoundment Located in McKinley County, NM

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of an environmental assessment and Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Jill Caverly, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T8-A33, Washington, DC 20555-0001, telephone (301) 415-6699 and e-mail jsc1@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to Rio Algom Mining LLC's (Rio Algom) Source Materials License SUA-1473. The proposed action would allow Rio Algom to begin demolition of the uranium mill buildings at the Ambrosia Lake uranium facility. The proposed action is in accordance with the licensee's plan dated December 10, 2002, as revised by additional information sent, at the staff's request, on March 27, 2003 and September 17, 2003.

Pursuant to the requirements of 10 CFR part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions, the NRC has prepared an environmental assessment (EA) to evaluate the environmental impacts associated with this request. Based on this evaluation, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate for the proposed licensing action.

II. EA Summary

The EA was prepared to evaluate the environmental impacts associated with Rio Algom's plan to demolish the mill at its Ambrosia Lake uranium facility. The objectives of the Mill Demolition Plan are to: (1) Perform mill demolition activities in a manner that protects employee health and safety and the environment; (2) release equipment or packages from the restricted area for unrestricted release and do so in accordance with NRC decommissioning criteria and approved Mill Demolition Plan; (3) transfer equipment to another NRC-licensed facility in accordance with applicable Federal laws and regulations; (4) perform work following established operating procedures; and (5) dispose of byproduct material in accordance with the source material license.

The Demolition Plan addresses the removal of surface structures in preparation for subsequent implementation of the surface reclamation soil cleanup release phase of the overall site decommissioning process. The Demolition Plan does not

address the soil cleanup criteria that would be used as part of license termination and transfer to the site long-term custodian.

Prior to the start of mill demolition, the mill facilities and equipment in the immediate area would be washed down to minimize potential residual contamination. Any salvageable materials would be surveyed and if required, decontaminated until established release levels are obtained. Salvageable materials would be placed in a designated salvage area. Mill dismantling and washing would occur in accordance with NRC approved demolition plan. Contaminated equipment would be dismantled/broken up and buried in the approved disposal areas. Uncontaminated underground foundation, utilities and pipelines that are more than 2 feet below final grade would be buried in place. These foundations and pipes may be left in place if they are characterized and released in a manner consistent with 10 CFR part 40, appendix A, criterion 6(6). Areas where Rio Algom expects to leave foundations intact include the lower portions of the thickeners, any basement type area, and any foundations that extend 2 feet below existing grade. Underground cavities that are below grade, such as the crushing circuit from the primary crusher to the transfer house, would remain in place and would be backfilled. The final grade (contour) is projected to approximate the existing surface elevation in the mill area.

Disposal of all demolition waste that is classified as 11e.(2) byproduct material, as defined by the Atomic Energy Act of 1954 (AEA), as amended, would be performed in accordance with approved disposal practices as authorized by License Conditions 30, 32, 36, and 41 with the following modification. Disposal areas would be restored in accordance with License Condition 41(I), which requires Rio Algom to submit a final reclamation plan upon the end of milling operations. Rio Algom anticipates that reclamation efforts in areas where mill demolition debris would be disposed would involve either the placement of an engineered cover to control radon emissions or alternate release criteria would be requested.

Surplus chemicals/materials would be removed for sale or disposal prior to demolition of the area where these materials may be present. All gear boxes, transformers, motors, etc., would be drained prior to demolition with the drained material disposed of in accordance with applicable regulations.

A demolition schedule would be developed between site management and the selected demolition contractor and would take into consideration safety, radiation protection, personnel availability, salvage potential, contamination control, and weather constraints. At a minimum, any regulated asbestos containing materials would be abated from a structure prior to commencing structure demolition.

III. Finding of No Significant Impact

Pursuant to 10 CFR part 51, the NRC has prepared the EA, summarized above. The staff has determined that no ground water impacts are expected from building dismantlement and deconstruction. There will be no deep excavations that could potentially impact ground water. Waste management activities will be implemented for gaseous effluents, liquid and solid wastes. Air particulate (dust) created by the mill demolition will be reduced by pre-washing all facility components. Liquid wastes used during the demolition will be isolated by creating a decontamination area for equipment washing. This area will either be enclosed with a sump or water containment system or will be a building slab from a previously dismantled building. All wash water will be collected and disposed of within lined evaporations cells. Solid waste generated during demolition will be separated into contaminated and uncontaminated. Uncontaminated wastes will be disposed of within a landfill owned by Rio Algom under regulation of the State of New Mexico.

Contaminated waste will be disposed of in the mill tailings disposal area in accordance with NRC regulations. Management of material contaminated with asbestos will be performed by specialized contractors experienced in decontamination and handling of asbestos. Additionally, the staff has determined that no historic or cultural resources and ecological resources would be impacted. The U.S. Fish and Wildlife Service has concurred that no threatened or endangered habitat has been impacted.

The proposed NRC approval of the action when combined with known effects on resource areas at the site, including further site remediation, is not anticipated to result in any cumulative impacts at the sites. Therefore, the NRC staff has concluded that there will be no significant environmental impacts on the quality of the human environment and, accordingly, the staff has determined that preparation of an Environmental Impact Statement is not warranted.

IV. Further Information

The EA for this proposed action, as well as the licensee's request, as supplemented and revised, are available electronically for public inspection in the NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession Numbers for the licensee's request, as supplemented and revised, are: ML030940616 and ML030940279. The ADAMS Accession Number for the EA summarized above is ML032720534. Most of the documents referenced in the EA are also available through ADAMS. Documents can also be examined and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

Dated at Rockville, Maryland, this 6th day of October, 2003.

For the Nuclear Regulatory Commission,
Robert Nelson,
Chief, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.
[FR Doc. 03-25987 Filed 10-14-03; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of October 13, 20, 27, November 3, 10, 17, 2003.

PLACE: Commissioners' Conference Room 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.
Matters to be Considered:

Week of October 13, 2003

Wednesday, October 15, 2003

1:30 p.m.—Briefing on License Renewal Program, Power Uprate Activities, and High Priority Activities (Public Meeting) (Contact: Jimi Yerokun, 301-415-2293).

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

Week of October 20, 2003—Tentative

Thursday, October 23, 2003

10 a.m.—Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301-415-7360).

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

Week of October 27, 2003—Tentative

Wednesday, October 29, 2003

9:30 a.m.—discussion of Security Issues (Closed—Ex. 1).

Week of November 3, 2003—Tentative

There are no meetings scheduled for the Week of November 3, 2003.

Week of November 10, 2003—Tentative

There are no meetings scheduled for the Week of November 10, 2003.

Week of November 17, 2003—Tentative

Thursday, November 20, 2003

12:45 p.m.—Briefing on Threat Environment Assessment (Closed—Ex. 1).

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: David Louis Gamberoni (301) 415-1651.

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SUPPLEMENTARY INFORMATION: "Briefing on Strategic Workforce Planning and Human Capital Initiatives (Closed—Ex. 2)," originally scheduled for October 7, 2003, was not held.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>.

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: October 9, 2003.

D.L. Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 03-26134 Filed 10-10-03; 11:18 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (<http://www.pbgc.gov>).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in October 2003. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in November 2003. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the fourth quarter (October through December) of 2003.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the "required interest rate") in determining a single-employer plan's variable-rate premium. The required interest rate is

the "applicable percentage" (currently 100 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year"). (Although the Treasury Department has ceased issuing 30-year securities, the Internal Revenue Service announces a surrogate yield figure each month—based on the 30-year Treasury bond maturing in February 2031—which the PBGC uses to determine the required interest rate.)

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in October 2003 is 5.14 percent.

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between November 2002 and October 2003.

For premium payment years beginning in	The required interest rate is
November 2002	4.93
December 2002	4.96
January 2003	4.92
February 2003	4.94
March 2003	4.81
April 2003	4.80
May 2003	4.90
June 2003	4.53
July 2003	4.37
August 2003	4.93
September 2003	5.31
October 2003	5.14

Late Premium Payments; Underpayments and Overpayments of Single-Employer Plan Termination Liability

Section 4007(b) of ERISA and § 4007.7(a) of the PBGC's regulation on Payment of Premiums (29 CFR part 4007) require the payment of interest on late premium payments at the rate established under section 6601 of the Internal Revenue Code. Similarly, § 4062.7 of the PBGC's regulation on Liability for Termination of Single-Employer Plans (29 CFR part 4062) requires that interest be charged or credited at the section 6601 rate on underpayments and overpayments of employer liability under section 4062 of ERISA. The section 6601 rate is established periodically (currently quarterly) by the Internal Revenue Service. The rate applicable to the fourth quarter (October through December) of 2003, as announced by the IRS, is 4 percent.

The following table lists the late payment interest rates for premiums and employer liability for the specified time periods:

From—	Through—	Interest rate (percent)
7/1/96	3/31/98	9
4/1/98	12/31/98	8
1/1/99	3/31/99	7
4/1/99	3/31/00	8
4/1/00	3/31/01	9
4/1/01	6/30/01	8
7/1/01	12/31/01	7
1/1/02	12/31/02	6
1/1/03	9/30/03	5
10/1/03	12/31/03	4

Underpayments and Overpayments of Multiemployer Withdrawal Liability

Section 4219.32(b) of the PBGC's regulation on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) specifies the rate at which a multiemployer plan is to charge or credit interest on underpayments and overpayments of withdrawal liability under section 4219 of ERISA unless an applicable plan provision provides otherwise. For interest accruing during any calendar quarter, the specified rate is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates"). The rate for the fourth quarter (October through December) of 2003 (*i.e.*, the rate reported for September 15, 2003) is 4.00 percent.

The following table lists the withdrawal liability underpayment and overpayment interest rates for the specified time periods:

From	Through	Interest rate (percent)
7/1/97	12/31/98	8.50
1/1/99	9/30/99	7.75
10/1/99	12/31/99	8.25
1/1/00	3/31/00	8.50
4/1/00	6/30/00	8.75
7/1/00	3/31/01	9.50
4/1/01	6/30/01	8.50
7/1/01	9/30/01	7.00
10/1/01	12/31/01	6.50
1/1/02	12/31/02	4.75
1/1/03	9/30/03	4.25
10/1/03	12/31/03	4.00

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part

4044). The interest assumptions applicable to valuation dates in November 2003 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 7th day of October 2003.

Joseph H. Grant,

Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 03-26027 Filed 10-14-03; 8:45 am]

BILLING CODE 7708-01-P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Computer Matching Programs, Office of Personnel Management/Department of Labor, Office of Workers' Compensation Programs

AGENCY: Office of Personnel Management (OPM).

ACTION: Publication of notice of computer matching to comply with Public Law 100-503, the Computer Matching and Privacy Act of 1988.

SUMMARY: OPM is publishing notice of its computer matching program with the Department of Labor, Office of Workers' Compensation Programs (OWCP) to meet the reporting and publication requirements of Public Law 100-503. The purpose of this match is to identify and/or prevent erroneous payments under the Civil Service Retirement Act (CSRA) or the Federal Employees' Retirement System Act (FERSA) and the Federal Employees' Compensation Act (FECA). The match will identify individuals receiving prohibited benefits simultaneously under CSRA or FERSA and the FECA. All three laws prohibit the receipt of certain simultaneous payments covering the same period of time.

The match will involve the OPM system of records published as OPM CENTRAL-1, Civil Service Retirement and Insurance Records at 64 FR 54930 October 8, 1999, as amended May 3, 2000, (65 FR 25775) and the Department of Labor system of records published as DOL/GOVT-1, entitled "Office of Workers' Compensation Programs, Federal Employees' Compensation Act File" at 67 FR 16817, on April 8, 2002.

DATES: The matching program will begin in October 2003, or 40 days after agreements by the parties participating in the match have been submitted to

Congress and the Office of Management and Budget, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months thereafter. The data exchange will begin at a date mutually agreed upon between OPM and OWCP after October 2003, unless comments on the match are received that result in cancellation of the program. Subsequent matches will take place semi-annually on a recurring basis until one of the parties advises the other in writing of its intention to reevaluate, modify and/or terminate the agreement.

ADDRESSES: Send comments to Maurice O. Duckett, Assistant Director for RIS Support Services Program, Office of Personnel Management, Room 4H28, 1900 E. Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: James Sparrow, (202) 606-1803.

SUPPLEMENTARY INFORMATION: The computer matching program between OPM and OWCP will involve comparison of beneficiaries under the FECA and the CSRA or the FERSA. The match will identify beneficiaries receiving payment of compensation for wage loss or death under the FECA and those receiving retirement or death benefits under the CSRA or FERS covering the same period of time.

The concurrent receipt of benefits under the FECA based on wage loss and under the CSRA or FERSA for retirement, or under the FECA, CSRA, or FERSA based on the death of a Federal employee, is prohibited. OPM has the responsibility to monitor retirement annuity and survivor benefits paid under the retirement laws to ensure that its beneficiaries are not receiving benefits under the FECA which are prohibited during receipt of benefits under the CSRA or FERSA. Similarly, it is OWCP's responsibility to ensure that Federal employees or dependents of deceased Federal employees receiving benefits under the FECA are not also receiving benefits under CSRA or FERSA which are prohibited.

By comparing the information received through this computer matching program on a regular basis, the agencies will be able to make a timely and more accurate adjustment in their benefit payments. The match will prevent overpayments, fraud and abuse, thus assuring that benefit payments are proper under the appropriate Acts.

Additional information regarding the matching program, including the authority for the program, a description of the matches, the personnel records to

be matched, security safeguards, and plans for the disposal of records following completion of the match are provided in the text below.

Office of Personnel Management

Kay Coles James,

Director.

Matching of Records Between Office of Workers' Compensation Programs and the Office of Personnel Management

A. Authority. The Civil Service Retirement Act (CSRA), 5 U.S.C. 8331, *et seq*; the Federal Employees' Retirement System Act (FERSA), 5 U.S.C. 8401, *et seq*; and the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101, *et seq*.

B. Description of Computer Matching Program. OPM pays annuities or survivor benefits to individuals who also may receive benefits under the FECA. OPM's responsibility as the administrator of CSRA and the FERSA is to assure that such benefit payments are proper and to prevent fraud and abuse. The computer matching program is an efficient method of determining whether these individuals are receiving benefits simultaneously from both OPM and OWCP which is prohibited by law.

OWCP will provide OPM with extracts of its payment files containing data (names, social security numbers, payee relationship codes, addresses, zip codes, and payment data) needed to identify the individual and determine if he or she is receiving benefits from both organizations at the same time. OPM will match OWCP's extract of its payment files against its payment records for the same dates to determine if benefits were being paid for the same day by both agencies. OPM will provide OWCP with a list of valid matches. Both organizations will detect, identify, and follow-up on payment of prohibited dual benefits. An individual identified as receiving prohibited dual benefits will be offered an opportunity to contest the findings and proposed actions and the opportunity to elect the benefits he or she wishes to receive. This due process will be provided to the individual before any payment adjustments are made.

C. Personnel Records to be Matched. The respective OPM and OWCP system of records cited above, which contain payment data on beneficiaries, will be matched.

D. Privacy Safeguards and Security. The personal privacy of the individuals whose names are included in the tapes is protected by strict adherence to the provisions of the Privacy Act of 1974 and OMB's Guidance Interpreting the Provisions of Pub. L. 100-503, the

Computer Matching and Privacy Act of 1988 (54 FR 25818). Security safeguards include limiting access only to the files agreed to and only to agency personnel having a "need to know." All automated records will be password protected and the data listing will be locked in file areas after normal duty hours. Records matched or created by the match will be stored in an area that is physically safe from access by unauthorized persons during normal work hours and after work, or when not in use.

E. *Disposal of Records*. The files will remain the property of the respective source agencies and all records including those not containing matches will be returned to the source agency for destruction. "Hits," those records relating to matched individuals, will be disposed of in accordance with the Privacy Act and the Federal Record Schedules after serving their purpose. The data obtained from confirmed hits will be entered in the claims file, subject to release only in accordance with the provisions of the Privacy Act.

[FR Doc. 03-25946 Filed 10-14-03; 8:45 am]

BILLING CODE 6325-50-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-2(a) SEC File No. 270-34 OMB Control No. 3235-0034.

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-2(a) Fingerprinting Requirements for Securities Professionals. Rule 17f-2(a) requires that securities professionals be fingerprinted. This requirement serves to identify security risk personnel, to allow an employer to make fully informed employment decisions, and to deter possible wrongdoers from seeking employment in the securities industry. Partners, directors, officers, and employees of exchanges, brokers,

dealers, transfer agents, and clearing agencies are included.

It is estimated that approximately 10,000 respondents will submit fingerprint cards. It is also estimated that each respondent will submit 55 fingerprint cards. The staff estimates that the average number of hours necessary to comply with the Rule 17f-2(a) is one-half hour. The total burden is 275,000 hours for respondents, based upon past submissions. The average cost per hour is approximately \$50. Therefore, the total cost of compliance for respondents is \$13,750,000.

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, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: October 6, 2003.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 03-25972 Filed 10-14-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration on the Boston Stock Exchange, Inc. (Able Laboratories, Inc., Common Stock, \$.01 par value) File No. 1-11352

October 8, 2003.

Able Laboratories, Inc., a Delaware corporation ("Issuer"), has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 12d2-2(d)

¹ 15 U.S.C. 78l(d).

thereunder,² to withdraw its Common Stock, \$.01 par value ("Security"), from listing and registration on the Boston Stock Exchange, Inc. ("BSE" or "Exchange").

On September 19, 2003, the Board of Directors ("Board") of the Issuer approved a resolution to withdraw the Security from listing on the Exchange. The Board states that it made the decision to withdraw the Security from listing and registration on the BSE because the Security has been listed to trade on the Nasdaq National Market since February 27, 2003.

The Issuer stated in its application that it has met the requirements of the BSE rules governing an issuer's voluntary withdrawal of a security from listing and registration. The Issuer's application relates solely to the Security's withdrawal from listing on the BSE and from registration under Section 12(b) of the Act³ and shall not affect its obligation to be registered under Section 12(g) of the Act.⁴

Any interested person may, on or before October 30, 2003, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609, facts bearing upon whether the application has been made in accordance with the rules of the BSE and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁵

Jonathan G. Katz,
Secretary.

[FR Doc. 03-25974 Filed 10-14-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-26203; File No. 812-12981]

MLIG Variable Insurance Trust and Roszel Advisors, LLC; Notice of Application

October 8, 2003.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order pursuant to Section 6(c) of the

² 17 CFR 240.12d2-2(d).

³ 15 U.S.C. 78l(b).

⁴ 15 U.S.C. 78l(g).

⁵ 17 CFR 200.30-3(a)(1).

Investment Company Act of 1940, as amended, (the "Act") granting relief from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder.

APPLICANTS: MLIG Variable Insurance Trust (the "Trust") and Roszel Advisors, LLC ("Roszel Advisors").

SUMMARY OF APPLICATION: Applicants seek exemptions to permit life insurance company separate accounts supporting variable life insurance contracts (and their insurance company depositors) to invest in shares of the Trust or a "future trust" when the following other types of investors also hold shares of the Trust or a future trust: (1) A variable life insurance ("VLI") account of a life insurance company that is not an affiliated person of the insurance company depositor of any other VLI account, (2) the Trust's or future trust's investment adviser (representing seed money investments in the Trust or future trust), (3) a life insurance company separate account supporting variable annuity contracts (a "VA account"), or (4) a qualified pension or retirement plan. A "future trust" is any investment company (or investment portfolio or series thereof), other than the Trust, shares of which are to be sold to VLI accounts and to which applicants or their affiliates may in the future serve as investment advisers, investment sub-advisers, investment managers, administrators, principal underwriters or sponsors.

FILING DATE: The application was filed on May 29, 2003 and was amended and restated on September 26, 2003.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing on this application by writing to the Secretary of the Commission and serving applicants with a copy of the request, in person or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 3, 2003, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549-0609. Applicants, c/o Edward W. Diffin, Jr., Esq., Vice President and Senior Counsel,

Merrill Lynch Insurance Group, Inc., 1300 Merrill Lynch Drive, Pennington, New Jersey 08534. Copy to David S. Goldstein, Esq., Sutherland Asbill & Brennan LLP, 1275 Pennsylvania Avenue NW., Washington, DC 20004-2415.

FOR FURTHER INFORMATION CONTACT: H. Yuna Peng, Attorney, at (202) 942-0676, or Lorna J. MacLeod, Branch Chief, at (202) 942-6070, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the Commission, 450 5th Street NW., Washington, DC 20549 (tel. (202) 942-8090).

Applicants Representations

1. The Trust is a business trust organized under the laws of Delaware on February 14, 2002. It is registered under the Act as an open-end management investment company and is a series investment company as defined by Rule 18f-2 under the Act. It is currently comprised of twenty-four investment portfolios. It issues a separate series of shares of beneficial interest in connection with each investment portfolio (each, a "Portfolio"). It may offer each series of its shares to VLI accounts and VA accounts of various life insurance companies ("participating insurance companies") and to pension and retirement plans qualified under Section 401(a) of the Internal Revenue Code of 1986, as amended (the "Code") ("plans").

2. Each VLI account and VA account will be established as a segregated asset account by a participating insurance company pursuant to the insurance law of the insurance company's state of domicile. As such, the assets of each will be the property of the participating insurance company and that portion of the assets of such an account equal to the reserves and other contract liabilities with respect to the account will not be chargeable with liabilities arising out of any other business that the insurance company may conduct. The income, gains and losses, realized or unrealized from such an account's assets will be credited to or charged against the account without regard to other income, gains or losses of the insurance company. If a VLI account or VA account is registered as an investment company, it will be a "separate account" as defined by Rule 0-1(e) (or any successor rule) under the Act and will be registered as a unit

investment trust. For purposes of the Act, the life insurance company that establishes such a registered VLI account or VA account is the depositor and sponsor of the account as those terms have been interpreted by the Commission with respect to variable life insurance and variable annuity separate accounts.

3. The plans will be pension or retirement plans intended to qualify under Sections 401(a) and 501(a) of the Code. Many of the plans will include a cash or deferred arrangement (permitting salary reduction contributions) intended to qualify under Section 401(k) of the Code. The plans will also be subject to, and will be designed to comply with, the provisions of the Employee Retirement Income Security Act of 1974 ("ERISA") applicable to either defined benefit or to defined contribution profit-sharing plans.

4. Roszel Advisors is a Delaware limited liability company organized on April 5, 2002. Roszel Advisors is registered as an investment adviser under the Investment Advisers Act of 1940. Roszel Advisors is a wholly-owned subsidiary of Merrill Lynch Insurance Group, Inc., and is an "affiliated person" of the Trust as defined in Section 2(a)(3) of the Act. Roszel Advisors serves as the investment adviser to the Trust and each of the Portfolios. Roszel Advisors, under the direction of the Trust's board of trustees, is responsible for the overall business management of the Trust and for retaining investment subadvisers ("Subadvisers") to manage the assets of each Portfolio. Pursuant to an order under Section 6(c) of the Act granting exemption from Section 15(a) of the Act and Rule 18f-2 under the Act, Roszel Advisors uses a "manager of managers" approach to selecting and supervising Subadvisers to manage the assets of the Portfolios.

5. The Trust proposes to offer and sell its shares to VLI accounts and VA accounts of various participating insurance companies to serve as an investment medium to support variable life insurance contracts ("VLI contracts") and variable annuity contracts ("VA contracts") (together, "variable contracts") issued through such accounts. As described more fully below, the Trust will only sell its shares to registered VLI accounts and registered VA accounts if each participating insurance company sponsoring such a VLI account or VA account enters into a participation agreement with the Trust. The participation agreements will define the relationship between the Trust and each

participating insurance company and will memorialize, among other matters, the fact that, except where the agreement specifically provides otherwise, the participating insurance company will remain responsible for establishing and maintaining any VLI account or VA account covered by the agreement and for complying with all applicable requirements of state and federal law pertaining to such accounts and to the sale and distribution of variable contracts issued through such accounts.

6. The use of a common management investment company (or investment portfolio thereof) as an investment medium for both VLI accounts and VA accounts of the same insurance company, or of two or more insurance companies that are affiliated persons of each other, is referred to herein as "mixed funding." The use of a common management investment company (or investment portfolio thereof) as an investment medium for VLI accounts and/or VA accounts of two or more insurance companies that are not affiliated persons of each other, is referred to herein as "shared funding."

7. The Trust may sell its shares directly to the plans. Federal tax law permits investment companies such as the Trust to increase their net assets by selling shares to qualified pension and retirement plans such as the plans. Section 817(h) of the Code imposes certain diversification standards on the assets underlying variable contracts, such as those in each Portfolio of the Trust. The Code provides that variable contracts will not be treated as annuity contracts or life insurance contracts, as the case may be, for any period (or any subsequent period) for which the underlying assets are not, in accordance with regulations issued by the Treasury Department, adequately diversified. On March 2, 1989, the Treasury Department issued regulations (Treas. Reg. 1.817-5) which established specific diversification requirements for investment portfolios underlying variable contracts. The regulations generally provide that, in order to meet these diversification requirements, all of the beneficial interests in the investment company must be held by the segregated asset accounts of one or more life insurance companies. Notwithstanding this, the regulations also contain an exception to this requirement that permits trustees of a qualified pension or retirement plan to hold shares of an investment company, the shares of which are also held by insurance company segregated asset accounts, without adversely affecting the status of the investment company as

an adequately diversified underlying investment for variable contracts issued through such segregated asset accounts (Treas. Reg. 1.817-5(f)(3)(iii)).

8. As a result of this exception to the general diversification requirement, qualified pension and retirement plans, such as the plans, may hold Trust shares and select a Portfolio or an investment portfolio of any future trust as an investment option without endangering the tax status of variable contracts as life insurance or annuities, respectively. Trust shares sold to the plans would be held by the trustees of the plans as required by Section 403(a) of ERISA. The trustees or other fiduciaries of the plans may vote Trust shares held by their plans in their own discretion or, if the applicable plan so provides, vote such shares in accordance with instructions from participants in such plans. The use of a common management investment company (or investment portfolio thereof) as an investment medium for VLI accounts, VA accounts and plans, is referred to herein as "extended mixed funding."

Applicants' Legal Analysis

9. Rule 6e-2(b)(15) under the Act provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the Act to VLI accounts supporting scheduled premium VLI contracts and to their life insurance company depositors. The exemptions granted by the Rule are available, however, only where the Trust offers its shares exclusively to VLI accounts of the same participating insurance company and/or of participating insurance companies that are affiliated persons of the same participating insurance company and then, only where scheduled premium VLI contracts are issued through such VLI accounts. Therefore, VLI accounts, their depositors and their principal underwriters may not rely on the exemptions provided by Rule 6e-2(b)(15) if shares of the Trust are held by a VLI account through which flexible premium VLI contracts are issued, a VLI account of an unaffiliated participating insurance company, an unaffiliated investment adviser, any VA account or a plan. In other words, Rule 6e-2(b)(15) does not permit a scheduled premium VLI account to invest in shares of a management investment company that serves as a vehicle for mixed funding, extended mixed funding or shared funding.

10. Rule 6e-3(T)(b)(15) under the Act provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the Act to VLI accounts supporting flexible premium variable life insurance contracts and their life insurance

company depositors. The exemptions granted by the Rule are available, however, only where the Trust offers its shares exclusively to VLI accounts (through which either scheduled premium or flexible premium contracts are issued) of the same participating insurance company and/or of participating insurance companies that are affiliated persons of the same participating insurance company, VA accounts of the same participating insurance company or of affiliated participating insurance companies, or the general account of the same participating insurance company or of affiliated participating insurance companies. Therefore, VLI accounts, their depositors and their principal underwriters may not rely on the exemptions provided by Rule 6e-3(T)(b)(15) if shares of the Trust are held by a VLI account of an unaffiliated participating insurance company, a VA account of an unaffiliated participating insurance company, the general account of an unaffiliated participating insurance company, an unaffiliated investment adviser or a plan. In other words, Rule 6e-3(T)(b)(15) permits VLI accounts supporting flexible premium VLI contracts to invest in shares of a management investment company that serves as a vehicle for mixed funding but does not permit such a VLI account to invest in shares of a management investment company that serves as a vehicle for extended mixed funding or shared funding.

11. In general, Section 9(a) of the Act disqualifies any person convicted of certain offenses, and any company affiliated with that person, from acting or serving in various capacities with respect to a registered investment company. More specifically, paragraph (3) of Section 9(a) provides that it is unlawful for any company to serve as investment adviser or principal underwriter for any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in Sections 9(a)(1), or (2).

12. Subject to the limitations described above, Rule 6e-2(b)(15)(i) and (ii) and Rule 6e-3(T)(b)(15)(i) and (ii) provide exemptions from Section 9(a) to VLI accounts and their affiliates under certain circumstances and subject to certain conditions that would limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in the management of the Trust. The relief provided by Rule 6e-2(b)(15)(i) and Rule 6e-3(T)(b)(15)(i) permits a person disqualified under Section 9(a) to serve as an officer, director, or employee of a

participating insurance company, or any of the insurance company's affiliates, as long as that person does not participate directly in the management or administration of the Trust. The relief provided by Rule 6e-2(b)(15)(ii) and Rule 6e-3(T)(b)(15)(ii) permits a participating insurance company to serve as the Trust's investment adviser or principal underwriter, provided that none of its personnel who are ineligible pursuant to Section 9(a) of the Act are participating in the management or administration of the Trust.

13. The partial relief provided by Rules 6e-2(b)(15) and 6e-3(T)(b)(15) limits, in effect, the amount of monitoring of personnel that a participating insurance company and its affiliates would otherwise have to conduct to ensure compliance with Section 9 to that which is appropriate in light of the policy and purposes of Section 9. These Rules recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the Act to apply the provisions of Section 9(a) to the many hundreds of individuals in a large insurance company complex, most of whom typically have no involvement in matters pertaining to investment companies affiliated with such an organization. These Rules also recognize that, in connection with the Trust, there exists no necessity to apply Section 9(a) to individuals in various participating insurance companies who would have no relationship to the Trust other than that their employer utilizes the Trust to support variable contracts. No regulatory purpose would be served in extending the Section 9(a) monitoring requirements because of mixed funding, extended mixed funding or shared funding. Participating insurance companies and plans are not expected to play any significant role in the management of the Trust. Those individuals at Roszel Advisors who would participate in the management of the Trust will do so regardless of which VLI accounts, VA accounts and plans invest in the Trust. The increased expense of extending the Section 9(a) monitoring requirements to participating insurance companies or plans could reduce the net return realized by investors in VLI accounts, VA accounts or plans and would not provide any material benefit to such investors.

14. Rule 6e-2(b)(15)(iii) and Rule 6e-3(T)(b)(15)(iii) provide partial exemptions from Sections 13(a), 15(a) and 15(b) of the Act to the extent that those Sections have been deemed by the Commission to require "pass-through" voting with respect to management

investment company shares held by an insurance company separate account, in order to permit the insurance company to disregard the voting instructions of its VLI contract owners ("VLI owners") in certain limited circumstances. Because the Commission has deemed Sections 13(a), 15(a) and 15(b) to require a participating insurance company to vote all shares of the Trust held by a VLI account in accordance with instructions from VLI owners, the partial exemption from these sections provided by subparagraph (b)(15)(iii)(A)(1) of the Rules 6e-2 and 6e-3(T) would permit a participating insurance company to disregard the voting instructions of such VLI owners when required to do so by any insurance regulatory authority (subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of Rules 6e-2 and 6e-3(T)), if following such instructions would cause the insurance company to: (1) make (or refrain from making) certain investments that would result in changes in the subclassification or investment objectives of the Trust, or (2) approve or disapprove any contract between the Trust and Roszel Advisors (or another investment adviser or subadviser).

15. Subparagraph (b)(15)(iii)(B) of Rule 6e-2 and subparagraph (b)(15)(iii)(A)(2) of Rule 6e-3(T) would permit a participating insurance company to disregard the voting instructions of such VLI owners if the owners initiate any change in the Trust's investment policies, principal underwriter, or investment adviser (provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii), (b)(7)(ii)(B) and (b)(7)(ii)(C) of Rules 6e-2 and 6e-3(T)).

16. Because the Commission has deemed Sections 13(a), 15(a) and 15(b) to require any participating insurance company to vote all shares of the Trust held by the insurer's VLI accounts in accordance with instructions from owners of variable life insurance contracts issued through such account, the partial exemption from these sections provided by subparagraph (b)(15)(iii) of Rule 6e-2 and subparagraph (b)(15)(iii)(A)(1) of the Rule 6e-3(T) is one that almost all VLI accounts and their participating insurance companies may need to rely on.

17. Both Rule 6e-2 and Rule 6e-3(T) generally recognize that a variable life insurance contract is primarily a life insurance contract containing many important elements unique to life insurance contracts and subject to extensive state insurance regulation. Applicants assert that in adopting

subparagraph (b)(15)(iii) of these Rules, the Commission implicitly recognized that state insurance regulators have authority, pursuant to state insurance laws or regulations, to disapprove or require changes in investment policies, investment advisers, or principal underwriters.

18. If the Trust serves as an investment vehicle for mixed funding, extended mixed funding or shared funding, the exemptions otherwise provided by Rule 6e-2(b)(15) would not be available to VLI accounts and their participating insurance company depositors and principal underwriters. Likewise, if the Trust serves as an investment vehicle for extended mixed funding or shared funding, the exemptions otherwise provided by Rule 6e-3(T)(b)(15) would not be available to VLI accounts and their participating insurance companies and principal underwriters.

19. Applicants maintain that VLI owners and VA owners, as investors in the Trust, would have substantially identical interests. Likewise, owners of scheduled premium VLI contracts and flexible premium VLI contracts would, as investors in the Trust, have virtually identical interests.

20. Each Portfolio is, or will be, managed to attempt to achieve the investment objective or objectives of such Portfolio, and not to favor or disfavor any particular participating insurance company or type of variable contract. Applicants assert that there is no reason to believe that the different features of various types of variable contracts, including any "minimum death benefit" guarantee under certain VLI contracts, will lead to different investment policies for different types of variable contracts. To the extent that the degree of risk may differ between VLI contracts and VA contracts, the different insurance charges imposed, in effect, adjust any such differences and equalize the insurers' exposure to risk in either case.

21. Furthermore, no single investment strategy is appropriate to one particular type of variable contract but not another. Each pool of VLI owners and VA owners is composed of individuals of diverse financial status, age, and insurance and investment goals. A Portfolio supporting one type of variable contract must accommodate these diverse factors in order to attract and retain owners of other types of variable contracts. Permitting mixed funding will facilitate the success of each Portfolio and will broaden the base of VLI owners and VA owners and encourage the Trust to add additional Portfolios.

22. Applicants maintain that qualified retirement plan investors in the Trust would have substantially the same interests as do VLI owners and VA owners. Like VLI and VA owners, qualified retirement plan investors are long-term investors. Therefore, most can be expected not to withdraw their assets from the plans.

23. In addition, neither VLI and VA owners on the one hand, nor plan investors on the other, would be taxed on the investment return of their respective investments in the Trust. Therefore, they would share a strong interest in the Trust operating in a manner that preserves this tax status. For example, material conflicts between these two groups of investors regarding capital transactions would be unlikely to occur. In this regard, ERISA imposes general diversification requirements on qualified pension or retirement plan investments that are wholly consistent with those required of each Portfolio under Section 817(h) of the Code.

24. VLI accounts, VA accounts and the plans are governed in similar ways. Plan committees (and other plan fiduciaries) have a fiduciary duty to participants that is similar to the obligations that a participating insurance company has to look after the interests of its VLI owners and VA owners. In this respect, applicants note that participating insurance companies and their VLI accounts would not require any exemptions from the Act other than those necessary for mixed funding and shared funding if participants in certain qualified pension and retirement plans invest indirectly in the Trust when their plan purchases a variable annuity contract offered by participating insurance company in the qualified plan market. The various plans may or may not offer an annuity option.

25. In light of the fact that plan investors would have beneficial interests in the Trust very similar to those of VLI owners and VA owners, applicants assert that, provided that they (and VLI accounts and participating insurance companies) comply with the conditions explained below, the addition of the plans as shareholders of the Trust and the addition of participants as persons having beneficial interests in the Trust should not increase the risk of material irreconcilable conflicts among and between investors. Applicants further assert that even if a material irreconcilable conflict involving the plans, or participants arose, the trustees (or other fiduciaries) of the plans, unlike participating insurance companies, can, if their fiduciary duty to the participants requires it, redeem the shares of the

Trust held by the plans and make alternative investments without obtaining prior regulatory approval. Similarly, most, if not all, of the plans, unlike the VLI accounts or the VA accounts, may hold cash or other liquid assets pending their reinvestment in a suitable alternative investment.

26. Applicants maintain that VLI owners and VA owners would benefit from the expected increase in net assets of the Portfolios occasioned by participant investments. Not only should such additional investments not increase the likelihood of material irreconcilable conflicts of interests between or among different types of investors, but such additional investments should reduce some of the costs of investing for variable contract owners. In particular, additional investments would promote economies of scale, permit increased safety through greater portfolio diversification, provide each Portfolio's investment adviser with greater flexibility due to a larger portfolio and make the addition of future new Portfolios more feasible.

27. When the Commission last revised Rule 6e-3(T) in 1987, the Treasury Department had not issued the current regulations (Treas. Reg. 1.817-5) which make it possible for the Trust to sell shares to qualified pension or retirement plans without adversely affecting the tax status of VLI contracts and VA contracts. Applicants submit that, although proposed regulations had been published, the Commission did not envision this possibility when it last examined paragraph (b)(15) of the Rule and might well have broadened the exclusivity provision of that paragraph at that time to include plans such as the plans had this possibility been apparent. In this regard, the Commission has recently issued a number of orders under Section 6(c) granting the same exemptions requested herein to other applicants in very similar circumstances.

28. In light of the fact that the proposed plan investments in the Trust should not increase the likelihood of material irreconcilable conflicts and would otherwise benefit VA owners and VLI owners and in light of the recent supporting precedent, applicants believe that the Commission should grant the requested exemptions.

29. Applicants do not believe that plan investments in the Trust would increase the potential for material irreconcilable conflicts of interest between or among different types of investors. Section 403(a) of ERISA provides that the trustee(s) of a plan must have exclusive authority and discretion to manage and control the

plan with two exceptions: (1) when the plan expressly provides that the trustee(s) are subject to the direction of a named fiduciary who is not a trustee, in which event the trustee(s) are subject to proper directions made in accordance with the terms of the plan and not contrary to ERISA, and (2) when the authority to manage, acquire or dispose of assets of the plan is delegated to one or more investment advisers pursuant to Section 402(c)(3) of ERISA. Absent one of these exceptions, the trustee(s) of the plans would have the exclusive authority and responsibility for exercising voting rights attributable to their plan's investment securities. Where a named fiduciary appoints an investment adviser, the adviser has the authority and responsibility to exercise such voting rights unless the authority and responsibility is reserved to the trustee(s) or a non-trustee fiduciary.

30. Applicants generally expect many of the plans to have their trustees or other fiduciaries exercise voting rights attributable to investment securities held by the plans in their discretion. Some of the plans, however, may provide for the trustee(s), an investment adviser (or advisers) or another named fiduciary to exercise voting rights in accordance with instructions from participants.

31. Where plans do provide participants with the right to give voting instructions, applicants see no reason to believe that participants in the plans generally or those in a particular plan, either as a single group or in combination with participants in other plans, would vote in a manner that would disadvantage VLI owners or VA owners. The purchase of Trust shares by the plans that provide voting rights does not present any complications not otherwise occasioned by mixed funding or by shared funding.

32. Section 817(h) of the Code is the codification of certain aspects of a series of published and unpublished rulings issued by the Internal Revenue Service directed at the control of investments supporting most VLI contracts and VA contracts. In light of Treasury Regulation 1.817-5(f)(3)(iii) which specifically permits "qualified pension or retirement plans" and separate accounts to share the same underlying management investment company, applicants have concluded that neither the Code, nor other Treasury Regulations or revenue rulings thereunder, would create any inherent conflicts of interest between or among plan investors, VLI owners and VA owners.

33. Although there are differences in the manner in which distributions from

the plans and distributions from VLI and VA contracts are taxed, applicants maintain that these differences will have no impact on the Trust. VLI accounts, VA accounts, participating insurance companies and the plans each will redeem Trust shares in the same manner and using the same procedures. Each will purchase and redeem such shares at net asset value in conformity with Rule 22c-1 under the Act.

34. Applicants do not see any greater potential for material irreconcilable conflicts arising between the interests of plan investors and other Trust investors from possible future changes in the federal tax laws than that which already exists with regard to such conflicts arising between VLI owners and VA owners.

35. Applicants assert that the holding of Trust shares by separate accounts of unaffiliated insurance companies would not entail greater potential for material irreconcilable conflicts arising between or among the interests of VLI owners and VA owners than would mixed funding. Likewise, the holding of Trust shares by separate accounts of unaffiliated insurance companies would not entail greater potential for material irreconcilable conflicts arising between or among the interests of VLI owners, VA owners and plan investors than would extended mixed funding where only separate accounts of affiliated participating insurance companies held such shares.

36. A particular state insurance regulator could require action of an insurer domiciled or licensed in its jurisdiction that conflicts with or is inconsistent with the regulatory requirements of or actions required by the regulator of another state where that insurer is domiciled or licensed. The fact that different insurance companies are domiciled in different states does not enlarge or create significantly different issues in connection with conflicting state regulatory requirements. Affiliation among or between such insurance companies does not diminish the potential for such issues to arise nor, in light of the source of such issues, does it dramatically increase the likelihood of their being resolved.

37. Concern also has existed that material irreconcilable conflicts between or among the interests of VLI owners and/or VA owners of unaffiliated insurance companies were more likely to arise in the event that such companies exercised their limited right to disregard VLI owner voting instructions than would be the case between or among affiliated companies. Applicants assert, however, that the

right of an insurance company to disregard VLI owner voting instructions does not raise any issues different from those raised by the authority of different state insurance regulators over separate accounts. Similarly, affiliation between or among insurance companies does not diminish or eliminate the potential for divergent judgments by such companies as to the advisability or legality of a change in investment policies, principal underwriter or investment adviser of a mutual fund in which their separate account invests. Applicants believe that the potential for disagreement between or among insurance companies is limited by requirements in Rule 6e-2 and Rule 6e-3(T) that a company's disregard of voting instructions be reasonable and based on specific good faith determinations. Moreover, in the event that a decision by a participating life insurance company to disregard VLI owners' voting instructions represents a minority position or would preclude a majority vote at a Trust shareholders meeting, the company could be required by the Trust's board of trustees to withdraw from the Trust.

38. Various factors have discouraged a number of life insurance companies from offering variable contracts. These factors include the cost of organizing and operating a funding medium (such as the Trust), the lack of expertise with respect to investment management (principally with respect to equity investments and derivative instruments) and the lack of name recognition by the public of many such insurers as investment professionals with whom an investor can feel comfortable entrusting their investment dollars. For example, a number of smaller life insurance companies do not find it economically feasible, or within their investment or administrative expertise, to enter the variable contract business on their own. Use of the Portfolios as a mixed funding and shared funding vehicle for variable contracts would reduce or eliminate such concerns for small life insurance companies.

39. Permitting the Trust to serve as a mixed funding and shared funding vehicle also should provide several benefits to variable contract owners by eliminating a significant portion of the costs or establishing and administering separate mutual funds. Participating insurance companies would benefit not only from the investment and administrative expertise of Roszel Advisors, but also from the cost efficiencies and investment flexibility afforded by a large pool of assets. Permitting the Trust to serve as a mixed and shared funding vehicle also should make a greater amount of assets

available for investment by each Portfolio than would otherwise be the case and, thereby, promote economies of scale, increase the safety of a Portfolio by increasing diversification of investments, and/or make the addition of new Portfolios more feasible. Therefore, making the Trust available to serve as a vehicle for mixed funding and shared funding could encourage more life insurance companies to offer variable contracts and thereby increase competition in the variable contracts market. Such competition, in turn, can be expected to result in more contract variation and in lower fees and charges. Applicants also assert that permitting the Trust to serve as a vehicle for extended mixed funding will result in increased assets for the Portfolios. This also will benefit owners of variable contracts by promoting economies of scale, increasing the safety of Portfolios by increasing diversification of investments, and/or make the addition of new Portfolios more feasible.

40. Applicants submit that regardless of the types of investors in the Trust, they each will be contractually and otherwise obligated to manage each Portfolio solely and exclusively in accordance with its investment objective(s), policies and restrictions as well as any additional guidelines established by trustees of the Trust. Roszel Advisors manages (and the investment adviser of any future trust would manage) each Portfolio, without regard to the identity of the investors in such accounts. Thus, each Portfolio is managed in the same manner as any other open-end management investment company.

41. Applicants see no legal impediment to permitting the Trust to serve as a vehicle for mixed funding, extended mixed funding and shared funding. The Commission has issued numerous orders permitting mixed funding, extended mixed funding and shared funding. Therefore, granting the exemptions requested herein is in the public interest and will not compromise the regulatory purposes of Sections 9(a), 13(a), 15(a) or 15(b) of the Act or of Rules 6e-2 and 6e-3(T) thereunder.

42. Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction or any class of persons, securities, or transactions from any provision or provisions of the Act and/or any rule under it if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an order of the Commission that would exempt VLI

accounts and their participating insurance companies and principal underwriters as a class from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rule 6e-2 or Rule 6e-3(T)(b)(15) thereunder. The exemption of these classes of parties is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because all of the potential members of the class could obtain the foregoing exemptions for themselves on the same basis as the applicants, but only at a cost to each of them that is not justified by any public policy purpose. As discussed below, the requested exemptions would only extend to VLI accounts whose participating insurance companies enter into participation agreements with the Trust; which agreements would subject such VLI accounts to the conditions discussed below. The Commission staff also would have the opportunity to review compliance with these conditions by participating insurance companies when it reviews the 1933 Act registration statements filed by each VLI account and VA account before the account could issue any variable contracts. The Commission has previously granted exemptions to classes of similarly situated parties in various contexts and from a wide variety of circumstances, including class exemptions in the context of mixed funding, extended mixed funding and shared funding.

Applicants' Conditions

With regard to the conditions recited below, references to the Trust include any future trust; references to a Portfolio include any investment portfolio of a future trust; and references to Roszel Advisors include any current or future Subadviser and any investment adviser to a future trust or investment portfolio of a future trust. Applicants consent to the following conditions if the exemptions requested herein are granted:

1. A majority of the Trustees (the "Board") of the Trust and each Portfolio will consist of persons who are not "interested persons" thereof, as defined by Section 2(a)(19) of the Act, and the rules thereunder, and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of the death, disqualification or bona fide resignation of any trustee, then the operation of this condition shall be suspended: (a) for a period of 90 days if the vacancy or vacancies may be filled by the Board; (b) for a period of 150

days if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. The Board will monitor the Portfolios for the existence of any material irreconcilable conflict between and among the interests of VLI owners and VA owners and of plan participants and plans investing in the Portfolios and determine what action, if any, should be taken in response to any such conflicts. A material irreconcilable conflict may arise for a variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Portfolios are being managed; (e) a difference in voting instructions given by VLI owners, VA owners and plan investors; (f) a decision by a participating insurance company to disregard the voting instructions of VLI owners or VA owners; or (g) if applicable, a decision by a plan to disregard the voting instructions of plan participants.

3. Roszel Advisors (or any "investment adviser" of a Portfolio), any participating insurance company, and any plan that executes a participation agreement upon becoming an owner of 10% or more of the issued and outstanding shares of a Portfolio (such plans referred to hereafter as "participating plans") will be required to report any potential or existing conflicts to the Board. Roszel Advisors (or any other investment adviser of a Portfolio), participating insurance companies and participating plans will be responsible for assisting the Board in carrying out its responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This includes, but is not limited to, an obligation by a participating insurance company to inform the Board whenever it has determined to disregard VLI owner or VA owner voting instructions, and, if pass-through voting is applicable, an obligation by a participating plan to inform the Board whenever it has determined to disregard plan participant voting instructions. The responsibility to report such conflicts and information, and to assist the Board will be contractual obligations of all

participating insurance companies and participating plans investing in the Portfolios under their agreements governing participation in the Portfolios, and such agreements, shall provide that these responsibilities will be carried out with a view only to the interests of the VLI owners and VA owners, and if applicable, plan participants.

4. If a majority of the Board, or a majority of its disinterested trustees, determine that a material irreconcilable conflict exists, the relevant participating insurance companies and participating plans, at their expense and to the extent reasonably practicable (as determined by a majority of the disinterested trustees), will be required to take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict. Such steps could include: (a) Withdrawing the assets allocable to some or all of the separate accounts from the Portfolio and reinvesting such assets in a different investment medium, which may include another Portfolio of the Trust; (b) in the case of participating insurance companies, submitting the questions of whether such segregation should be implemented to a vote of all affected owners of all registered VA contracts or VLI contracts, and, as appropriate, segregating the assets of any appropriate group (*i.e.*, VA owners or VLI owners of one or more participating insurance companies) that votes in favor of such segregation, or offering to the affected variable contract owners, the option of making such a change; and (c) establishing a new registered management investment company. If a material irreconcilable conflict arises because of a decision by a participating insurance company to disregard VLI owners' or VA owners' voting instructions and that decision represents a minority position or would preclude a majority vote, the participating insurance company may be required, at the election of the Portfolio, to withdraw its separate account's investment in such Portfolio, with no charge or penalty imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a participating plan's decision to disregard plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the participating plan may be required, at the election of the Portfolio, to withdraw its investment in such Portfolio, with no charge or penalty imposed as a result of such withdrawal. To the extent permitted by applicable law, the responsibility of taking

remedial action in the event of a Board determination of a material irreconcilable conflict and bearing the cost of such remedial action, will be a contractual obligation of all participating insurance companies and participating plans under their agreements governing participation in the Portfolios, and these responsibilities will be carried out with a view only to the interests of VLI owners, VA owners and plan participants, as applicable.

For purposes of this Condition 4, a majority of the disinterested trustees of the Board will determine whether or not any proposed action adequately remedies any material irreconcilable conflict, but in no event will a Portfolio, or Roszel Advisors be required to establish a new funding medium for any VLI contracts or VA contracts. No participating insurance company will be required by this Condition 4 to establish a new funding medium for any VLI contracts or VA contracts if a majority of VLI owners or VA owners materially and adversely affected by the irreconcilable material conflict vote to decline such offer. No participating plan shall be required by this Condition 4 to establish a new funding medium for such plan if: (a) a majority of plan participants materially and adversely affected by the irreconcilable material conflict vote to decline such offer, or (b) pursuant to governing plan documents and applicable law, the participating plan makes such decision without a plan participant vote.

5. Roszel Advisors, all participating insurance companies with respect to a Portfolio and participating plans with respect to a Portfolio will be promptly informed in writing of any determination by the Board of such Portfolio that a material irreconcilable conflict exists and its implications.

6. Participating insurance companies will be required to provide pass-through voting privileges to all owners of registered VLI contracts and registered VA contracts so long as the Commission interprets the Act to require pass-through voting privileges for such VLI owners or VA owners. Accordingly, the participating insurance companies will vote shares of a Portfolio held in their separate accounts in a manner consistent with voting instructions timely received from VLI owners or VA owners. Participating insurance companies shall be responsible for assuring that each of their separate accounts calculates voting privileges in a manner consistent with all other participating insurance companies. The obligation to calculate voting privileges in a manner consistent with all other separate accounts investing in the fund

will be a contractual obligation of all participating insurance companies under the agreements governing participation in the Portfolio. Each participating insurance company will be required to vote shares for which it has not received voting instructions as well as shares attributable to it, in the same proportion as it votes shares for which it has received instructions. Each participating plan will vote as required by applicable law governing plan documents.

7. Roszel Advisors, and any person under common control with Roszel Advisors, will vote shares held by them for their own benefit (*i.e.*, shares representing seed money) in the same proportions as the shares collectively voted by the various participating insurance companies.

8. All reports of potential or existing conflicts received by the Board and all Board action with regard to determining the existence of a conflict, notifying Roszel Advisors, participating insurance companies and participating plans of a conflict and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records will be made available to the Commission upon request.

9. Each Portfolio will notify all participating insurance companies and participating plans that disclosure in separate account prospectuses or plan prospectuses or other plan disclosure documents regarding potential risks of mixed and shared funding may be appropriate. Each Portfolio will disclose in its prospectus that: (a) Shares of the Portfolio may be offered to insurance company separate accounts of both annuity and life insurance variable contracts, and to plans; (b) due to differences of tax treatment and other considerations, the interests of various variable contract owners participating in the Portfolios and the interests of plans investing in the Portfolios may conflict; and (c) the Board will monitor such Portfolios for any material conflicts of interest and determine what action, if any, should be taken.

10. Each Portfolio will comply with all provisions of the Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in the shares of the respective Portfolio), and, in particular, each Portfolio will either provide for annual meetings (except to the extent that the Commission may interpret Section 16 of the Act not to require such meetings) or comply with Section 16(c) of the Act (although the Portfolios are not within the trusts described in

Section 16(c) of the Act), as well as with Section 16(a), and, if applicable, Section 16(b) of the Act. Further, each Portfolio will act in accordance with the Commission's interpretation of the requirements of Section 16(a) with respect to periodic elections of trustees and with whatever rules the Commission may promulgate with respect thereto.

11. If and to the extent Rules 6e-2 and 6e-3(T) are amended (or Rule 6e-3 under the Act is adopted) to provide exemptive relief from any provision of the Act or the rules promulgated thereunder with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the order requested by Applicants, then the Portfolios shall and the participating insurance companies, as appropriate, shall be required to take such steps as may be necessary to comply with Rules 6e-2 and 6e-3(T), as amended, or Rule 6e-3, as adopted, to the extent applicable.

12. No less than annually, Roszel Advisors, the participating insurance companies and participating plans shall submit to the Board such reports, materials or data as the Board may reasonably request so that the Board may fully carry out obligations imposed upon them by the conditions contained in the application. Such reports, materials and data shall be submitted more frequently if deemed appropriate by the Board. The obligations of Roszel Advisors, participating insurance companies and participating plans to provide these reports, materials and data to the Board, shall be a contractual obligation of Roszel Advisors, all participating insurance companies and participating plans under their agreements governing participation in the Portfolios.

13. If a plan or plan participant shareholder should become an owner of 10% or more of the issued and outstanding shares of a Portfolio, such plan will execute a participation agreement with such Portfolio, including the conditions set forth herein to the extent applicable. A plan or plan participant shareholder will execute an application containing an acknowledgment of this condition at the time of its initial purchase of shares of the Portfolio.

Conclusion

For the reasons summarized above, applicants assert that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes

fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 03-25973 Filed 10-14-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-26204; File No. 812-12722]

The Lincoln National Life Insurance Company, et al.; Notice of Application

October 8, 2003.

AGENCY: Securities and Exchange Commission (the "Commission").

ACTION: Notice of application for an order pursuant to Section 11(a) of the Investment Company Act of 1940 (the "Act") approving the terms of an exchange offer to issued and outstanding variable annuity contracts.

APPLICANTS: The Lincoln National Life Insurance Company ("Lincoln Life") and Lincoln National Variable Annuity Account C ("Account C").

FILING DATE: The application was filed on December 13, 2001, and amended and restated on September 22, 2003.

SUMMARY OF APPLICATION: Applicants request an order approving the terms of a proposed offer of exchange of MultiFund® 5 (with contract value death benefit), an existing variable annuity contract issued by Lincoln Life and made available through Variable Annuity Account C ("New Contract"), for MultiFund® 2, 3, and 4 (with contract value death benefit), outstanding annuity contracts issued by Lincoln Life and made available through Variable Annuity Account C ("Old Contracts").

HEARING OR NOTIFICATION OF HEARING: An order granting the amended and restated application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on November 3, 2003, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons may request notification of a

hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Applicants, c/o Mary Jo Ardington, Esq., Counsel, The Lincoln National Life Insurance Company, 1300 S. Clinton Street, P.O. Box 1110, Fort Wayne, Indiana 46801-1110. Copy to Judith A. Hasenauer, Esq., Blazzard, Grodd & Hasenauer, P.C., Federal Tower, Suite 500, 1600 S. Federal Highway, Pompano Beach, Florida 33062.

FOR FURTHER INFORMATION CONTACT: Ellen J. Sazzman, Senior Counsel, or Lorna J. MacLeod, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942-0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Public Reference Branch of the Commission, 450 Fifth Street, NW., Washington, DC 20549-0102 (tel. (202) 942-8090).

Applicants' Representations

1. Lincoln Life is a stock life insurance company that was founded in 1905 under Indiana law, and is a wholly-owned subsidiary of Lincoln National Corporation ("LNC"), which is also organized under Indiana law. LNC's primary businesses are insurance and financial services. Lincoln Life is Account C's depositor within the meaning of the Act.

2. Lincoln Life is the principal underwriter of the contracts issued by Lincoln Life through Account C. Lincoln Life is registered as a broker-dealer under the Securities Exchange Act of 1934.

3. Account C was established on June 3, 1981, as an insurance company separate account under Indiana law. Account C is a segregated investment account and, as such, its assets may not be charged with liabilities resulting from any other business that Lincoln Life may conduct. Income, gains, and losses, whether realized or not, from assets allocated to Account C are, in accordance with applicable annuity contracts, credited to or charged against Account C, and without regard to any other income, gains, or losses of Lincoln Life. Account C satisfies the definition of a separate account under the federal securities law. Account C is registered on Form N-4 under the Act as a unit investment trust (File No. 811-3214).

4. Account C funds the MultiFund® Series of Variable Annuity Contracts including the MultiFund® 2, 3, 4, and

5 Contracts ("MultiFund® Contracts"). Certain MultiFund® Contracts have been offered and sold for a number of years.

5. There are four MultiFund® Contracts which are the subject of this Application: MultiFund® 2, MultiFund® 3, MultiFund® 4 and MultiFund® 5, all with the contract value death benefit. The MultiFund® 2, 3, and 4 Contracts issued through Account C have been registered under the Securities Act of 1933 pursuant to a registration statement on Form N-4 (File No. 33-25990). The MultiFund® 5 Contract issued through Account C has been registered under the Securities Act of 1933 pursuant to a registration statement on Form N-4 (File No. 333-68842).

6. The MultiFund® Contracts are flexible premium deferred annuity contracts under which contract owners may make one or more purchase payments over a period of time (called the "accumulation period"). During the accumulation period, based upon the contract owner's instructions, such purchase payments are allocated to the selected subaccounts of Account C and/or Lincoln Life's general account. To the extent that an owner selects one or more subaccounts, his or her investment in the contract will vary with the investment performance of the selected subaccounts. To the extent that an owner selects the general account, Lincoln Life guarantees that the amount allocated to the general account will be credited with a minimum interest rate and Lincoln Life may credit additional interest that it may declare from time to time.

7. A contract owner can elect to receive annuity payments under his or her contract. Under a contract, annuity payments are based upon the life of an annuitant and in some cases the lives of two (or joint) annuitants. Annuity options are available on a variable basis (*i.e.*, funded by Account C) and/or on a fixed basis (*i.e.*, funded through Lincoln Life's general account). The contracts incorporate other features, some of which are described more fully below under the discussion of the specific contract.

8. The minimum purchase payment for MultiFund® 2, 3, and 4 Contracts is \$3000 for nonqualified contracts and \$1000 for qualified contracts. The MultiFund® 2, 3 and 4 Contracts impose a surrender charge of up to 7% of any amount by which purchase payments withdrawn in any year exceed 15% of purchase payments. (However, this 15% withdrawal exception does not apply to a surrender of a contract.) The surrender charge associated with each

purchase payment declines 1% each year until it is 0% beginning after the seventh year after the payment was made.

9. The MultiFund® 2, 3 and 4 Contracts also impose the following charges: (a) A daily mortality and expense risk charge for contracts with the contract value death benefit at an annual rate of 1.002% of the daily net asset value of Account C; (b) an annual contract maintenance charge of \$25 (for MultiFund® 2 only); (c) a charge corresponding to any applicable state premium tax or other tax levied by any governmental entity; and (d) fees and charges paid out of the assets of the underlying funds.

10. The minimum purchase payment for the MultiFund® 5 Contract is \$25,000. This minimum payment restriction will be waived for participants in the exchange offer. The MultiFund® 5 Contract also imposes a surrender charge of up to 7% of any amount by which purchase payments withdrawn in any year exceed 15% of purchase payments. (However, this 15% withdrawal exception does not apply to a surrender of a contract.) The surrender charge associated with each purchase payment declines 1% each year until it is 0% beginning after the seventh year after the payment was made.

11. MultiFund® 5 has four contract options with various death benefits. Only the contract value death benefit option is part of the exchange offer. In addition to the surrender charge, the MultiFund® 5 Contract option that is part of the exchange offer imposes the following charges: (a) A daily mortality and expense risk and administrative charge at an annual rate of 1.00% of the daily net asset value of Account C; (b) a charge corresponding to any applicable state premium tax or other tax levied by any governmental entity; and (c) fees and charges paid out of the assets of the underlying funds.

12. Under both the MultiFund® 2, 3, and 4 Contracts and the MultiFund® 5 Contract, if the contract value death benefit option is in effect, the death benefit is equal to the current value of the contract as of the day Lincoln Life approves the claim for payment. However under the MultiFund® 5 Contract, the death benefit would be payable on the death of the owner, joint owner, or, in certain circumstances, the annuitant, and not just on the death of the annuitant as under the MultiFund® 2, 3, and 4 Contracts.

13. Under the MultiFund® 2, 3, and 4 Contracts, Lincoln Life limits transfers to no more than six per contract year although Lincoln Life reserves the right to waive this restriction and current

practice is to allow up to 12 transfers per contract year. Transfers between subaccounts are restricted to once every 30 days, although Lincoln Life may waive this requirement. The minimum amount which may be transferred is \$500 (or the entire subaccount amount if less than \$500). The MultiFund® 5 Contract has the same transfer provisions as the MultiFund® 2, 3, and 4 Contracts except that the MultiFund® 5 Contract contractually allows up to twelve transfers per year during the accumulation phase, and these transfers are not limited to once every thirty days.

14. The MultiFund® 5 Contract has a lower guaranteed minimum interest rate payable on the fixed account than the MultiFund® 2, 3, and 4 Contracts. The MultiFund® 2 and 3 Contracts provide that for contract years 6–10, the guaranteed minimum interest rate is 4% and for years 10 and later, the guaranteed minimum interest rate is 3.5%. The MultiFund® 4 Contract provides for a guaranteed minimum interest rate of 3% in all years. After June 2, 2003, the MultiFund® 5 Contract provides for a guaranteed minimum interest rate of 1.5% for the contract life in some states and 3% for the contract life in the remaining states.

15. Lincoln Life now proposes to make an exchange offer to MultiFund® 2, 3, and 4 contract owners with the contract value death benefit option whose contracts have a contract value of at least \$5000 and who have remaining surrender charges equal to 2% or less of their current contract value. Under the exchange offer, eligible contract owners can elect to exchange their existing MultiFund® 2, 3, or 4 Contracts for a MultiFund® 5 Contract. An immediate bonus credit of 2% of the contract value will be credited to the contract owner's contract on the issue date of the MultiFund® 5 Contract.

16. Contract owners who elect the 2% Bonus Exchange Offer will be issued a new MultiFund® 5 Contract with the Contract Value Death Benefit. The current contract value will be withdrawn from the old contract and re-deposited into a MultiFund® 5 Contract based on the then current allocation of contract value. Contract owners will hold the same share class in MultiFund® 5 as in their original contract. Four of the existing underlying funds for MultiFund® 2, 3, and 4 Contracts are not available under the MultiFund® 5 Contract. However, ten new fund choices are available under the MultiFund® 5 Contract that are not available under the MultiFund® 2, 3, and 4 Contracts. If a contract owner has allocated payments to one of the four subaccounts not available under the

MultiFund® 5 Contract, the contract owner will be required to establish a new allocation among subaccounts available under the MultiFund® 5 Contract. All contract owners who have accepted the exchange offer will be given the opportunity to change their allocations at the time of the exchange to any of the subaccounts available under the MultiFund® 5 Contract. These changes in allocations do not count as transfers.

17. The entire contract value of the new MultiFund® 5 Contract (excluding the 2% bonus credit) will be subject to surrender charges under the New Contract as of the date the contract becomes effective. For purposes of calculating surrender charges, the contract value of the Old Contract (excluding the bonus credit) will be treated as a purchase payment. Any remaining surrender charges on the contract owner's MultiFund® 2, 3, or 4 Contract existing prior to the time of the election of the exchange will be waived. All other charges of the new MultiFund® 5 Contract will also apply.

18. As of the effective date of the exchange offer, contract owners who have accepted the exchange offer will pay the MultiFund® 5 Contract charges. After the exchange, the contract owner will be governed by the terms of the New Contract, effective on the date the exchange offer is processed.

19. The exchange offer is only available to nonqualified, IRA and Roth IRA annuity contracts, with at least \$5000 in contract value, in which the named contract owner, joint owner, and annuitant are under age 76, and the remaining surrender charge, as a percent of the current contract value, is 2% or less. The exchange offer will not be made to contract owners who are not eligible to participate.

20. Contract owners may cancel the new MultiFund® 5 Contract for any reason within ten days (in some states longer) of the date of receipt of the new contract in accordance with the terms of the Right to Examine provision of the contract. No surrender charges will be assessed upon exercise of the Right to Examine provision or upon cancellation. Upon cancellation, Lincoln Life will return the contract value to the applicable MultiFund® 2, 3, or 4 Contract. Any surrender charges previously waived on the MultiFund® 2, 3, or 4 Contract will be reinstated as of the date the MultiFund® 2, 3, or 4 Contract was surrendered. Lincoln Life will revoke any bonus credits credited to the contract value. However, Lincoln Life will assume the risk of investment loss on the bonus credits. In other words, the contract owner will be put

back into the same position as if he or she had never elected the 2% Bonus Exchange Offer (except for market gain or loss on contract value). There will be no recapture of the bonus credit upon withdrawal or surrender except under the Right to Examine provision. The election of the 2% Bonus Exchange Offer will have no adverse tax consequences to the contract owner.

21. Applicants represent that the exchange offer is designed to encourage existing contract owners to remain with Lincoln Life rather than surrender their contracts in exchange for a competitor's product offering similar benefits.

22. Applicants propose to make the exchange offer by providing eligible contract owners with an Offering Document mailed directly from Lincoln Life. Eligible contract owners will also receive a MultiFund 5 prospectus. The MultiFund® 5 prospectus will be supplemented to provide disclosure specifically related to the 2% Bonus Exchange Offer. Eligible MultiFund® 2, 3, and 4 contract owners who express an interest in learning the details of the offer can contact either Lincoln Life or their registered representative for further information.

23. Registered representatives who are responsible for a contract owner accepting the exchange offer will be paid a commission. The commission is less than what the registered representative would receive on the sale of a new MultiFund® 5 Contract.

24. The Offering Document will advise eligible contract owners that the offer is designed for those contract owners who intend to continue to hold their contracts as long-term investments. The Offering Document will state that the offer is not intended for all contract owners, and that it is especially not appropriate for any contract owner who anticipates surrendering an amount of his or her contract value in excess of the annual free withdrawal amount (15% of purchase payments) within the surrender charge period. In this regard, the Offering Document will encourage contract owners to carefully evaluate their personal financial situation when deciding whether to accept or reject the offer. In addition, the Offering Document will explain how a contract owner who elects to participate in the offer may avoid the applicable surrender charge if no more than the annual free withdrawal amount (15% of purchase payments) is surrendered, and any subsequent purchase payments are maintained until expiration of the applicable surrender charge period. In this regard, the Offering Document will state in clear plain English that if the new contract is surrendered during the

initial surrender charge period: (a) The benefits of the 2% Bonus Exchange Offer may be more than offset by the surrender charge; and (b) a contract owner may be worse off than if he or she had rejected the offer.

25. To accept the exchange offer, an eligible contract owner must complete the Lincoln Life internal exchange forms, which will contain the pertinent information so that the exchange will comply with the requirements of Section 1035 of the Internal Revenue Code ("Section 1035"). No adverse tax consequences will be incurred by those contract owners who accept the exchange offer. The exchanges will constitute tax-free exchanges pursuant to Section 1035.

Applicants' Legal Analysis

1. Section 11(a) of the Act makes it unlawful for any registered open-end company or any principal underwriter for such company, to make or cause to be made an offer to the holder of a security of such company, or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with Commission rules adopted under Section 11.

2. Section 11(c) of the Act, in pertinent part, requires that any offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company be approved by the Commission (by order or by rule) or satisfy applicable rules adopted under Section 11, regardless of the basis of the exchange.

3. Account C is registered under the Act as a unit investment trust. Thus, the exchange offer constitutes an offer of exchange of two securities, each of which is offered by a registered unit investment trust.

4. According to the Commission, Congress enacted Section 11 of the Act to prevent "switching," the practice of inducing security holders of one investment company to exchange their securities for those of a different investment company solely for the purpose of exacting additional selling charges.

5. Section 11(c) of the Act requires Commission approval (by order or by rule) of any exchange, regardless of its basis, involving securities issued by a unit investment trust because investors in unit investment trusts were found by Congress to be particularly vulnerable to switching transactions. Applicants

believe that the potential for harm to investors perceived in switching by Congress was its use to extract additional sales charges from those investors.

6. Applicants represent that, as opposed to providing a means of extracting additional sales charges as contemplated by the prohibitions of Section 11, the proposed exchange offer provides enduring benefits to the contract owners. To the extent that a contract owner ultimately did not benefit from accepting the offer, it would be as a result of his or her own subsequent decision to surrender the exchanged contract in circumstances that would have been the subject of very explicit disclosure.

7. Rule 11a-2, by its express terms, provides for Commission approval of certain types of offers of exchange of one variable annuity contract for another. Other than the relative net asset value requirement, the only other part of Rule 11a-2 that would not be satisfied by the proposed exchange offer is the requirement that payments under the existing MultiFund® 2, 3, and 4 Contracts be treated as if they had been made under the exchanged contracts on the dates actually made. This provision of Rule 11a-2 is often referred to as a "tacking" requirement because it has the effecting of "tacking together" the surrender charge expiration periods of the exchanged and acquired contracts.

8. Applicants believe that tacking should be viewed as a useful way to avoid the need to scrutinize the terms of an offer of exchange to make sure that there is no abuse. Tacking is not a requirement of Section 11. Rather, it is a creation of a rule designed to approve the terms of an offer of exchange "sight unseen." Tacking focuses on the closest thing to multiple deduction of sales loads that is possible in a surrender charge contract—multiple exposure to sales loads upon surrender or redemption. If tacking and other safeguards of Rule 11a-2 are present, there is no need for the Commission or its staff to evaluate the terms of the offer. The absence of tacking in this fully scrutinized Section 11 application will have no import in offers made pursuant to the rule on a "sight unseen" basis.

9. No tacking is required when Lincoln Life's competitors offer their variable annuity contracts to owners of the MultiFund® 2, 3, and 4 Contracts or indeed when Lincoln makes such an offer to competitors' contract owners. In those exchanges, unlike the offer proposed here, the exchanging contract owner actually must pay any remaining surrender charge on the exchanged

contract at the time of the exchange. The broker/dealers that will be making recommendations to their customers regarding these offers are required to satisfy the suitability requirements. Therefore, while tacking is not present, the investor protection afforded by the suitability requirements imposed upon the broker/dealer and the additional disclosure will be.

10. By this Application, Applicants are seeking a "level playing field" to permit Lincoln to compete with offers of competitors to its longstanding contract owners. Absent the requested relief, there can be no such offers, as imposition of the Rule 11a-2 tacking requirement would make it unfeasible for the offers to be made.

11. Applicants assert that approval of the terms of the exchange offer is warranted, among other reasons, because it will promote competition in the variable annuity marketplace. Such approval will foster competition by allowing Lincoln Life to make an offer to its own contract owners that would provide an attractive additional option for contract owners' consideration.

Applicants' Conditions

If the requested order is granted, Applicants consent to the following conditions, which are intended to support the understanding that the 2% Bonus Exchange Offer is being made to contract owners who expect to persist:

1. The Offering document will contain concise, plain English statements that:

(a) the 2% Bonus Exchange Offer is suitable only for contract owners who expect to hold their contracts as long term investments; and

(b) if the new contract is surrendered during the initial surrender charge period:

i. the 2% bonus may be more than offset by the surrender charge; and
ii. the contract owner may be worse off than if he or she had rejected the exchange offer.

2. The Offering Document will disclose in concise, plain English each aspect of the New Contract that will be less favorable than the Old Contract, including the fact that the MultiFund® 5 Contract has a lower, guaranteed minimum interest rate for investments in the fixed account than the MultiFund® 2, 3, and 4 Contracts.

3. Lincoln Life will send the Offering Document directly to eligible contract owners. A contract owner choosing the exchange offer will then complete and sign an internal exchange form, which will prominently restate in concise, plain English the statements required in Condition No. 1, and will return it to Lincoln Life. If the internal exchange

form is more than two pages long, the statements referred to in Condition No. 1 will be restated in a separate document, and Lincoln Life will obtain the contract owner's acknowledgement of receipt of that document.

4. Lincoln Life will maintain the following separately identifiable records in an easily accessible place, for the time periods specified below in this Condition No. 4 for review by the Commission upon request:

(a) Records showing the level of acceptances of the exchange offer and how these acceptances relate to the total number of contract owners eligible to participate in the offers (quarterly as a percentage of the number eligible);

(b) Copies of any form of Offering Document and any other written materials or scripts for presentations by representatives regarding the exchange offer that Lincoln Life either prepares or approves, including the dates that such Offering Document and materials were used;

(c) Records containing information about each exchange transaction that occurs, including the name of the contract owner, Old and New Contract numbers; the amount of surrender charge waived on surrender of the Old Contract; bonus paid; the name and CRD number of the registered representative soliciting the exchange, firm affiliation, branch office address, telephone number, and the name of the registered representative's broker-dealer; commission paid; the internal exchange form (and separate acknowledgement, if any) showing the name, date of birth, address, and telephone number of the contract owner and the date the internal exchange form (or separate acknowledgement) was signed; amount of contract value exchanged; and persistency information relating to the New Contract, including the date of any subsequent surrender and the amount of surrender charge paid on the surrender; and

(d) Logs showing a record of any contract owner complaint about the exchange; state insurance department inquiries about the exchange; or litigation, arbitration or other proceeding regarding any exchange. The logs will include the date of the complaint or commencement of the proceeding, name and address of the person making the complaint or commencing the proceeding, nature of the complaint or proceeding, and the persons named or involved in the complaint or proceeding.

Applicants will retain records specified in (a) and (d) for a period of six years after the date the records are created, records specified in (b) for a

period of six years after the date of last use, and records specified in (c) for a period of two years after the date that the initial surrender charge period of the New Contract ends.

Conclusion

For all the reasons discussed above, Applicants submit that (1) the 2% Bonus Exchange Offer offers substantial benefits to contract owners, will be advantageous for the great majority of owners to whom it will be offered, and does not contravene any policy or purpose of Section 11, and (2) approval of Applicants' offer of the exchange offer as described, and subject to the conditions set forth in this Application, is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act. Therefore, Applicants respectfully submit that the Commission should grant the approval sought by this Application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 03-26040 Filed 10-14-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48596; File No. SR-BSE-2003-08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the Boston Stock Exchange, Inc. Relating to the Exchange's Instant Liquidity Access Service for Certain Limit Orders

October 7, 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 July 14, 2003, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On September 8, 2003, the Exchange submitted an amendment to the filing.³

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See letter from John Boese, Vice President, Legal and Compliance, BSE, to Nancy Sanow, Assistant Director, Division of Market Regulation,

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 Exchange proposes to add provisions to its rules governing a new service that will provide for the instant execution of certain limit orders of a specified size. The text of the proposed rule change is below. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

Chapter I

Definitions

Sec. 3.

Instant Liquidity Access ("ILA") Order

An ILA order is a round-lot limit order of no less than 100, nor more than 1000, shares priced at the Exchange's published offer (in the case of a buy) or at the Exchange's published bid (in the case of an order to sell), which a member or member-organization has entered for immediate execution in accordance with, and to the extent provided by, Chapter XXXIII, Section 8 (Instant Liquidity Access) of these Rules.

* * * * *

Chapter XXXIII

Beacon

Sec. 8. [Year 2000 testing] *Instant Liquidity Access* (a) Each member and member organization shall participate in testing of computer systems designed to prepare for Year 2000, in a manner and frequency prescribed by the Exchange, and shall provide to the Exchange reports related to such testing as requested by the Exchange.

(b) The Exchange may exempt a member or member organization from this requirement if that member cannot be accommodated in the testing schedule by the organization conducting the test, if the member does not employ computers in its business, or for other good reasons.

Commission, dated September 5, 2003 ("Amendment No. 1"). In Amendment No. 1, the BSE: (1) Clarified that the proposal is substantially similar to the New York Stock Exchange, Inc. ("NYSE") rule related to the NYSE's Direct+ execution functionality; (2) corrected typographical errors in the purpose section; (3) clarified how trades will be reported to the Consolidated Tape Association; (4) noted that the proposed rule will be replacing an obsolete BSE rule related to year 2000 testing; and (5) and inserted a cross reference to other BSE rules that clarify instances in which BSE published quotes might not be "firm."

(c) Every member of the Exchange that clears securities transactions on behalf of other broker-dealers must take reasonable measures to ensure that each broker-dealer for which it clears securities transactions conducts testing with such member.

Adopted.

December 31, 1998.]

This section applies to the facilitation of orders through Instant Liquidity Access, a mechanism offered by the Exchange. All other provisions of the Constitution and Rules of the Exchange are applicable unless superseded by this section.

(a) Only straight limit orders without tick restrictions are eligible for entry as instant execution or Instant Liquidity Access ("ILA") orders. ILA orders to buy shall be priced at the price of the published BSE offer. ILA orders to sell shall be priced at the price of the BSE bid. An ILA order shall receive an immediate, instant execution against orders reflected in the Exchange's published quotation and shall be immediately reported as BSE transactions, unless:

(i) the BSE's published quotation is not firm (in accordance with Rule 11Ac1-1 of the Act, as set forth in these Rules in Chapter III, "Dealings on the Exchange", Section 7, "Dissemination of Quotations");

(ii) the primary market's published quotation is spread away from the BSE quotation in an amount, as determined by the Market Performance Committee of the Exchange, which would warrant curtailing the availability of instant executions in a particular security (currently \$0.25). Such an amount can be altered by the Market Performance Committee, as market conditions warrant, from time to time;

(iii) with respect to a single-sided ILA order, a better price exists in another ITS participating market center;

(iv) with respect to a single-sided ILA order, the BSE's published bid or offer is 100 shares;

(v) trading in the subject security has been halted;

(vi) the primary market has executed a block size trade at a price inferior to the BSE bid or offer.

ILA orders that cannot be immediately executed shall be cancelled.

(b) *Availability of ILA feature. ILA orders in a particular stock shall be eligible to receive an instant execution if entered after the Exchange has disseminated a published bid or offer in that stock until 4:00 p.m. or any other closing time of the exchange's floor market.*

(c) *Orders may not be broken into smaller amounts. An ILA order for any account in which the same person is directly or indirectly interested may only be entered at intervals of no less than 30 seconds between the entry of each such order in the book.*

(d) *Interaction with ITS orders. If an inbound ITS commitment has been processed and apportioned according to the rules set forth in Chapter XXXI, Intermarket Trading System, herein, based on orders in the BSE book, an ILA execution cannot take place against the same order.*

(e) *Partial executions. An ILA order which is for a size greater than that displayed on the BSE book will receive an instant execution up to the displayed size of the BSE quotation. Any excess will automatically be cancelled.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to add new sections to its rules concerning new trading system functionality to provide for the instant execution of limit orders of 1000 shares or less against trading interest in the Exchange's published quotation. This new functionality, Instant Liquidity Access ("ILA"), will accommodate Exchange customers seeking immediate execution or cancel, similar to services offered by other exchanges and Electronic Communications Networks ("ECNs"), such as the New York Stock Exchange's Direct+ service.⁴

⁴ As noted above, the BSE's proposal is substantially similar to the existing NYSE Direct+ automatic execution functionality. It does, however, differ in the following four respects. First, inbound ILA orders to sell must be priced "at" (while the NYSE rule requires orders to be priced "at or above") the BSE published bid price and inbound orders to buy must be priced "at" (while the NYSE rule requires orders to be priced "at or below") the

It would not be mandatory that all limit orders of 1000 shares or less be entered as ILA orders; rather, the member organization entering the order can choose to enter an ILA order when such member organization believes that the speed and certainty of an execution at the Exchange's published bid or offer price is in its customer's best interest. In such a case, the member organization would enter an ILA order priced at the Exchange's published offer price (in the case of an ILA order to buy), or an ILA order priced at the Exchange's published bid price (in the case of an ILA order to sell). The ILA order would then receive an instant execution without being exposed to the auction market, provided the bid or offer is still available. If the ILA feature is not available for any reason, the ILA order will be cancelled. Moreover, any member organization that believes in any particular case that the customer's interests would be best served by affording the customer's order the opportunity for price improvement may enter a limit or market order into BEACON for representation in the auction market, rather than an ILA order.

ILA orders will be reported to the Consolidated Tape Association with a unique identifier, a ".e", to denote that they were instantly executed. The Exchange's published bid or offer would be automatically decremented to the extent of the size of the ILA order to reflect the ILA execution. The contra side of the ILA order would be the trading interest reflected in the Exchange's bid or offer, with such interest participating in the execution according to the Exchange's auction market principles of priority and parity. Additionally, if an inbound ITS commitment has been processed and apportioned according to the rules set forth in Chapter XXXI, Intermarket Trading System, based on orders on the BSE book, an ILA execution cannot take place against that same order. Finally, any ILA order, which is for a size greater than that displayed in the BSE book will receive an instant execution up to the

displayed size of the BSE quotation. Any excess will automatically be cancelled.

The Exchange's proposal would implement a new set of rules, set forth in Section 8 of Chapter XXXIII, BEACON⁵, and an addition to Chapter 1, Definitions, Section 3, Orders.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act⁶ and Section 6(b)(5) of the Act,⁷ in particular, which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between brokers or dealers.

The Exchange also believes that the proposed rule change is designed to support the principles of section 11A(a)(1) of the Act⁸ in that it seeks to assure economically efficient execution of securities transactions, makes it practicable for brokers to execute investor's orders in the best market and provide an opportunity for investors' orders to be executed without the participation of a dealer.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and

publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-BSE-2003-08 and should be submitted by November 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 03-25975 Filed 10-14-03; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48595; File No. SR-PCX-2003-56]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the Pacific Exchange, Inc. Relating to an Amendment to the PCX Plus Electronic Book Execution Feature and Implementation Date

October 6, 2003.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

BSE published ask price. Second, the NYSE rule includes an exclusion, relating to an automatic execution trade being more than 5 cents away from the previous trade in that security executed on the NYSE. Third, the NYSE rule requires the display of any unexecuted portion of a Direct+ order or any Direct+ orders that cannot be immediately filled as limit orders regular way. The BSE proposal requires that such orders be canceled if not immediately filled. Finally, the BSE proposal includes an exclusion for such instances when the national best bid or offer spread is \$0.25 or more. Teleconference between John Boese, Vice President, Legal and Compliance, BSE, and Christopher B. Stone, Special Counsel, Division of Market Regulation, Commission (September 30, 2003).

⁵ The existing language in this Section will be deleted, as it applied to Y2K systems testing requirements, and replaced with provisions detailing the instant proposal.

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ 17 U.S.C. 78k-1(a)(1).

⁹ 17 CFR 200.30-3(a)(12).

("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 3, 2003, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PCX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to amend PCX Rule 6.76(b)(4)(B)(ii), governing Electronic Book Executions ("EBEs"), in order to restrict a Floor Broker from effecting transactions (via the System Alert Message, "SAMs") for its own account or the account of associated persons. The Exchange is also proposing to amend PCX Rule 6.90(b) in order to modify the implementation date of PCX Plus. The text of the proposed rule change is set forth below. Additions are in italics; deletions are in brackets.

* * * * *

Rules of the Board of Governors of the Pacific Exchange, Inc.

Rule 6 Options Trading

PCX Plus Priority and Order Allocation Procedures

Rule 6.76(a)—No change.

(b)(1)–(3)—No change.

(4)(A)—No change.

(B)(i)—No change.

(ii)—the balance of the Consolidated Book at that price will be displayed for three seconds (via a System Alert Message—SAM) to all "Crowd Participants" (as defined in Rule 6.1(b)(38)).

(a) A Floor Broker holding an order for an account in which such broker has an interest, the account of an associated person, or an account with respect to which the Floor Broker or an associated person thereof exercises investment discretion, shall not be eligible for participation in Electronic Book Executions.

(iii)–(v)—No change.

(5)—No change.

(c)–(d)—No change.

Commentary:

01—No change.

.02 For purposes of Rule 6.76(b)(4)(B)(ii), during the initial rollout of PCX Plus, the Floor Broker Hand Held terminals will not have the functionality to support Floor Broker

interaction with EBEs via SAMs. Such functionality will become available to Floor Brokers on or before June 30, 2004. The PCX will file a proposed rule change with the Commission when the Floor Broker Hand Held terminals have such functionality.

* * * * *

Rule 6.90(a)—No Change.

(b) System Phase-In and Applicability of the Rules. The PCX estimates that the rules applicable to PCX Plus will be implemented gradually on an issue-by-issue basis beginning *October 6, 2003* [December 15, 2003], and will become completely operative and applicable to all options issues by June 30, 2004. At that time, the rules relating to PCX Plus will supersede existing rules that are inapplicable to the new trading environment.

* * * * *

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 PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend PCX Rule 6.76(b)(4)(B)(ii), governing EBEs, in order to restrict Floor Broker from effecting transactions (via SAMS) for its own account or the account of associated persons, or an account with respect to which a Floor Broker exercises investment discretion.

PCX Rule 6.76(b)(4) Governs Market Makers' interaction with orders in the Consolidated Book. Under this rule, when a Market Maker initiates a trade with the Consolidated Book, that Market Maker receives an allocation of the order while the balances of the order in the Book is allocated on a size pro rata basis to all "Crowd"³ who respond to the SAM within three seconds. Initially, the Floor Broker Hand Held terminals will

³ See PCX Rule 6.1(b)(38). Crowd Participants include Market Makers appointed to an option issue and any Floor Brokers actively representing orders at the best bid or offer on the Exchange for a particular options series.

not have the functionality to support Floor Broker interaction with EBEs via SAMS.⁴ This rule change is designed to ensure Broker compliance with Section 11(a) of Act⁵ for the anticipated implementation of such functionality.

In adopting this provision Floor Brokers, the Exchange recognizes that allowing Floor Brokers to represent certain broker dealer orders could raise issues under the Act. By prohibiting Floor Broker representation of proprietary or affiliated orders, the PCX believes that this rule will go beyond the requirements of Section 11(a) of the Act.

The Exchange also proposes to amend PCX Rule 6.90(b), which governs PCX Plus' implementation date. The Exchange wishes to amend the phase-in implementation date to "October 6, 2003" from the originally anticipated implementation date of "December 15, 2003." As stated in the rule, the Exchange expects that PCX Plus will become completely operative and applicable to all options issues by June 30, 2004.

2. Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Section 6(b)(5),⁷ in particular, in that it is designed to facilitate transactions in securities, to promote just and equitable principles of trade, to enhance competition and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

⁴ The PCX will file a proposed rule change with the Commission when the Floor Broker Hand Held terminals have such functionality.

⁵ 15 U.S.C. 78k(a). Section 11(a) prohibits a member of a national securities exchange from effecting transactions on the exchange for its own account, the account of associated person, or an account in which it or an associated person exercises investment discretion. However, Section 11(a) also includes a number of exceptions to its general prohibition on proprietary trading. Most notably, Section 11(a)(1)(G) allows an exception when a member follows the conditions set forth in Rule 11a1-1(T) (e.g., yield priority, parity, and precedence in execution of such orders).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate; and the Exchange has given the Commission written notice of its intention to file the proposed rule change at least five business days prior to filing, or such shorter time as designated by the Commission, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6)⁹ thereunder. 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.

The Exchange has requested that the Commission accelerate the operative date and waive the five day pre-filing requirement so that the proposed rule change may take effect immediately upon filing. The Commission believes that it is consistent with the protection of investors and the public interest to accelerate the operative date of the proposed rule change and to waive the five day pre-filing requirement. Acceleration of the operative date and waiving the pre-filing requirement will permit the Exchange to comply with the provisions of Section 11(a) of the Act and implement PCX Plus on October 6, 2003, without undue delay. For these reasons, the Commission designates the proposal to be effective and operative upon filing with the Commission.¹⁰

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 PCX. All submissions should refer to File No. SR-PCX-2003-56 and should be submitted by November 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03-25976 Filed 10-14-03; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48597; File No. SR-PCX-2003-57]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to the Exchange's Schedule of Fees and Charges for Exchange Services

October 7, 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 September 29, 2003, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. 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 Exchange is proposing to change its marketing fee for certain options and to adopt new marketing fees for recently listed options. The text of the proposed rule change is available at the PCX 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 PCX included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to make changes to its Schedule of Fees and Charges with respect to the following fees effective for the October 2003 trading month: (i) PCX Membership Fees relating to Options Orientation; (ii) PCX Options and Equities Regulatory Fees relating to termination of Registration Fees; (iii) PCX Options Ticket Data Entry Fee; (iv) Broker Dealer Surcharge Fee, and (v) PCX Options Floor, Market Maker and Remote Market Maker Fees.

Orientation and Testing Fees

Orientation and testing fees are comprised of different components including orientation and examination administration, background investigations and fingerprinting. Currently, the Exchange's Schedule of Fees and Charges—General Membership Fees—includes a \$1,000 Options Orientation Fee. In connection with the launch of PCX Plus,³ the Exchange has reconfigured a development and delivery process for the Exchange's Orientation and Testing program. The Exchange plans to execute a transition plan to facilitate an orderly transfer of the responsibilities relating to the orientation and testing from a third-party provider to the PCX and the NASD. Pursuant to the revised

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19-4(f)(6)

¹⁰ For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 47838 (May 13, 2003), 68 FR 27129 (May 19, 2003) (order approving PCX 2002-36).

structure, the Exchange will develop orientation and testing content, and the NASD will administer the examination process. This arrangement will result in the elimination of certain third-party related charges. Therefore, as a result of reduced third-party costs incurred by the Exchange, the Exchange proposes to allow separate charges for background investigations (\$125) and fingerprinting (\$35), as applicants may only require these independent services from the Exchange.

PCX General Membership Fees— Registration Fee (Termination)

The Exchange proposes to amend its Schedule of Fees and Charges to adopt a Registered Representative Termination Fee of \$30.00. The Exchange represents that the revenue generated by this fee will help to offset the cost of increased regulatory efforts by the Exchange. The Exchange further represents that this fee is comparable to the fee imposed by the Chicago Board Options Exchange, Inc. and the American Stock Exchange, LLC.⁴

PCX Options Ticket Data Entry Fee

The Exchange currently charges Ticket Data Entry Fees of \$0.25 per firm trade and \$0.50 per Market Maker trade. The Exchange charges the fee for every manual ticket transaction that an Exchange Staff member enters into the PCX's Pacific Options Exchange Trading System for the Market Maker. The Exchange proposes to eliminate this fee because, due to electronic order entry, the Exchange believes this fee for manual handling is inconsequential and no longer necessary.

Broker Dealer Surcharge

Currently, the Exchange assesses a \$0.20 per contract side Broker Dealer Auto-Ex surcharge on orders that a Broker Dealer or Market Maker enters and which the Exchange executes on the Exchange's Member Firm Interaction system (without floor broker representation). The Exchange proposes to modify its Schedule of Fees and Charges and apply the same \$0.20 per contract rate to comparable PCX Plus transactions. That is, under the PCX Plus, Broker Dealer and Market Maker orders that are routed electronically and executed without a floor broker will also be subject to the \$0.20 per contract surcharge.

PCX Options Floor, Market Maker and Remote Market Maker Fees

In connection with PCX Plus, the Exchange has created a new category of member known as Remote Market Makers ("RMMs").⁵ The Exchange currently charges a \$130 per month Options Floor Access Fee for all registered floor members and personnel. The PCX proposes to modify its rate schedule to add an RMM Access Fee in the amount of \$130 per month to be assessed on those RMMs who do not pay a floor access fee. The Exchange believes that it is appropriate to assess the same fee on those members who choose to access PCX markets electronically rather than through a physical presence on the floor.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,⁶ in general, and Section 6(b)(4) of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act⁸ and subparagraph (f)(2) of Rule 19b-4 thereunder,⁹ because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days after the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise

in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to file number SR-PCX-2003-57 and should be submitted by November 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 03-26041 Filed 10-14-03; 8:45 am]

BILLING CODE 8010-01-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aging Transport Systems Rulemaking Advisory Committee Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aging Transport Systems Rulemaking Advisory Committee (ATSRAC).

DATES: The ATSRAC will meet October 22 and 23, 2003, from 8:30 a.m. to 5 p.m.

ADDRESSES: FAA-AANC NDI, Validation Center, 3260 University Blvd., SE., Albuquerque, New Mexico, 87106.

FOR FURTHER INFORMATION CONTACT: Shirley Stroman, Office of Rulemaking,

⁴ See Securities Exchange Act Release Nos. 46266 (July 25, 2002), 67 FR 49969 (August 1, 2002) (SR-CBOE-2002-37) and 44286 (May 9, 2001), 66 FR 27187 (May 16, 2001) (SR-Amex-2001-22). Both Exchanges have a \$30 registered representative termination fee.

⁵ See Securities Exchange Act Release No. 47838 (May 13, 2003), 68 FR 27129 (May 19, 2003) (SR-PCX 2002-36).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4).

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ 17 CFR 240.19b-4(f)(2).

¹⁰ 17 CFR 200.30-3(a)(12).

ARM-208, FAA, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7470; fax (202) 267-5075; or e-mail shirley.stroman@faa.gov.

SUPPLEMENTARY INFORMATION: This notice announces a meeting of the Aging Transport Systems Rulemaking Advisory Committee. The FAA will hold the meeting at the location listed under the **ADDRESSES** heading of this notice. The purpose of the meeting is to discuss the status of the three new tasks the FAA assigned to the ATSRAC (68 FR 31741, May 28, 2003). These tasks include:

- Providing recommendations about aging airplane wiring issues such as alternatives to rulemaking, providing technical and economic data, and helping to disposition comments to rulemakings;
- Helping to develop strategies for technology transfer of aviation-related research and development products to the aviation community in a manner that optimizes their transfer and optimizes the benefits resulting from their transfer; and
- Setting up criteria for upgrading and developing enhanced wiring inspection procedures for use by manufacturers of small transport airplanes.

The meeting is open to the public; however, attendance will be limited by the size of the meeting room. The FAA will make the following services available if you request them by October 17, 2003:

- Teleconferencing;
- Sign and oral interpretation; and
- A listening device.

Individuals using the teleconferencing service and calling from outside the Washington, DC, metropolitan area will be responsible for paying long-distance charges. To arrange for any of these services, contact the person listed under the **FOR FURTHER INFORMATION CONTACT** heading of this notice.

The public may present written statements to the Committee by providing 20 copies to the Committee's Executive Director or by bringing the copies to the meeting. Public statements will be considered if time allows.

Issued in Washington, DC, on October 8, 2003.

Tony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. 03-26030 Filed 10-10-03; 10:03 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA-2003-16299]

Notice of Request for the Extension of Currently Approved Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved information collection:

Pre-Award and Post-Delivery Review Requirements.

DATES: Comments must be submitted before December 15, 2003.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL-401, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

FOR FURTHER INFORMATION CONTACT: *Pre-Award and Post-Delivery Review Requirements*—Pat Simpich, Office of Program Management (202) 366-1645.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Pre-Award and Post-Delivery Review Requirements (*OMB Number:* 2132-0544)

Background: Under the Federal Transit Laws, at 49 U.S.C. 5323(l), grantees must certify that pre-award and post-delivery reviews will be conducted when using FTA funds to purchase

revenue service vehicles. FTA regulation 49 CFR part 663 implements this law by specifying the actual certificates that must be submitted by each bidder to assure compliance with the Buy America, contract specification, and vehicle safety requirements for rolling stock. The information collected on the certification forms is necessary for FTA grantees to meet the requirements of 49 U.S.C. 5323(l).

Respondents: State and local government, business or other for-profit institutions, non-profit institutions, and small business organizations.

Estimated Annual Burden on

Respondents: 4.32 hours for each of the 700 respondents.

Estimated Total Annual Burden:

3,024 hours.

Frequency: Annual.

Issued: September 17, 2003.

Rita L. Wells,

Associate Administrator for Administration.

[FR Doc. 03-26028 Filed 10-14-03; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement for the Long Island Rail Road Huntington/Port Jefferson Branch Yard

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

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

SUMMARY: The Federal Transit Administration (FTA) and the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) analyzing alternatives to meet LIRR's need to store electric train cars on the railroad's Huntington/Port Jefferson Branch in Suffolk County, New York. As required by the Record of Decision issued by the FTA on May 21, 2001, for the MTA LIRR East Side Access Project, the EIS will be tiered from the Final EIS issued for the East Side Access Project in March 2001. As stated in the Final EIS for the East Side Access project, under a tiered NEPA EIS approach, the lead agency focuses on the issues that are ripe for decision in the first-tier document and prepares further environmental analyses as elements of the subsequent actions become adequately defined.

FTA and MTA/LIRR are notifying interested parties of the intent to

prepare an EIS and inviting public participation in the study to identify a suitable site or sites to meet LIRR's existing and long-term storage needs on the Huntington/Port Jefferson Branch, east of Huntington between Huntington and Smithtown Stations. The new storage yard(s) will permit the LIRR to increase the number of electric train cars in operation on the Huntington/Port Jefferson Branch. Increased train cars will allow the LIRR to provide additional service to accommodate projected ridership growth, and provide new service to Grand Central Terminal as part of the LIRR's East Side Access Project, as well as to increase the number of electric train car spares to insure more reliable services.

DATES: The public is invited to make comments on the scope of the proposed project. Written comments should be sent to the LIRR by December 31, 2003. See **ADDRESSES** below. Scoping Meetings are scheduled as follows:

November 5, 2003

5 p.m.–9 p.m. (5–7 p.m. Information Open House; 7–9 p.m. Public Hearing), Kings Park High School, Route 25A, Kings Park, New York

November 6, 2003

5 p.m.–9 p.m. (5–7 p.m. Information Open House; 7–9 p.m. Public Hearing), Smithtown High School, 100 Central Road, Smithtown, New York

November 12, 2003

5 p.m.–9 p.m. (5–7 p.m. Information Open House; 7–9 p.m. Public Hearing), East Northport Middle School, South Auditorium, Fifth Avenue east of Larkfield Road, East Northport, New York

November 13, 2003

5 p.m.–9 p.m. (5–7 p.m. Information Open House; 7–9 p.m. Public Hearing), Huntington Intermediate School, 155 Lowndes Avenue, Huntington, New York

People with special needs should contact Peter Palamaro, Editorial Officer, at the LIRR at (718) 558–3809 or at the address below in advance of the meeting. The buildings are accessible to people with disabilities. A sign language interpreter will be available for the hearing impaired.

Scoping material will be available at the meeting(s) and may also be obtained in advance by contacting Peter Palamaro at the LIRR at (718) 558–3809 or at the MTA Web site at www.mta.info (click "MTA Home" then "Planning Studies" and "Port Jefferson Yard EIS").

ADDRESSES: Written comments on the project scope should be sent to Peter

Palamaro, Editorial Officer, LIRR, Public Affairs Department, Jamaica Station, Mail Code 0536, Jamaica, NY 11435. The scoping meetings will be held at the addresses listed above.

FOR FURTHER INFORMATION CONTACT: If you wish to be placed on the project mailing list to receive further information as the study develops, contact Peter Palamaro at the address and phone number above.

For further information you may also contact: Irwin Kessman, Director, Office of Planning and Project Development, Federal Transit Administration, Region II, One Bowling Green, Room 429, New York, NY 10004–1415; Telephone 212–668–2170.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and LIRR invite all interested individuals and organizations, and federal, state, and local agencies to provide comments on the scope of study. During the scoping process, comments should focus on identifying specific social, economic, or environmental issues to be evaluated and suggesting alternatives, which may be less costly or may have lesser environmental impacts, while achieving the transportation objectives of increasing the LIRR's storage capacity on the Huntington/Port Jefferson Branch. Comments should focus on the issues and alternatives for analysis. Scoping materials will be available at the meetings or in advance by contacting Peter Palamaro at LIRR, as indicated above.

Following the scoping process, LIRR will conduct public outreach activities, including meetings with local agencies, organizations, and distribution of study fact sheets. Every effort will be made to ensure that the widest possible range of participants has the opportunity to attend outreach meetings. Meetings will be announced through mailings, notices, advertisements, press releases and at the MTA Web site at www.mta.info (click "MTA Home" then "Planning Studies" and "Port Jefferson Yard EIS").

II. Description of Study Area and Transportation Needs

The study area consists of the corridor along the LIRR's Huntington/Port Jefferson Branch between Huntington Station and Smithtown Station. The purpose of the study is to develop and evaluate a strategy or strategies to meet the LIRR's need for new storage capacity for electric train cars on the Huntington/Port Jefferson Branch, east of Huntington.

The LIRR has immediate as well as long-term storage needs for its electric

train fleet. This immediate need to store electric train equipment and to deal with storage capacity constraints is most evident in Huntington on the Huntington/Port Jefferson Branch. Due to the lack of car storage capacity to originate service, LIRR currently operates several a.m. peak trains to Huntington from its West Side Yard facility, and this will become increasingly impractical as service increases to Penn Station during the morning peak period. Presently, electric train storage on the Huntington/Port Jefferson Branch relies on a siding, east of Huntington Station, with a three-train capacity that is already inadequate for current train storage.

Within the next 10 years, there will be an additional need for storage capacity on LIRR's Huntington/Port Jefferson Branch as a result of planned electric car fleet expansion and associated service improvements. The LIRR, in its efforts to meet increased passenger demands, projected ridership growth and reduce standees, as well as increase availability of spare cars during service or maintenance, plans to increase its electric fleet by up to 40 percent over the same 10 years. This will ensure that the demand for service can be met in the long term. With respect to future weekday a.m. peak hour ridership, the Huntington/Port Jefferson Branch is projected to have an increase of over 16,000 daily AM peak riders over the next 20-years. This growth accounts for 35-percent of systemwide growth over this time period.

In addition, LIRR's future East Side Access Project, with LIRR service to Grand Central Terminal to be implemented by 2012, will also increase electric train service on the Huntington/Port Jefferson Branch. Because the existing LIRR system does not have adequate storage capacity for the new electric cars, the planned service improvements on the Huntington/Port Jefferson Branch cannot be made unless additional space is obtained for storage of electric train cars on this branch.

III. Alternatives

All reasonable alternatives will be evaluated in the EIS, including a No Build Alternative, which will provide the basis for comparison of the build alternatives. The LIRR will identify alternative sites at which new electric rail car storage could be accommodated and analyze environmental and community impacts, operational factors, cost, and ability to meet the LIRR's long-term electric rail car storage needs for each alternative. It should be noted that third rail power will have to be extended to service any new yard east

of Huntington as this area is located outside the existing electrified territory. New electric substations will also be required to accommodate the extension of third-rail power to the new yard. Minor track and grade crossing improvements in the newly electrified area may also be warranted. These project elements will also be analyzed.

IV. Probable Effects

The FTA and LIRR will evaluate the environmental, social, and economic impacts of each alternative, including air quality; noise and vibration; traffic, parking and pedestrians; energy and potential for conservation; safety and security; water quality; wetlands; flooding; navigable waterways and coastal zones; ecologically sensitive areas; endangered species; hazardous materials; land acquisition and displacements; land use, zoning, and economic development; consistency with local plans; historic properties; parkland; aesthetics; community disruption; environmental justice; construction impacts; and cumulative impacts. Measures to mitigate significant adverse impacts will be identified and alternatives for mitigation will be analyzed.

V. FTA Procedures

Upon completion of the scoping process, the Draft EIS will be made available for public and agency review and comment for 45 days. Public hearing(s) on the Draft EIS will be held within the study area. On the basis of the Draft EIS as well as comments received from the public participation process, a Final EIS will be prepared.

Issued on: October 8, 2003.

Letitia Thompson,

FTA Regional Administrator.

[FR Doc. 03-26029 Filed 10-14-03; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[DOCKET NO. MARAD 2003 16301]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before December 15, 2003.

FOR FURTHER INFORMATION CONTACT:

Celia Luck, Maritime Administration, MAR-810, 400 Seventh St., SW., Washington, DC 20590. Telephone: (202) 366-3581, FAX: (202) 366-6988; or E-MAIL: celia.luck@marad.dot.gov. Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Intermodal Access to U.S. Ports, and Intermodal Access to U.S. Marine Terminals Surveys.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133-0533.

Form Numbers: MA-1024 and MA-1024A.

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Summary of Collection of Information: The Intermodal Access to U.S. Ports, and Intermodal Access to U.S. Marine Terminals Surveys will provide MARAD with key road, rail, and waterside access data and highlight the issues that affect the flow of cargo through U.S. ports and terminals.

Need and Use of the Information: These annual surveys will provide an overall indicator for cargo flow, and capacity trends and requirements. The survey instruments will allow MARAD to assess the magnitude and nature of impediments to efficient intermodal connections to ports and marine terminals and will provide information on correcting any deficiencies.

Description of Respondents: U.S. Ports and Terminals (including the top U.S. deepwater ports, the top container ports and the strategic ports).

Annual Responses: 162.

Annual Burden: 81 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at <http://dms.dot.gov/submit>. Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT (or

EST), Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

By Order of the Maritime Administrator,
Dated: October 9, 2003.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 03-26054 Filed 10-14-03; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-842X]

Almono LP—Abandonment Exemption—in Allegheny County, PA

On September 25, 2003, Almono LP (Almono) filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon its entire line of railroad extending between the plant of shipper MetalTech on the north side of the Monongahela River and an interchange point with CSX Transportation, Inc. (CSXT) north of CSXT's Glenwood Yard in Hazelwood, Allegheny County, PA, a distance of approximately 2 miles.¹ Almono states that the line does not have milepost designations. The line traverses U.S. Postal Service Zip Codes 15207 and 15213 and includes no stations.

In addition to an exemption from 49 U.S.C. 10903, petitioner seeks exemption from 49 U.S.C. 10904 [offer of financial assistance (OFA) procedures] and 49 U.S.C. 10905 [public use conditions].² In support, Almono

¹ Almono acquired the line from Monongahela Connecting Railroad Company (Mon Con) in *Almono LP—Acquisition and Operation Exemption—Line of Monongahela Connecting Railroad Company*, STB Finance Docket No. 34250 (STB served Oct. 2, 2002). In that proceeding, Almono stated that Mon Con is a wholly owned subsidiary of LTV Steel Corporation (LTV), which is in bankruptcy and is liquidating its assets, and that it acquired Mon Con's assets as well as adjoining LTV property with court approval. Also, Almono informed the Board that it intended to seek abandonment of the acquired line shortly after consummation of the transaction. In the decision in that proceeding, Almono was told that it must submit evidence showing that the interest of the involved shipper, MetalTech, will be protected.

² Almono also seeks a waiver or exemption from various prefiling requirements, particularly detailed revenue and cost data [49 CFR 1152.22(d)] and detailed information on possible diversions to motor carriage [49 CFR 1105.7(e)(4)]. However, detailed revenue and cost data are not specifically required when petitioning for an abandonment exemption; such information is required to be filed only in abandonment applications. Almono has included the information pertaining to possible diversion to motor carriage in its environmental report. Accordingly, Almono does not appear to require the waiver sought.

contends that the exemption from these provisions is necessary to allow the two shippers on the line to operate it as a private spur following abandonment without incurring the regulatory overhead costs associated with common carrier operations. Also, Almono will be able to proceed with plans to redevelop the adjoining property and the right-of-way. These requests will be addressed in the final decision.

The line does not contain federally granted rights-of-way. Any documentation in Almono's possession will be made available promptly to those requesting it.

In this proceeding, Almono is proposing to abandon a line that constitutes its entire rail system. Almono seeks to extinguish its common carrier obligation and, following abandonment of the line, to operate it as a private carrier. When issuing abandonment authority for a railroad line that constitutes the carrier's entire system, the Board does not impose labor protection, except in specifically enumerated circumstances. *See Northampton and Bath R. Co.—Abandonment*, 354 I.C.C. 784, 785–86 (1978) (*Northampton*). Therefore, if the Board grants the petition for exemption, in the absence of a showing that one or more of the exceptions articulated in *Northampton* are present, no labor protective conditions will be imposed.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 13, 2004.

Any OFA under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption, unless the Board grants the requested exemption from the OFA process. Each OFA must be accompanied by a \$1,100 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Unless the Board grants the requested exemption from the public use provisions, any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than November 4, 2003. Each trail use request must be accompanied by a \$150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–842X and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423–0001; and (2) Robert D. Rosenberg, 1224

Seventeenth Street, NW, Washington, DC 20036. Replies to the Almono petition are due on or before November 4, 2003.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at <http://www.stb.dot.gov>.

Decided: October 8, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 03–26037 Filed 10–14–03; 8:45 am]
BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).
Bahrain

Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Republic of

Dated: October 3, 2003.

Barbara Angus,
International Tax Counsel (Tax Policy).
[FR Doc. 03–26046 Filed 10–14–03; 8:45 am]
BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel, E-Filing Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel, E-Filing Issue Committee will be conducted (via teleconference).

DATES: The meeting will be held Thursday, November 13, 2003, at 3 p.m., Central daylight time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 4 Taxpayer Advocacy Panel will be held Thursday, November 13, 2003, at 3 p.m., Central daylight time via a telephone conference call. You can submit written comments to the panel by faxing to (414) 297–1623, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221. Public comments will also be welcome during the meeting. Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 297–1604 for dial-in information.

The agenda will include the following: Various IRS issues.

Dated: October 9, 2003.

Tersheia Carter,
Acting Director, Taxpayer Advocacy Panel.
[FR Doc. 03–26082 Filed 10–14–03; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Area 5 Taxpayer Advocacy Panel (Including the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas)**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 5 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, November 10, 2003, at 3 p.m., Central daylight time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1-888-912-1227, or (414) 297-1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 5 Taxpayer Advocacy Panel will be held Monday, November 10, 2003, from 3 to 4 p.m. Central daylight time via a telephone conference call. You can

submit written comments to the panel by faxing to (414) 297-1623, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203-2221. Public comments will also be welcome during the meeting. Please contact Mary Ann Delzer at 1-888-912-1227 or (414) 297-1604 for more information.

The agenda will include the following: Various IRS issues.

Dated: October 8, 2003.

Tersheia Carter,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 03-26083 Filed 10-14-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin)**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions

on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 19, 2003, at 8 a.m., Central daylight time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1-888-912-1227, or (414) 297-1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 4 Taxpayer Advocacy Panel will be held Wednesday, November 19, 2003, at 8 a.m., Central daylight time via a telephone conference call. You can submit written comments to the panel by faxing to (414) 297-1623, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203-2221. Public comments will also be welcome during the meeting. Please contact Mary Ann Delzer at 1-888-912-1227 or (414) 297-1604 for dial-in information.

The agenda will include the following: Various IRS issues.

Dated: October 8, 2003.

Tersheia Carter,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 03-26084 Filed 10-14-03; 8:45 am]

BILLING CODE 4830-01-P

Corrections

Federal Register
Vol. 68, No. 199
Wednesday, October 15, 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.

September 9, 2003, make the following correction:

§905.306 [Corrected]

On page 53024, in §905.306(a), the table should read as follows:

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV03–905–2 IFR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Removing All Seeded Grapefruit Regulations, Relaxation of Grade Requirements for Valencia and Other Late Type Oranges, and Removing Quality and Size Regulations on Imported Seeded Grapefruit

Correction

In rule document 03–22948 beginning on page 53021 in the issue of Tuesday,

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
* * *	* * *	* * *	*
Valencia and other late type	August 1 June 14	U.S. No. 1	2 ⁸ / ₁₆
	June 15 July 31	U.S. No. 2, External	2 ⁸ / ₁₆
		U.S. No. 1, Internal	
* * *	* * *	* * *	*

[FR Doc. C3-22948 Filed 10-14-03; 8:45 am]
BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Part 39**

[FAR Case 2003-008]

RIN 9000-AJ74

**Federal Acquisition Regulation; Share-
in-Savings Contracting***Correction*

In proposed rule document 03-24855 beginning on page 56613 in the issue of

Wednesday, October 1, 2003 make the following corrections:

39.301 [Corrected]

1. On page 56615, in the first column, in section 39.301, in the seventh line, “(i)” should read “(1)”.

2. On the same page, in the same column, in the same section, in the 11th line, “(ii)” should read “(2)”.

39.304 [Corrected]

3. On the same page, in the second column, after section 39.304(a), in the first line, “(5)” should read “(b) ”.

[FR Doc. C3-24855 Filed 10-14-03; 8:45 am]

BILLING CODE 1505-01-D

RAILROAD RETIREMENT BOARD**Computer Matching and Privacy
Protection Act of 1998; Notice of RRB
Records Used in Computer Matching***Correction*

In notice document 03-24312 beginning on page 55665 in the issue of Friday, September 26, 2003 make the following corrections:

1. On page 55666, in the second column, in the first paragraph, in the fifth line, “OMB” should read “OPM”.

2. On the same page, in the same column, in the same paragraph, in the 11th line from the bottom, “OMB” should read “OPM”.

[FR Doc. C3-24312 Filed 10-14-03; 8:45 am]

BILLING CODE 1505-01-D



Federal Register

**Wednesday,
October 15, 2003**

Part II

Department of Housing and Urban Development

**Funding Availability for HOME
Investment Partnerships Program
(HOME)—Competitive Reallocation of
Funds to Provide Permanent Housing for
the Chronically Homeless; Notice**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**[Docket No. FR-4860-N-01]****Funding Availability for HOME Investment Partnerships Program (HOME)—Competitive Reallocation of Funds to Provide Permanent Housing for the Chronically Homeless****AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.**ACTION:** Notice of Funding Availability (NOFA).**SUMMARY:** This NOFA announces the availability of approximately \$6.5 million for the competitive reallocation of deobligated Community Housing Development Organization (CHDO) set-aside funds.**Program Overview**

Purpose of the Program. To expand the supply of standard, affordable, permanent housing for chronically homeless persons through the competitive reallocation of deobligated CHDO set-aside funds.

Available Funds. Approximately \$6.5 million.

Eligible Applicants. You must currently be a participating jurisdiction (PJ) in the regular HOME Program and have received an annual HOME formula allocation each year since FY 2000. The projects funded through this NOFA must be carried out by eligible, currently certified CHDOs in your jurisdiction. Awarded funds are subject to the requirements of this NOFA and all other HOME requirements found at 24 CFR part 92. Where there is a conflict between the HOME regulations and this NOFA, the more stringent or limiting requirements shall prevail.

Application Deadline. November 25, 2003.

Match. 25 percent of the awarded funds invested in projects.

SUPPLEMENTARY INFORMATION: If you are interested in applying for funding under this competitive reallocation of HOME funds, please review the contents of this NOFA carefully.

I. Application Due Date, Standard Forms, Further Information, and Technical Assistance

Application Due Date. Applications for HOME competitive grants are due on or before November 25, 2003.

Application Submission Procedures.
New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not

accept hand-delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without an escort. You are, therefore, urged to use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12 midnight on the application due date and received in HUD Headquarters on or within fifteen (15) days of the application due date. Applicants must obtain and save a receipt for the mailing showing the date when the application was submitted to the United States Postal Service (USPS). This receipt from USPS showing the date and time of the mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express service no later than the application due date. Due to new security measures, you are urged to use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Timely delivery of your application to HUD by a carrier other than those listed cannot be guaranteed. Delivery by these carriers must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday through Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. Submit one original and two copies of the application to Department of Housing and Urban Development, Office of Community Planning and Development, Processing and Control Unit, 451 Seventh Street, SW., Room 7251, Washington, DC 20410, ATTN: HOME Program—Permanent Housing for the Chronically Homeless (HOME).

For Application Forms. Only current participating jurisdictions in the HOME Program that have received an annual HOME formula allocation each year since FY 2000 are eligible to apply. There is no separate application kit. This notice contains all the information necessary for submission of your

application. Copies of the standard forms are located at Appendix 2 of this NOFA, or you may request copies by calling the contact person in the Office of Affordable Housing Programs identified in the following paragraph. When requesting standard forms, you should refer to the HOME Program Competition and provide your name and address (including zip code) and telephone number (including area code). See Section VI for application submission requirements.

Further Information and Technical Assistance. You may contact Cliff Taffet, Deputy Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW., Washington, DC 20410-7000; telephone (202) 708-3226, ext. 4589 (this is not a toll-free number). This number can be accessed via TTY by calling the toll-free Federal Information Relay Service Operator at 1-800-877-8339.

Paperwork Reduction Act Statement. The information collection requirements in this NOFA have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2506-0175. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

II. Amount Allocated

The amount available for this program is approximately \$6.5 million. Section 217(c) of the Cranston-Gonzalez National Affordable Housing Act (NAHA) (42 U.S.C. 12704 *et seq.*) requires that funds that become available as a result of the deobligation by HUD of CHDO set-aside funds previously allocated to HOME Program participating jurisdictions must be reallocated by competition. Approximately \$6.5 million has been recaptured since the program began in 1992. Any additional recaptured CHDO set-aside funds that become available within 12 months of the announcement of awards may be used to fund applications submitted in response to this NOFA.

III. Program Description; Eligible Applicants; Eligible Projects; Ineligible Activities

(A) *Program Description.* The purpose of the regular HOME program is to expand the supply of standard, affordable housing for low- and very low-income families by providing annual formula grants to states, units of general local government and consortia

of units of general local governments that are participating jurisdictions (PJs). Each PJ must spend at least 15 percent of its grants on housing that is owned, developed or sponsored by nonprofit CHDOs. PJs use their HOME grants to fund housing programs that meet local needs and priorities and have a great deal of flexibility in designing their local HOME programs within the guidelines established by the HOME program statute and regulations. PJs may use HOME funds to help renters, new homebuyers or existing homeowners through rehabilitation of substandard housing, acquisition of standard housing (including downpayment assistance), or new construction of housing or tenant-based rental assistance. HOME works well with other HUD programs such as Community Development Block Grant (CDBG), Empowerment Zones/Enterprise Communities (EZ/EC) and HOPE VI to complement comprehensive neighborhood revitalization and economic revitalization strategies.

In July 2001, Secretary Martinez declared a national goal to end chronic homelessness within a decade. As part of HUD's overall effort to reduce or eliminate chronic or episodic homelessness, grants awarded to PJs under this competition must be used to provide permanent housing to persons meeting the definition of chronically homeless. A chronically homeless person is defined as an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least four episodes of homelessness in the past three years. For the purposes of this NOFA, the term "homeless" means a person sleeping in a place not meant for human habitation (e.g., living on the streets or in an emergency shelter). The term "disabling condition" is defined as a diagnosable substance use disorder, serious mental illness, developmental disability or chronic physical illness or disability, including the co-occurrence of two or more of these conditions. A disabling condition limits an individual's ability to work or perform one or more activities of daily living.

(B) *Eligible Applicants.* For the purposes of this competition, eligible applicants are existing participating jurisdictions in the regular HOME Program that have received an annual HOME formula allocation each year since FY 2000. The projects funded through this NOFA must be carried out by nonprofit organizations that have been currently determined by the PJ to meet the definition of CHDO. CHDOs selected by a PJ to carry out these

projects are expected to establish partnerships with other community-based organizations, including grass-roots faith-based organizations, with experience in serving the chronically homeless, in order to ensure that appropriate supportive services are available to tenants on an ongoing basis. Information on such organizations active in your area may be obtained through local Continuum of Care networks. A list of contact persons for established continua of care that have submitted applications to HUD for homeless assistance funding under the McKinney-Vento Act (42 U.S.C. 11301 *et seq.*) can be found in Appendix 3.

(C) *Eligible Projects.* The only eligible projects under this NOFA are CHDO set-aside rental projects permitted under the regular HOME formula program, except that rental housing units produced using these funds must be permanent housing units with occupancy during the HOME affordability period limited to persons having met the definition of chronically homeless at the time they are selected as tenants. An eligible set-aside project is one where a CHDO owns, develops or sponsors the housing produced. Funds awarded in this competition are subject to all regular HOME Program regulations (24 CFR part 92), including the 24-month commitment deadline and five-year expenditure deadline. As permitted in the regular HOME Program, up to five percent of the total of a participating jurisdiction's regular HOME formula allocation plus funds awarded in this competition may be used to pay for CHDO operating costs necessary in carrying out projects funded through this NOFA (see 24 CFR 92.208). In order to ensure the ongoing viability of projects funded under this NOFA, long-term operating support may be needed from other sources such as the Shelter Plus Care Program through which rental assistance may be obtained. You should identify these potential sources of support and make provision now for obtaining them as part of your planning for the use of funds awarded under this NOFA, should you be selected. Existing continuum of care networks will be of assistance as well in this effort.

(D) *Ineligible Activities:* See 24 CFR 92.214 of the regular HOME Program regulations. Except for the development and support of the acquisition, rehabilitation or new construction of rental housing, activities that are otherwise eligible in the regular HOME Program (*i.e.*, homeownership and tenant-based rental assistance) are ineligible uses of funds under this competition.

IV. Threshold and Program Requirements

(A) *Threshold Requirements:*

(1) *Ineligible Applicants.* HUD will not consider an application from an ineligible applicant.

(2) *Compliance with Fair Housing and Civil Rights Laws.*

(a) All applicants and their subrecipients must comply with all Fair Housing and Civil Rights laws, statutes, regulations, and Executive Orders as enumerated in 24 CFR 5.105(a), as applicable.

(b) If you, the applicant:

(i) Have been charged with a systemic violation of the Fair Housing Act alleging ongoing discrimination;

(ii) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an on-going pattern or practice of discrimination; or,

(iii) Have received a letter of non-compliance findings, identifying on-going or systemic noncompliance, under Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, or Section 109 of the Housing and Community Development Act; and

If the charge, lawsuit, or letter of findings has not been resolved to HUD's satisfaction before the application deadline, you may not apply for assistance under this NOFA. HUD will not rate and rank your application. HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of on-going discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings. Examples of actions that may be taken prior to the application deadline to resolve the charge, lawsuit, or letter of findings, include, but are not limited to:

(i) a voluntary compliance agreement signed by all parties in response to the letter of findings;

(ii) a HUD-approved conciliation agreement signed by all parties;

(iii) a consent order or consent decree; or

(iv) a judicial ruling or a HUD Administrative Law Judge's decision that exonerates the respondent of any allegations of discrimination.

(3) *Conducting Business In Accordance with Core Values and Ethical Standards.*

Entities subject to 24 CFR parts 84 and 85 (most non-profit organizations and state, local and tribal governments or government agencies or instrumentalities that receive federal awards of financial assistance) are required to develop and maintain a

written code of conduct (see 24 CFR 84.42 and 85.36(b)(3)). Consistent with regulations governing specific programs, your code of conduct must: prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees, and agents for their personal benefit in excess of minimal value; and, outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance under this NOFA, you will be required, prior to entering into an agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. Failure to meet the requirement for a code of conduct will prohibit you from receiving an award of funds from HUD.

(4) *Delinquent Federal Debts.*

Consistent with the purpose and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), no award of federal funds shall be made to an applicant who has an outstanding delinquent federal debt until: (a) The delinquent account is paid in full; (b) a negotiated repayment schedule is established and at least one payment is received; or (c) other arrangements satisfactory to the Department of Housing and Urban Development are made prior to the deadline submission date.

(5) *Executive Order 13202,*

Preservation of Open Competition and Government Neutrality Toward Government Contractors' Labor Relations on Federal and Federally Funded Construction Contracts.

Compliance with HUD regulations at 24 CFR 5.108 implementing Executive Order 13202 is a condition of receipt of assistance under this NOFA.

Subrecipients are considered recipients of financial assistance for purposes of § 5.108.

(6) *Procurement of Recovered*

Materials. State agencies and agencies of a political subdivision of a state that are using assistance under this NOFA for procurement, and any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. In accordance with Section 6002, these agencies and persons must procure items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable,

consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

(B) *Program Requirements:* In addition to meeting the requirements of this NOFA, you are subject to the regular HOME program regulations found at 24 CFR part 92, including the reporting of results in the Integrated Disbursement and Information System (IDIS). Where there is a conflict between the HOME regulations and this NOFA, the more stringent or limiting requirements shall prevail.

V. Application Selection Process

(A) *Rating.* HUD will review all applications in accordance with the requirements of this NOFA and will use the threshold criterion described below and the three selection criteria and sub-factors referenced at 24 CFR 92.453 and found at section 217(c) of NAHA. As explained below in section V.(E), two of the three selection criteria are related to the applicant's past performance in the regular HOME Program. To facilitate the competition, HUD has already determined the scores for all potential applicants for these two selection criteria, including sub-factors, based on information reported to HUD by participating jurisdictions. A summary of these scores can be found in Appendix 1 to this NOFA. The score received for the remaining selection criterion will be added to the applicant's scores for the past performance criteria in order to obtain the applicant's total score in the competition.

(B) *Ranking and Selection Procedures.* Applications that receive a total rating of 75 points or more will be eligible for selection, and HUD will place these applications and make selections in rank order.

HUD will not fund any portion of an application that is ineligible for funding under program requirements, or which does not meet the requirements of this NOFA. If funds remain after all selections have been made, these funds may be combined with deobligations of CHDO set-aside funds over the 12-month period following announcement of selections under this NOFA, and awarded to the highest-ranking unfunded, eligible application(s) in this competition.

(C) *Applicant Debriefing.* Beginning not less than 30 days after the public announcement of awards, and not longer than 120 days, HUD will, upon receiving a written request from an applicant, provide a debriefing to the requesting applicant. Materials provided during a briefing will be the applicant's final score and final evaluator comments for the third selection criterion, and the calculations for assigning scores for the two pre-scored criteria. Applicants requesting to be debriefed must send a written request to Cliff Taffet, Deputy Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW., Washington, DC 20410-7000.

(D) *Requirements.* The following requirements apply specifically to this HOME Program competition:

(1) You, the applicant, must be eligible to apply under HOME (see Section III(B) of this NOFA).

(2) The projects undertaken with funds awarded through this NOFA must be permanent housing projects that are owned, developed or sponsored by eligible, currently certified CHDOs, and qualify as CHDO set-aside projects under the regular HOME regulations.

(3) During the affordability period applicable to the projects developed with funds provided through this NOFA, persons residing in assisted units must meet the definition of "chronically homeless" at the time they are selected as tenants.

(E) *Factors for Award Used to Evaluate Applications.* HUD will review and rate all eligible HOME competitive applications using the Threshold Criterion, Selection Criteria and the Application Submission Requirements described below. The maximum number of points for this competition is 100. No RC/EZ/EC bonus points are given.

Threshold Criterion: Narrative on chronic homelessness in your jurisdiction.

No applicant will be awarded funding without providing this narrative as part of the application! However, your response to this item will NOT be scored and will NOT count toward the 10-page limitation on responses to Selection Criterion 3 described below. Please provide a description of the extent of chronic homelessness in your jurisdiction and the main points of your strategy to end chronic homelessness by 2012, including any cooperation with other participating jurisdictions in your state to develop, coordinate and implement such a plan. Much if not all of this information may be found in the FY 2003 homeless assistance

application from local Continuum of Care networks and/or as part of the housing strategy described in your Consolidated Plan. If the boundaries of your participating jurisdiction do not coincide with those of the local Continuum of Care or if there is no active Continuum of Care network in your jurisdiction, please explain this as part of your narrative.

Selection Criterion 1: Commitment (up to 25 points—pre-scored)

The applicant's demonstrated commitment to expand the supply of affordable rental housing, as indicated by the additional number of units of affordable housing made available through production or rehabilitation within the previous two years, making adjustment for regional variations in construction and rehabilitation costs and giving special consideration to the number of additional units made available under HOME through production or rehabilitation in relation to the amounts made available under HOME.

In scoring this criterion, HUD used Integrated Disbursement and Information System (IDIS) reports consisting of information provided by the PJs on the number of HOME-assisted rental units completed over the past two years (from July 1, 2001 through June 30, 2003), adjusting for variations in construction costs and the size of HOME allocations. The PJs were then rank-ordered from highest to lowest by the adjusted number of rental units produced or rehabilitated. PJs with no HOME-assisted rental units produced or rehabilitated received zero points. The remaining PJs were divided into 25 equal groups, adjusted for ties, with the group having the most such units receiving 25 points, the next group receiving 24 points and so on. (See Appendix 1 for the score assigned to your PJ for this criterion.)

Submission Requirements for Selection Criterion 1:

No submission required.

Selection Criterion 2: Actions (up to 50 points—pre-scored)

This criterion consists of four parts and rates the applicant's actions that:

Part A: (up to 15 points—pre-scored): Direct funds made available under HOME to benefit very low-income families, with a range of incomes, in numbers that exceed the income-targeting requirements of HOME, with extra consideration given for activities that expand the supply of affordable housing for very-low-income families whose incomes do not exceed 30 percent of the median income for the

area (*i.e.*, extremely low-income), as determined by HUD.

In scoring this part, HUD used Integrated Disbursement and Information System (IDIS) reports consisting of information provided by the PJs on the percentage of their completed units over the period of their participation in the HOME Program occupied by very low- and extremely low-income households, with double weighting given the extremely low-income segment. The PJs were then rank-ordered from highest to lowest by the weighted percentage of units occupied by the very low- and extremely low-income households. PJs with fewer than 20 units indicated as being occupied by these households or with less than 70 percent of completed rental units occupied received zero points. The remaining PJs were divided into 15 equal groups, adjusted for ties, with the group having the highest adjusted percentage receiving 15 points, the next group receiving 14 points and so on. (See Appendix 1 for the score assigned to your PJ for this part of criterion 2.)

Submission Requirements for Selection Criterion 2, part A:

No submission required.

Part B: (up to 10 points—pre-scored): Provide matching resources in excess of funds required under the HOME requirements.

In scoring this part, HUD used HUD field office reports on the status of PJs in meeting their regular HOME Program match requirement for the past two completed reporting periods. Those PJs having met or exceeded their match liability over this period received 10 points. Those PJs not having met their match liability in one or more of the past two completed reporting periods received zero points. (See Appendix 1 for the score assigned to your PJ for this part of criterion 2.)

Submission Requirements for Selection Criterion 2, part B:

No submission required.

Part C: (up to 15 points—pre-scored): Stimulate a high degree of participation in development by the private sector, including non-profit organizations.

In scoring this part, HUD used Integrated Disbursement and Information System (IDIS) reports consisting of information provided by the PJs to determine that at least one of the multi-family (5-units or more) rental projects completed within the past two years within the participating jurisdiction was funded through the eligible use of the CHDO set-aside. The focus was on CHDO rental projects in this part since funds awarded in this competition must be used by CHDOs for

eligible CHDO set-aside projects. Those PJs having met this standard received 15 points. Those PJs not having met this standard received zero points. (See Appendix 1 for the score assigned to your PJ for this part of criterion 2.)

Submission Requirements for Selection Criterion 2, part C:

No submission required.

Part D: (up to 10 points—pre-scored): Stimulate a high degree of investment in development by the private sector, including non-profit organizations.

In scoring this part, HUD used Integrated Disbursement and Information System (IDIS) reports consisting of information provided by the PJs to determine the extent to which, in percentages, each PJ was leveraging private funds with HOME dollars invested in completed projects. The PJs were then rank-ordered from highest to lowest by the leveraging percentage. PJs with no leveraging indicated in IDIS, or less than \$50,000 in HOME funds invested overall in completed projects, received zero points. The remaining PJs were divided into 10 equal groups, adjusted for ties, with the group having the highest percentage receiving 10 points, the next group receiving 9 points and so on. (See Appendix 1 for the score assigned to your PJ for this part of criterion 2.)

Submission Requirements for Selection Criterion 2, part D:

No submission required.

Selection Criterion 3: Policies (up to 25 points)

This criterion examines the degree to which your PJ is pursuing policies that:

- (A) Make existing housing more affordable;
- (B) Remove or ameliorate any negative effects that public policies identified by you in your Consolidated Plan may have on the cost of housing or the incentives to develop, maintain, or improve affordable housing in the jurisdiction;
- (C) Preserve the affordability of privately owned housing that is vulnerable to conversion, demolition, disinvestment, or abandonment;
- (D) Increase the supply of housing that is affordable to very low-income and low-income persons, particularly in areas that are accessible to expanding job opportunities; and
- (E) Remedy the effects of discrimination and improve housing opportunities for disadvantaged minorities.

Submission Requirements for Selection Criterion 3:

(1) Identify for each of the five goals listed above the policy or policies currently being implemented by your PJ to achieve the goal.

(2) Indicate for each policy whether it has been formally adopted (e.g., city council or legislative action; city, county or state executive action; included as part of a state or local planning document, etc.).

(3) Describe the effects of the policy or policies thus far in achieving the goal being specific as to performance measures used.

(4) There is an absolute maximum limit of 10 pages (letter-sized, single-sided) for your submission in response to selection criterion 3. No information contained on page 11 or higher will be reviewed by HUD or considered in the scoring of your application.

(F) *Final Ranking and Conditional Awards.* The score received by each PJ for the three selection criteria will be totaled and the PJs will be rank ordered from highest to lowest score received. Five hundred thousand dollars will be awarded to the PJ receiving the highest score. Moving down the ranking, \$500,000 will be awarded to the next highest scoring PJ and so on until the balance of funds remaining is less than \$500,000. Should two or more PJs have tie scores for the final award, the PJ receiving the highest score for selection criterion number 1 will be awarded the funds. Additional tie-breaks will be applied in the following order until a final award can be made: selection criterion 2A, selection criterion 2B, selection criterion 2C, selection criterion 2D, selection criterion 3. The awards are conditional pending execution of a special grant agreement between HUD and the PJ applicant. These awards may be combined with other federal funds, including regular HOME Program funds, state, local or private funding to develop the required permanent rental housing for the homeless that is subject to all regular HOME Program regulations.

VI. Application Requirements and Checklist for Application Submission

Your application consists of the items listed in this Section VI. The standard forms, certifications, and assurances that are applicable to this funding (collectively referred to as the "standard forms") can be found in Appendix 2. The following checklist helps to ensure

that all of the required items have been submitted in order to receive consideration for funding:

- HUD 424, Application for Federal Assistance and Funding Matrix (signed by the authorized representative of the organization eligible to receive funds, and incorporating Assurance and Certifications currently on file with HUD); and

Narrative Statements Addressing

- Threshold Criterion—Description of the extent of and the strategy to address chronic homelessness in your jurisdiction;
- Selection Criterion 3—Policies; and

Forms

- HUD-2880, Applicant/Recipient Disclosure/Update Report
 - HUD-2993, Acknowledgment of Application Receipt
- These forms are available on the following Web site: <http://www.hud.gov/offices/adm/grants/nofa/stdforms.cfm>.

VII. Corrections to Deficient Applications

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you to clarify an item in your application or to correct technical deficiencies. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. Examples of curable (correctable) technical deficiencies include failure to submit the proper certifications or failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by USPS, return receipt requested.

Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted within 14 calendar days of the date of receipt of the HUD notification. (If the due date falls on a Saturday, Sunday, or federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete and it will not be considered for funding.

VIII. Environmental Requirements

This NOFA provides funding under, and does not alter the environmental requirements of, 24 CFR part 92. Accordingly, under 24 CFR 50.19(c)(5), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). Activities under this NOFA are subject to the environmental review provisions set out at 24 CFR 92.352.

All HOME assistance is subject to the National Environmental Policy Act of 1969 and related federal environmental authorities. HOME grant applicants are cautioned that no federal or non-federal funds or assistance which limits reasonable choices or could produce an adverse environmental impact may be committed to a project until all required environmental reviews and notifications have been completed by a unit of general local government or State and until HUD approves a recipient's request for release of funds under the environmental provisions contained in 24 CFR part 58.

IX. Authority

The funding made available under this NOFA is authorized by section 217(c) of the Cranston-Gonzalez National Affordable Housing Act (NAHA) (42 U.S.C. 12704 *et seq.*).

Dated: October 6, 2003.

Roy A. Bernardi,

Assistant Secretary for Community Planning and Development.

BILLING CODE 4210-29-P

Appendix 1
HOME Competition Summary Scoring Report

Grantee	St	Selection Criteria						Score
		# 1	# 2A	# 2B*	# 2C	# 2D	# 3	
ALASKA	AK	11	10	10	15	2	0	48
ANCHORAGE	AK	0	9	10	0	0	0	19
ALABAMA	AL	19	12	10	15	2	0	58
BIRMINGHAM	AL	0	10	10	0	5	0	25
HUNTSVILLE	AL	0	0	10	0	5	0	15
JEFFERSON CO	AL	0	8	10	0	5	0	23
MOBILE	AL	0	15	10	0	5	0	30
MONTGOMERY	AL	14	0	10	15	7	0	46
TUSCALOOSA	AL	0	2	10	0	9	0	21
ARKANSAS	AR	8	7	10	15	7	0	47
FORT SMITH	AR	0	6	10	0	1	0	17
LITTLE ROCK	AR	20	6	10	15	3	0	54
NORTH LITTLE ROCK	AR	0	12	10	0	0	0	22
PINE BLUFF	AR	5	0	10	0	9	0	24
ARIZONA	AZ	17	0	10	15	5	0	47
MARICOPA CO CON	AZ	16	10	10	15	6	0	57
PHOENIX	AZ	0	8	10	0	4	0	22
TUCSON CON	AZ	18	7	10	15	6	0	56
ALAMEDA CO CON	CA	15	14	10	15	6	0	60
ALHAMBRA	CA	0	6	10	0	4	0	20
ANAHEIM	CA	0	4	10	0	7	0	21
BAKERSFIELD	CA	23	3	10	15	5	0	56
BALDWIN PARK	CA	0	1	10	0	9	0	20
BELLFLOWER	CA	0	0	10	0	10	0	20
BERKELEY	CA	7	15	10	0	6	0	38
BURBANK	CA	9	11	10	0	3	0	33
CALIFORNIA	CA	8	4	10	15	6	0	43
CHICO	CA	0	2	10	0	9	0	21
CHULA VISTA	CA	19	14	10	15	5	0	63
COMPTON	CA	0	15	10	0	10	0	35
CONTRA COSTA CO CON	CA	21	15	10	15	5	0	66
COSTA MESA	CA	0	15	10	0	2	0	27
DAVIS	CA	0	0	10	0	0	0	10
DOWNEY	CA	0	3	10	0	6	0	19
EL CAJON	CA	0	5	10	0	5	0	20
EL MONTE	CA	0	7	10	0	7	0	24
ESCONDIDO	CA	14	1	10	15	10	0	50
FONTANA	CA	0	11	10	0	0	0	21
FRESNO	CA	6	1	10	0	10	0	27
FRESNO CO	CA	0	2	10	0	4	0	16
FULLERTON	CA	0	9	10	0	8	0	27
GARDEN GROVE	CA	0	14	10	0	1	0	25
GLENDALE	CA	4	15	10	15	3	0	47
HAWTHORNE	CA	0	11	10	0	5	0	26
HUNTINGTON BEACH	CA	0	14	10	0	2	0	26
HUNTINGTON PARK	CA	4	0	10	0	5	0	19
INGLEWOOD	CA	0	1	10	0	8	0	19
KERN CO	CA	17	10	10	15	2	0	54
LONG BEACH	CA	21	15	10	15	0	0	61

* _Score for this factor may be reduced based on updates obtained from field offices

Appendix 1
HOME Competition Summary Scoring Report

Grantee	St	Selection Criteria						Score
		# 1	# 2A	# 2B*	# 2C	# 2D	# 3	
LOS ANGELES	CA	16	0	10	15	2	0	43
LOS ANGELES CO	CA	11	2	10	15	8	0	46
LYNWOOD	CA	0	10	10	0	10	0	30
MARIN CO	CA	0	15	10	0	9	0	34
MERCED	CA	1	1	10	0	10	0	22
MODESTO	CA	10	13	10	15	7	0	55
MONTEBELLO	CA	9	1	10	0	0	0	20
MONTEREY PARK	CA	25	0	10	15	0	0	50
MORENO VALLEY	CA	0	13	10	0	0	0	23
MOUNTAIN VIEW	CA	8	15	10	0	7	0	40
NATIONAL CITY	CA	0	1	10	0	8	0	19
NORWALK	CA	0	6	10	0	0	0	16
OAKLAND	CA	4	4	10	0	9	0	27
OCEANSIDE	CA	4	4	10	0	0	0	18
ONTARIO	CA	8	6	10	0	1	0	25
ORANGE	CA	0	9	10	0	8	0	27
ORANGE CO	CA	17	0	10	15	4	0	46
OXNARD	CA	0	8	10	0	8	0	26
PARAMOUNT CITY	CA	0	13	10	0	2	0	25
PASADENA	CA	22	5	10	15	1	0	53
POMONA	CA	0	6	10	0	0	0	16
REDWOOD CITY	CA	24	7	10	15	0	0	56
RICHMOND	CA	23	14	10	15	1	0	63
RIVERSIDE	CA	21	0	10	15	1	0	47
RIVERSIDE CO	CA	3	6	10	15	9	0	43
ROSEMEAD	CA	0	0	10	0	0	0	10
SACRAMENTO	CA	5	4	10	0	10	0	29
SACRAMENTO CO	CA	13	4	10	15	10	0	52
SALINAS	CA	3	3	10	0	4	0	20
SAN BERNARDINO	CA	0	2	10	0	2	0	14
SAN BERNARDINO CO CON	CA	0	0	10	0	8	0	18
SAN DIEGO	CA	17	9	10	15	7	0	58
SAN DIEGO CO CON	CA	13	10	10	15	7	0	55
SAN FRANCISCO	CA	25	15	10	15	2	0	67
SAN JOAQUIN CO	CA	0	2	10	0	7	0	19
SAN JOSE	CA	0	11	10	0	5	0	26
SAN LUIS OBISPO CO	CA	0	4	10	0	8	0	22
SAN MATEO	CA	0	15	10	0	1	0	26
SAN MATEO CO CON	CA	22	13	10	15	5	0	65
SANTA ANA	CA	22	14	10	15	3	0	64
SANTA BARBARA	CA	17	13	10	15	4	0	59
SANTA BARBARA CO CON	CA	0	4	10	0	8	0	22
SANTA CLARA	CA	15	15	10	0	7	0	47
SANTA CLARA CO	CA	0	0	10	0	7	0	17
SANTA CRUZ	CA	0	15	10	0	4	0	29
SANTA MONICA	CA	13	14	10	15	3	0	55
SANTA ROSA	CA	5	7	10	0	6	0	28
SONOMA CO	CA	8	14	10	0	8	0	40
SOUTH GATE	CA	0	8	10	0	5	0	23

* _Score for this factor may be reduced based on updates obtained from field offices

Appendix 1
HOME Competition Summary Scoring Report

Grantee	St	Selection Criteria						Score
		# 1	# 2A	# 2B*	# 2C	# 2D	# 3	
STOCKTON	CA	23	2	10	15	3	0	53
SUNNYVALE	CA	0	15	10	0	3	0	28
TURLOCK CO CON	CA	0	0	10	0	0	0	10
VALLEJO	CA	0	0	10	0	1	0	11
VENTURA CO CON	CA	14	11	10	0	3	0	38
VISALIA	CA	0	1	10	0	8	0	19
WESTMINSTER	CA	12	11	10	0	7	0	40
WHITTIER	CA	0	0	10	0	0	0	10
ADAMS CO	CO	0	2	10	0	9	0	21
ARAPAHOE CO	CO	7	1	10	15	10	0	43
AURORA	CO	0	1	10	0	0	0	11
BOULDER	CO	18	12	10	0	10	0	50
COLORADO	CO	17	9	10	15	9	0	60
COLORADO SPRINGS	CO	25	12	10	15	5	0	67
DENVER	CO	16	15	10	15	7	0	63
FORT COLLINS	CO	25	4	10	15	10	0	64
GREELEY	CO	13	14	10	15	6	0	58
JEFFERSON CO	CO	7	4	10	15	10	0	46
LAKEWOOD	CO	19	13	10	0	9	0	51
PUEBLO CON	CO	7	3	10	0	10	0	30
BRIDGEPORT	CT	0	15	10	0	2	0	27
CONNECTICUT	CT	11	11	10	15	5	0	52
HARTFORD	CT	18	10	10	0	1	0	39
NEW BRITAIN	CT	0	3	10	0	9	0	22
NEW HAVEN	CT	13	0	10	0	8	0	31
STAMFORD	CT	13	12	10	0	9	0	44
WATERBURY	CT	24	13	10	0	1	0	48
DISTRICT OF COLUMBIA	DC	0	0	10	0	6	0	16
DELAWARE	DE	14	12	10	15	3	0	54
NEW CASTLE CO	DE	0	9	10	0	0	0	19
WILMINGTON	DE	0	7	10	0	9	0	26
BREVARD CO CON	FL	12	5	10	15	5	0	47
BROWARD CO	FL	0	6	10	0	10	0	26
CLEARWATER	FL	0	0	10	0	10	0	20
DADE CO	FL	0	4	10	0	5	0	19
DAYTONA BEACH	FL	3	5	10	0	9	0	27
ESCAMBIA CO CON	FL	9	14	10	15	2	0	50
FLORIDA	FL	12	6	10	15	7	0	50
FORT LAUDERDALE	FL	7	3	10	15	9	0	44
GAINESVILLE	FL	11	0	10	0	8	0	29
HIALEAH	FL	10	8	10	15	5	0	48
HILLSBOROUGH CO	FL	14	6	10	0	10	0	40
HOLLYWOOD	FL	0	2	10	0	8	0	20
JACKSONVILLE	FL	11	3	10	0	9	0	33
LAKELAND	FL	0	3	10	0	8	0	21
LEE CO	FL	0	1	10	0	3	0	14
MIAMI	FL	20	11	10	15	6	0	62
MIAMI BEACH	FL	9	9	10	15	3	0	46
ORANGE CO	FL	22	0	10	15	6	0	53

*_Score for this factor may be reduced based on updates obtained from field offices

Appendix 1
HOME Competition Summary Scoring Report

Grantee	St	Selection Criteria					# 3	Score
		# 1	# 2A	# 2B*	# 2C	# 2D		
ORLANDO	FL	24	10	10	15	7	0	66
PALM BEACH CO CON	FL	3	4	10	0	10	0	27
PASCO CO	FL	5	9	10	15	1	0	40
PINELLAS CO CON	FL	5	3	10	0	7	0	25
POLK CO	FL	0	10	10	0	4	0	24
POMPANO BEACH	FL	0	3	10	0	0	0	13
SARASOTA CON	FL	0	2	10	0	9	0	21
ST. PETERSBURG	FL	25	13	10	0	6	0	54
TALLAHASSEE	FL	0	0	10	0	2	0	12
TAMPA	FL	0	2	10	0	5	0	17
VOLUSIA CO CON	FL	11	8	10	15	4	0	48
WEST PALM BEACH	FL	0	7	10	0	7	0	24
ALBANY	GA	15	10	10	0	2	0	37
ATHENS	GA	0	12	10	0	0	0	22
ATLANTA	GA	24	13	10	15	3	0	65
AUGUSTA	GA	0	14	10	0	1	0	25
CLAYTON CO	GA	0	0	10	0	0	0	10
COBB CO CON	GA	0	8	10	0	10	0	28
COLUMBUS	GA	13	8	10	0	9	0	40
DEKALB CO	GA	9	8	10	0	5	0	32
FULTON CO CON	GA	0	0	10	0	0	0	10
GEORGIA	GA	16	5	10	15	5	0	51
WINNETT CO	GA	3	1	10	0	9	0	23
MACON	GA	0	1	10	0	6	0	17
SAVANNAH	GA	0	0	10	0	4	0	14
HAWAII	HI	3	11	10	15	2	0	41
HONOLULU	HI	3	14	10	0	4	0	31
CEDAR RAPIDS	IA	25	11	10	15	6	0	67
DAVENPORT	IA	20	10	10	15	4	0	59
DES MOINES	IA	12	14	10	0	4	0	40
IOWA	IA	21	13	10	15	5	0	64
IOWA CITY	IA	20	15	10	0	7	0	52
SIOUX CITY CON	IA	20	13	10	15	9	0	67
WATERLOO CON	IA	0	12	10	0	2	0	24
BOISE	ID	4	9	10	0	7	0	30
IDAHO	ID	10	5	10	15	6	0	46
CHICAGO	IL	0	14	10	0	3	0	27
COOK CO CON	IL	20	14	10	15	5	0	64
DECATUR	IL	25	12	10	15	3	0	65
DUPAGE CO CON	IL	22	10	10	0	3	0	45
EAST ST. LOUIS	IL	0	11	10	0	6	0	27
EVANSTON	IL	0	0	10	0	3	0	13
ILLINOIS	IL	15	12	10	15	3	0	55
JOLIET	IL	14	13	10	0	7	0	44
LAKE CO CON	IL	24	5	10	15	10	0	64
MADISON CO	IL	10	3	10	0	9	0	32
MCHENRY CO	IL	2	0	10	0	2	0	14
PEORIA	IL	0	5	10	0	1	0	16
ROCKFORD	IL	4	8	10	15	5	0	42

* _Score for this factor may be reduced based on updates obtained from field offices

Appendix 1
HOME Competition Summary Scoring Report

Grantee	St	Selection Criteria						Score
		# 1	# 2A	# 2B*	# 2C	# 2D	# 3	
SPRINGFIELD	IL	0	14	10	0	1	0	25
ST. CLAIR CO CON	IL	0	12	10	0	8	0	30
URBANA CON	IL	18	0	10	0	7	0	35
WILL CO	IL	24	7	10	15	10	0	66
ANDERSON	IN	22	0	10	15	8	0	55
BLOOMINGTON	IN	19	9	10	0	6	0	44
EAST CHICAGO	IN	8	12	10	15	2	0	47
EVANSVILLE	IN	7	3	10	0	9	0	29
FORT WAYNE	IN	14	6	10	0	3	0	33
GARY	IN	23	6	10	15	7	0	61
HAMMOND	IN	0	2	10	0	1	0	13
INDIANA	IN	15	4	10	15	5	0	49
INDIANAPOLIS	IN	24	0	10	15	3	0	52
LAFAYETTE CON	IN	4	13	10	0	8	0	35
LAKE CO	IN	0	0	10	0	1	0	11
MUNCIE	IN	8	13	10	0	7	0	38
SOUTH BEND CON	IN	19	8	10	15	2	0	54
TERRE HAUTE	IN	21	15	10	0	4	0	50
JOHNSON CO CON	KS	19	7	10	15	0	0	51
KANSAS	KS	6	5	10	15	7	0	43
KANSAS CITY	KS	0	4	10	0	9	0	23
LAWRENCE	KS	0	1	10	0	7	0	18
TOPEKA	KS	12	10	10	0	5	0	37
WICHITA	KS	8	8	10	0	7	0	33
COVINGTON	KY	0	4	10	0	7	0	21
KENTUCKY	KY	9	9	10	15	5	0	48
LEXINGTON-FAYETTE	KY	16	11	10	0	8	0	45
LOUISVILLE	KY	19	10	10	0	5	0	44
OWENSBORO	KY	0	3	10	0	7	0	20
ALEXANDRIA	LA	0	11	10	0	1	0	22
BATON ROUGE	LA	0	6	10	0	7	0	23
HOUMA CO	LA	2	5	10	0	4	0	21
JEFFERSON PAR CON	LA	0	2	10	0	10	0	22
LAFAYETTE	LA	0	14	10	0	2	0	26
LAKE CHARLES	LA	0	15	10	0	1	0	26
LOUISIANA	LA	19	5	10	15	3	0	52
MONROE	LA	0	3	10	0	0	0	13
NEW ORLEANS	LA	1	0	10	0	6	0	17
SHREVEPORT	LA	25	3	10	15	3	0	56
BARNSTABLE CO CON	MA	23	5	10	15	10	0	63
BOSTON	MA	13	11	10	15	8	0	57
BROCKTON	MA	11	2	10	0	3	0	26
CAMBRIDGE	MA	21	8	10	15	8	0	62
FALL RIVER	MA	19	13	10	0	4	0	46
FITCHBURG CON	MA	11	9	10	0	2	0	32
HOLYOKE CON	MA	19	7	10	0	8	0	44
LAWRENCE	MA	12	3	10	0	10	0	35
LOWELL	MA	14	3	10	0	9	0	36
LYNN	MA	8	5	10	0	8	0	31

*_Score for this factor may be reduced based on updates obtained from field offices

Appendix 1
HOME Competition Summary Scoring Report

Grantee	St	Selection Criteria					# 3	Score
		# 1	# 2A	# 2B*	# 2C	# 2D		
MALDEN CON	MA	16	8	10	15	9	0	58
MASSACHUSETTS	MA	17	11	10	15	8	0	61
NEW BEDFORD	MA	24	12	10	15	5	0	66
NEWTON CON	MA	11	9	10	0	8	0	38
PEABODY CON	MA	20	6	10	15	10	0	61
QUINCY CON	MA	12	5	10	0	9	0	36
SOMERVILLE	MA	25	13	10	0	4	0	52
SPRINGFIELD	MA	21	5	10	15	10	0	61
WORCESTER	MA	9	6	10	15	8	0	48
ANNE ARUNDEL CO	MD	22	6	10	0	10	0	48
BALTIMORE	MD	13	14	10	15	2	0	54
BALTIMORE CO	MD	12	0	10	15	10	0	47
HARFORD CO	MD	0	9	10	0	0	0	19
MARYLAND	MD	6	14	10	15	3	0	48
MONTGOMERY CO	MD	0	12	10	0	3	0	25
PRINCE GEORGE'S CO	MD	0	0	10	0	0	0	10
MAINE	ME	7	6	10	15	6	0	44
PORTLAND	ME	23	10	10	0	5	0	48
ANN ARBOR	MI	7	15	10	0	4	0	36
BATTLE CREEK	MI	0	7	10	0	7	0	24
BAY CITY	MI	0	12	10	0	1	0	23
DETROIT	MI	8	12	10	15	3	0	48
FLINT	MI	4	5	10	0	10	0	29
GENESEE CO	MI	10	8	10	0	3	0	31
GRAND RAPIDS	MI	1	5	10	0	9	0	25
JACKSON	MI	0	6	10	0	6	0	22
KALAMAZOO	MI	1	14	10	0	2	0	27
LANSING	MI	19	10	10	15	4	0	58
MACOMB CO	MI	0	10	10	0	1	0	21
MICHIGAN	MI	15	10	10	15	3	0	53
MUSKEGON	MI	24	12	10	15	0	0	61
OAKLAND CO	MI	0	13	10	0	1	0	24
PONTIAC	MI	4	11	10	0	3	0	28
PORT HURON	MI	0	0	10	0	0	0	10
SAGINAW	MI	4	10	10	0	0	0	24
WARREN	MI	5	4	10	0	1	0	20
WAYNE CO	MI	1	6	10	0	10	0	27
WESTLAND	MI	18	7	10	0	9	0	44
DAKOTA CO CON	MN	15	8	10	15	9	0	57
DULUTH	MN	10	12	10	15	4	0	51
HENNEPIN CO CON	MN	18	14	10	15	6	0	63
MINNEAPOLIS	MN	21	14	10	15	5	0	65
MINNESOTA	MN	23	14	10	15	3	0	65
ST. LOUIS CO CON	MN	5	6	10	0	7	0	28
ST. PAUL	MN	22	12	10	0	4	0	48
COLUMBIA	MO	9	6	10	15	2	0	42
INDEPENDENCE	MO	0	2	10	0	10	0	22
KANSAS CITY	MO	6	1	10	0	4	0	21
MISSOURI	MO	22	7	10	15	4	0	58

*_Score for this factor may be reduced based on updates obtained from field offices

Appendix 1
HOME Competition Summary Scoring Report

Grantee	St	Selection Criteria						Score
		# 1	# 2A	# 2B*	# 2C	# 2D	# 3	
SPRINGFIELD	MO	18	11	10	0	1	0	40
ST. JOSEPH	MO	21	9	10	15	5	0	60
ST. LOUIS	MO	11	5	10	15	8	0	49
ST. LOUIS CO	MO	17	7	10	15	9	0	58
HATTIESBURG	MS	0	4	10	0	0	0	14
JACKSON	MS	0	3	10	0	6	0	19
MISSISSIPPI	MS	3	12	10	15	2	0	42
BILLINGS	MT	22	0	10	15	10	0	57
GREAT FALLS	MT	0	1	10	0	2	0	13
MONTANA STATE	MT	19	9	10	15	6	0	59
ASHEVILLE CON	NC	15	14	10	15	4	0	58
CHARLOTTE	NC	0	0	10	0	2	0	12
CONCORD CON	NC	0	15	10	0	0	0	25
CUMBERLAND CO	NC	24	0	10	0	0	0	34
DURHAM CON	NC	6	14	10	0	1	0	31
FAYETTEVILLE	NC	16	13	10	0	1	0	40
GASTONIA CON	NC	0	3	10	0	8	0	21
GOLDSBORO	NC	0	2	10	0	8	0	20
GREENSBORO CON	NC	23	4	10	15	9	0	61
GREENVILLE CON	NC	0	6	10	0	7	0	23
LENOIR CON	NC	0	1	10	0	10	0	21
NORTH CAROLINA	NC	18	13	10	15	4	0	60
ORANGE CO CON	NC	0	0	10	0	0	0	10
RALEIGH	NC	12	14	10	15	2	0	53
ROCKY MOUNT CON	NC	0	0	10	0	0	0	10
SURRY CO CON	NC	0	15	10	0	2	0	27
WAKE CO	NC	25	8	10	15	7	0	65
WILMINGTON	NC	14	14	10	0	1	0	39
WINSTON-SALEM CON	NC	24	13	10	15	6	0	68
NORTH DAKOTA	ND	10	5	10	15	7	0	47
LINCOLN	NE	7	4	10	15	8	0	44
NEBRASKA	NE	3	8	10	0	7	0	28
OMAHA CON	NE	10	9	10	15	8	0	52
MANCHESTER	NH	23	12	10	15	6	0	66
NEW HAMPSHIRE	NH	8	10	10	15	4	0	47
ATLANTIC CITY	NJ	13	3	10	15	0	0	41
ATLANTIC CO CON	NJ	5	7	10	0	1	0	23
BERGEN CO	NJ	19	11	10	15	7	0	62
BURLINGTON CO	NJ	24	7	10	15	7	0	63
CAMDEN	NJ	0	9	10	0	8	0	27
CAMDEN CO CON	NJ	5	13	10	15	6	0	49
EAST ORANGE	NJ	6	9	10	0	7	0	32
ELIZABETH	NJ	22	13	10	15	6	0	66
ESSEX CO	NJ	14	15	10	15	3	0	57
GLOUCESTER CO	NJ	1	0	10	0	2	0	13
HUDSON CO CON	NJ	16	6	10	15	3	0	50
IRVINGTON TOWNSHIP	NJ	0	9	10	0	9	0	28
JERSEY CITY	NJ	22	10	10	15	5	0	62
MERCER CO CON	NJ	0	6	10	0	0	0	16

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Appendix 1
HOME Competition Summary Scoring Report

Grantee	St	Selection Criteria						Score
		# 1	# 2A	# 2B*	# 2C	# 2D	# 3	
MIDDLESEX CO CON	NJ	16	15	10	0	6	0	47
MONMOUTH CO	NJ	0	2	10	0	10	0	22
MORRIS CO CON	NJ	3	12	10	0	9	0	34
NEW BRUNSWICK	NJ	0	10	10	0	1	0	21
NEW JERSEY	NJ	6	11	10	0	2	0	29
NEWARK	NJ	3	7	10	0	5	0	25
OCEAN CO CON	NJ	14	7	10	0	8	0	39
PASSAIC	NJ	2	0	10	0	2	0	14
PATERSON	NJ	12	3	10	0	8	0	33
PERTH AMBOY	NJ	0	15	10	0	6	0	31
SOMERSET CO	NJ	13	15	10	0	6	0	44
TRENTON	NJ	0	6	10	0	6	0	22
UNION CO CON	NJ	0	0	10	0	8	0	18
VINELAND CON	NJ	0	4	10	0	4	0	18
ALBUQUERQUE	NM	0	13	10	0	3	0	26
LAS CRUCES	NM	0	2	10	0	6	0	18
NEW MEXICO	NM	4	6	10	15	7	0	42
CLARK CO CON	NV	2	4	10	0	9	0	25
LYON CO CON	NV	18	2	10	0	3	0	33
NEVADA	NV	22	12	10	15	9	0	68
RENO CON	NV	6	8	10	0	10	0	34
ALBANY	NY	21	7	10	0	7	0	45
AMHERST CON	NY	0	2	10	0	6	0	18
BABYLON TOWNSHIP	NY	2	4	10	0	5	0	21
BINGHAMTON	NY	5	0	10	0	1	0	16
BUFFALO	NY	0	0	10	0	3	0	13
DUTCHESS CO CON	NY	0	4	10	0	8	0	22
ELMIRA	NY	10	0	10	15	8	0	43
ERIE CO CON	NY	21	3	10	15	8	0	57
ISLIP TOWNSHIP	NY	0	0	10	0	1	0	11
JAMESTOWN	NY	0	8	10	0	2	0	20
JEFFERSON CO CON	NY	0	0	10	0	3	0	13
MONROE CO CON	NY	25	9	10	15	5	0	64
MOUNT VERNON	NY	0	0	10	0	9	0	19
NASSAU CO	NY	0	10	10	0	4	0	24
NEW ROCHELLE	NY	0	0	10	0	0	0	10
NEW YORK	NY	9	8	10	15	4	0	46
NEW YORK CITY	NY	8	15	10	15	1	0	49
NIAGARA FALLS	NY	11	3	10	0	4	0	28
ONONDAGA CO CON	NY	16	9	10	15	4	0	54
ORANGE CO CON	NY	20	12	10	0	9	0	51
ROCHESTER	NY	20	2	10	15	4	0	51
ROCKLAND CO	NY	0	5	10	0	10	0	25
SCHENECTADY CON	NY	1	7	10	0	6	0	24
SUFFOLK CO	NY	8	2	10	0	10	0	30
SYRACUSE	NY	22	9	10	0	6	0	47
UTICA	NY	18	0	10	15	1	0	44
WESTCHESTER CO	NY	0	4	10	0	4	0	18
YONKERS	NY	23	0	10	15	7	0	55

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Appendix 1
HOME Competition Summary Scoring Report

Grantee	St	Selection Criteria						Score
		# 1	# 2A	# 2B*	# 2C	# 2D	# 3	
AKRON	OH	0	4	10	0	4	0	18
BUTLER CO CON	OH	0	15	10	0	0	0	25
CANTON	OH	0	0	10	0	3	0	13
CINCINNATI	OH	24	14	10	15	6	0	69
CLEVELAND	OH	8	9	10	0	6	0	33
COLUMBUS	OH	25	11	10	15	9	0	70
CUYAHOGA CO CON	OH	17	9	10	0	9	0	45
DAYTON	OH	21	6	10	15	9	0	61
EAST CLEVELAND	OH	0	7	10	0	1	0	18
FRANKLIN CO	OH	0	13	10	0	10	0	33
HAMILTON	OH	2	12	10	0	4	0	28
HAMILTON CO	OH	2	14	10	0	3	0	29
LAKE CO	OH	24	5	10	0	3	0	42
LIMA	OH	0	0	10	0	6	0	16
LORAIN	OH	12	12	10	15	2	0	51
MANSFIELD	OH	15	3	10	0	1	0	29
MONTGOMERY CO-KETTERING CON	OH	24	12	10	0	5	0	51
OHIO	OH	0	0	10	0	6	0	16
SPRINGFIELD	OH	1	11	10	0	4	0	26
STARK CO CON	OH	21	12	10	15	5	0	63
SUMMIT CO CON	OH	10	9	10	15	2	0	46
TOLEDO	OH	0	13	10	0	3	0	26
WARREN CON	OH	16	9	10	0	4	0	39
YOUNGSTOWN	OH	10	8	10	0	3	0	31
LAWTON	OK	0	10	10	0	4	0	24
NORMAN	OK	2	3	10	0	3	0	18
OKLAHOMA	OK	9	0	10	15	2	0	36
OKLAHOMA CITY	OK	0	5	10	0	2	0	17
TULSA	OK	0	7	10	0	8	0	25
TULSA CO CON	OK	0	5	10	0	10	0	25
CLACKAMAS CO	OR	15	8	10	15	6	0	54
EUGENE CON	OR	10	3	10	15	9	0	47
OREGON	OR	7	13	10	15	5	0	50
PORTLAND CON	OR	14	14	10	15	6	0	59
SALEM CON	OR	18	7	10	15	3	0	53
WASHINGTON CO CON	OR	17	10	10	15	8	0	60
ALLEGHENY CO CON	PA	0	9	10	0	2	0	21
ALLENTOWN	PA	0	7	10	0	2	0	19
ALTOONA	PA	21	15	10	0	4	0	50
BEAVER CO	PA	19	9	10	15	4	0	57
BERKS CO	PA	23	12	10	15	6	0	66
BETHLEHEM	PA	12	12	10	0	1	0	35
BUCKS CO CON	PA	0	13	10	0	3	0	26
CHESTER	PA	7	1	10	0	10	0	28
CHESTER CO	PA	9	5	10	15	9	0	48
DELAWARE CO CON	PA	23	5	10	15	9	0	62
ERIE	PA	18	10	10	0	6	0	44
HARRISBURG	PA	0	10	10	0	3	0	23
JOHNSTOWN	PA	0	4	10	0	2	0	16

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Appendix 1
HOME Competition Summary Scoring Report

<u>Grantee</u>	<u>St</u>	<u>Selection Criteria</u>					<u># 3</u>	<u>Score</u>
		<u># 1</u>	<u># 2A</u>	<u># 2B*</u>	<u># 2C</u>	<u># 2D</u>		
LANCASTER	PA	0	8	10	0	8	0	26
LANCASTER CO	PA	21	6	10	0	9	0	46
LUZERNE CO CON	PA	5	8	10	0	2	0	25
MONTGOMERY CO CON	PA	20	13	10	0	7	0	50
PENNSYLVANIA	PA	10	8	10	15	2	0	45
PHILADELPHIA	PA	18	13	10	15	3	0	59
PITTSBURGH	PA	0	0	10	0	2	0	12
READING	PA	0	0	10	0	3	0	13
SCRANTON	PA	12	2	10	0	9	0	33
STATE COLLEGE	PA	0	9	10	0	5	0	24
WASHINGTON CO	PA	25	7	10	15	0	0	57
WESTMORELAND CO CON	PA	7	10	10	15	1	0	43
WILKES-BARRE	PA	0	0	10	0	0	0	10
WILLIAMSPORT	PA	15	4	10	15	6	0	50
YORK	PA	0	3	10	0	10	0	23
YORK CO CON	PA	25	7	10	0	5	0	47
AGUADILLA	PR	0	0	10	0	0	0	10
ARECIBO	PR	0	1	10	0	8	0	19
BAYAMON	PR	0	1	10	0	8	0	19
CAGUAS	PR	17	3	10	15	8	0	53
CAROLINA	PR	0	0	10	0	0	0	10
GUAYNABO	PR	0	0	10	0	0	0	10
MAYAGUEZ	PR	0	11	10	0	5	0	26
PONCE	PR	0	6	10	0	2	0	18
PUERTO RICO	PR	0	0	10	0	1	0	11
SAN JUAN	PR	0	5	10	0	5	0	20
TOA BAJA	PR	0	0	10	0	0	0	10
PAWTUCKET	RI	0	1	10	0	10	0	21
PROVIDENCE	RI	12	5	10	15	4	0	46
RHODE ISLAND	RI	17	13	10	15	5	0	60
WOONSOCKET	RI	0	6	10	0	7	0	23
CHARLESTON	SC	0	11	10	0	2	0	23
CHARLESTON CO	SC	0	8	10	0	0	0	18
COLUMBIA	SC	0	15	10	0	4	0	29
GREENVILLE	SC	7	0	10	15	1	0	33
GREENVILLE CO	SC	0	10	10	0	1	0	21
Santee-LYNCHES HO CON	SC	0	13	10	0	0	0	23
SOUTH CAROLINA	SC	15	12	10	15	4	0	56
SPARTANBURG	SC	0	7	10	0	1	0	18
SIOUX FALLS	SD	13	11	10	0	10	0	44
SOUTH DAKOTA	SD	15	5	10	15	7	0	52
CHATTANOOGA	TN	4	0	10	0	1	0	15
CLARKSVILLE	TN	6	2	10	0	0	0	18
JACKSON	TN	2	7	10	0	1	0	20
KNOX CO	TN	3	10	10	0	2	0	25
KNOXVILLE	TN	14	11	10	15	2	0	52
MEMPHIS	TN	9	12	10	0	3	0	34
NASHVILLE-DAVIDSON	TN	9	0	10	0	4	0	23
SHELBY CO	TN	0	11	10	0	1	0	22

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Grantee	St	Selection Criteria						Score
		# 1	# 2A	# 2B*	# 2C	# 2D	# 3	
TENNESSEE	TN	4	12	10	15	2	0	43
ABILENE	TX	0	12	10	0	2	0	24
AMARILLO	TX	8	2	10	0	10	0	30
ARLINGTON	TX	0	1	10	0	10	0	21
AUSTIN	TX	7	2	10	15	8	0	42
BEAUMONT	TX	2	6	10	0	0	0	18
BEXAR CO	TX	7	11	10	0	7	0	35
BRAZORIA CO	TX	0	1	10	0	0	0	11
BROWNSVILLE	TX	0	1	10	0	4	0	15
BRYAN	TX	0	2	10	0	9	0	21
COLLEGE STATION	TX	0	2	10	0	0	0	12
CORPUS CHRISTI	TX	20	1	10	15	7	0	53
DALLAS	TX	20	6	10	15	10	0	61
DALLAS CO	TX	0	4	10	0	1	0	15
DENTON	TX	0	3	10	0	8	0	21
EL PASO	TX	6	8	10	15	3	0	42
FORT BEND CO	TX	0	5	10	0	5	0	20
FORT WORTH	TX	5	7	10	0	9	0	31
GALVESTON	TX	0	11	10	0	0	0	21
GARLAND	TX	20	8	10	0	2	0	40
GRAND PRAIRIE	TX	0	15	10	0	1	0	26
HARLINGEN	TX	2	1	10	0	5	0	18
HARRIS CO	TX	20	11	10	15	8	0	64
HIDALGO CO	TX	0	0	10	0	7	0	17
HOUSTON	TX	23	3	10	15	4	0	55
IRVING	TX	0	1	10	0	10	0	21
KILLEEN	TX	11	4	10	15	10	0	50
LAREDO	TX	10	0	10	15	6	0	41
LONGVIEW	TX	0	10	10	0	0	0	20
LUBBOCK	TX	0	9	10	0	0	0	19
MCALLEN	TX	0	1	10	0	5	0	16
ODESSA	TX	0	6	10	0	0	0	16
PASADENA	TX	0	2	10	0	5	0	17
PORT ARTHUR	TX	0	5	10	0	0	0	15
SAN ANGELO	TX	0	0	10	0	4	0	14
SAN ANTONIO	TX	0	6	10	0	6	0	22
TARRANT CO	TX	0	0	10	0	8	0	18
TEXAS	TX	5	7	10	15	7	0	44
TYLER	TX	0	0	10	0	0	0	10
WACO	TX	0	7	10	0	6	0	23
WICHITA FALLS	TX	2	0	10	0	7	0	19
OGDEN	UT	0	2	10	0	10	0	22
PROVO CON	UT	0	0	10	0	10	0	20
SALT LAKE CITY	UT	3	8	10	0	6	0	27
SALT LAKE CO CON	UT	12	7	10	0	10	0	39
UTAH	UT	9	11	10	0	4	0	34
ALEXANDRIA	VA	0	4	10	0	1	0	15
ARLINGTON CO	VA	25	14	10	15	9	0	73
CHARLOTTESVILLE CON	VA	15	8	10	15	8	0	56

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Grantee	St	Selection Criteria						Score
		# 1	# 2A	# 2B*	# 2C	# 2D	# 3	
CHESAPEAKE	VA	0	5	10	0	1	0	16
CHESTERFIELD CO	VA	0	2	10	0	5	0	17
DANVILLE	VA	0	10	10	0	0	0	20
FAIRFAX CO	VA	3	13	10	0	1	0	27
HAMPTON	VA	23	8	10	15	3	0	59
HENRICO CO	VA	0	8	10	0	8	0	26
LYNCHBURG	VA	5	9	10	0	1	0	25
NEWPORT NEWS	VA	2	10	10	0	3	0	25
NORFOLK	VA	6	4	10	0	6	0	26
PORTSMOUTH	VA	0	0	10	0	2	0	12
PRINCE WILLIAM CO	VA	4	4	10	0	10	0	28
RICHMOND	VA	6	5	10	0	9	0	30
ROANOKE	VA	1	7	10	0	3	0	21
SUFFOLK CON	VA	0	2	10	0	0	0	12
VIRGINIA	VA	3	11	10	15	3	0	42
VIRGINIA BEACH	VA	9	3	10	0	8	0	30
VERMONT	VT	11	14	10	0	4	0	39
BELLINGHAM	WA	23	15	10	0	6	0	54
CLARK CO CON	WA	16	10	10	15	6	0	57
KING CO CON	WA	14	13	10	15	3	0	55
KITSAP CO CON	WA	18	9	10	0	9	0	46
LONGVIEW CON	WA	16	1	10	0	1	0	28
PIERCE CO	WA	16	9	10	0	1	0	36
RICHLAND CON	WA	0	3	10	0	1	0	14
SEATTLE	WA	4	14	10	0	4	0	32
SNOHOMISH CO CON	WA	12	13	10	15	6	0	56
SPOKANE	WA	14	15	10	15	7	0	61
SPOKANE CO	WA	22	11	10	15	7	0	65
TACOMA CON	WA	18	11	10	15	7	0	61
WASHINGTON	WA	9	15	10	15	4	0	53
YAKIMA	WA	5	3	10	0	9	0	27
EAU CLAIRE	WI	15	5	10	0	9	0	39
GREEN BAY	WI	15	11	10	15	3	0	54
KENOSHA	WI	13	4	10	0	8	0	35
LA CROSSE	WI	11	2	10	0	9	0	32
MADISON	WI	19	7	10	15	6	0	57
MILWAUKEE	WI	20	0	10	0	3	0	33
MILWAUKEE CO CON	WI	2	0	10	0	8	0	20
RACINE	WI	3	3	10	0	4	0	20
WAUKESHA CO CON	WI	0	1	10	0	10	0	21
WISCONSIN	WI	10	8	10	15	7	0	50
CHARLESTON CON	WV	0	2	10	0	1	0	13
HUNTINGTON CON	WV	0	4	10	0	5	0	19
PARKERSBURG CON	WV	0	5	10	0	3	0	18
WEST VIRGINIA	WV	6	0	10	15	1	0	32
WHEELING CON	WV	0	1	10	0	10	0	21
WYOMING	WY	8	14	10	0	2	0	34

*_Score for this factor may be reduced based on updates obtained from field offices

Appendix 2

Application for
Federal AssistanceU.S. Department of Housing
and Urban Development

OMB Approval No.2501-0017 (exp. 03/31/2005)

1. Type of Submission <input type="checkbox"/> Application <input type="checkbox"/> Preapplication		2. Date Submitted		4. HUD Application Number																	
		3. Date and Time Received by HUD		5. Existing Grant Number																	
				6. Applicant Identification Number																	
7. Applicant's Legal Name			8. Organizational Unit																		
9. Address (give city, county, State, and zip code) A. Address: B. City: C. County: D. State: E. Zip Code:			10. Name, title, telephone number, fax number, and e-mail of the person to be contacted on matters involving this application (including area codes) A. Name: B. Title: C. Phone: D. Fax: E. E-mail:																		
11. Employer Identification Number (EIN) or SSN			12. Type of Applicant (enter appropriate letter in box)																		
			<table border="0"> <tr> <td>A. State</td> <td>I. University or College</td> </tr> <tr> <td>B. County</td> <td>J. Indian Tribe</td> </tr> <tr> <td>C. Municipal</td> <td>K. Tribally Designated Housing Entity (TDHE)</td> </tr> <tr> <td>D. Township</td> <td>L. Individual</td> </tr> <tr> <td>E. Interstate</td> <td>M. Profit Organization</td> </tr> <tr> <td>F. Intermunicipal</td> <td>N. Non-profit</td> </tr> <tr> <td>G. Special District</td> <td>O. Public Housing Authority</td> </tr> <tr> <td>H. Independent School District</td> <td>P. Other (Specify)</td> </tr> </table>			A. State	I. University or College	B. County	J. Indian Tribe	C. Municipal	K. Tribally Designated Housing Entity (TDHE)	D. Township	L. Individual	E. Interstate	M. Profit Organization	F. Intermunicipal	N. Non-profit	G. Special District	O. Public Housing Authority	H. Independent School District	P. Other (Specify)
A. State	I. University or College																				
B. County	J. Indian Tribe																				
C. Municipal	K. Tribally Designated Housing Entity (TDHE)																				
D. Township	L. Individual																				
E. Interstate	M. Profit Organization																				
F. Intermunicipal	N. Non-profit																				
G. Special District	O. Public Housing Authority																				
H. Independent School District	P. Other (Specify)																				
13. Type of Application <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Renewal <input type="checkbox"/> Revision If Revision, enter appropriate letters in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Amount B. Decrease Amount C. Increase Duration D. Decrease Duration E. Other (Specify)			14. Name of Federal Agency U.S. Department of Housing and Urban Development																		
15. Catalog of Federal Domestic Assistance (CFDA) Number <div style="border: 1px solid black; padding: 2px; display: inline-block;">14 --- 239</div> Title: HOME Program Component Title: CHDO Reallocation			16. Descriptive Title of Applicant's Program																		
17. Areas affected by Program (boroughs, cities, counties, States, Indian Reservation, etc.)																					
18a. Proposed Program start date		18b. Proposed Program end date		19a. Congressional Districts of Applicant																	
				19b. Congressional Districts of Program																	
20. Estimated Funding: Applicant must complete the Funding Matrix on Page 2.																					
21. Is Application subject to review by State Executive Order 12372 Process? A. Yes <input type="checkbox"/> This preapplication/application was made available to the State Executive Order 12372 Process for review on: Date _____ B. No <input type="checkbox"/> Program is not covered by E.O. 12372 <input type="checkbox"/> Program has not been selected by State for review.																					
22. Is the Applicant delinquent on any Federal debt? <input type="checkbox"/> No <input type="checkbox"/> Yes If "Yes," explain below or attach an explanation.																					

Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which HUD funding is being requested, and complete the certifications.

Grant Program*	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income	Total
									0.00
									0.00
									0.00
									0.00
									0.00
Grand Totals	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

* For FHIPs, show both initiative and component

Certifications

I certify, to the best of my knowledge and belief, that no Federal appropriated funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of this Federal grant or its extension, renewal, amendment or modification. If funds other than Federal appropriated funds have or will be paid for influencing or attempting to influence the persons listed above, I shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying. I certify that I shall require all sub awards at all tiers (including sub-grants and contracts) to similarly certify and disclose accordingly.

Federally recognized Indian Tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but State-recognized Indian tribes and TDHEs established under State law are not excluded from the statute's coverage.

This application incorporates the Assurances and Certifications (HUD-424B) attached to this application or renews and incorporates for the funding you are seeking the Assurances and Certifications currently on file with HUD. To the best of my knowledge and belief, all information in this application is true and correct and constitutes material representation of fact upon which HUD may rely in awarding the agreement.

23. Signature of Authorized Official

Name (printed)

Title

Date (mm/dd/yyyy)

Instructions for the HUD-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This form must be used by applicants requesting funding from the Department of Housing and Urban Development. This application form HUD-424 incorporates the Assurances and Certifications (HUD-424-B). You may either (1) attach the Assurances and Certifications to the application or (2) renew the certifications that you previously made on behalf of your organization and submitted to HUD if the legal name of your organization has not changed and you were the authorized representative who signed the Assurances and Certifications.

Item Number Instructions

1. Please indicate whether your application is for a formal application submission or a preliminary application (pre-application). HUD does not accept pre-applications for programs funded through the SuperNOFA.
2. Enter the date you are submitting your application to HUD.
3. This box will be completed by HUD. When received by HUD, your application will be stamped:
 - (a) with a date; and
 - (b) with the time received.
4. Leave Blank. This will be completed by the HUD program office receiving your application. When HUD accepts electronic applications for the grant program you are applying for, this number will be computer generated.
5. If your application is to renew or continue an existing grant, provide the existing grant number. If a new award, please leave blank.
6. Leave blank if you have not been provided a HUD ID number or user number. If you are a Public Housing Authority, enter your HUD issued Public Housing Authority ID number.
7. Enter the legal name of your organization applying for HUD funding.
8. Enter the name of the primary unit in your organization, if applicable, which will be responsible for the program.
9. Enter the complete address of your organization.
10. Enter the name, title, telephone number, fax number, and E-mail of the person to contact on matters related to your application.
11. Enter your organization's Employer Identification Number (EIN) as assigned by the Internal Revenue Service or if you are applying as an individual, your Social Security Number.

12. Choose from the list and enter the appropriate letter in the space provided. You must be an eligible applicant to apply for assistance. You must read the program information requirements to determine if you are a type of applicant that is eligible to apply for assistance under the program.

13. Enter the type of application you are submitting for funding consideration.

Check the appropriate box.

☐ "New" means you are applying for a new grant award.

☐ "Continuation" means you are requesting an extension of an existing award.

☐ "Renewal" means you are requesting funding for renewal of an existing grant. e.g. Supportive Housing Program (SHP) or Shelter + Care grant.

☐ "Revision" means you are submitting a revision prior to the application due date in response to HUD's request for clarification or modification to your initial submission.

14. Pre-filled.

15. Enter the Catalog of Federal Domestic Assistance (CFDA) number and title and, if applicable, component title of the program.

16. Enter a brief description of your program and key activities.

17. Identify the location(s) where your activities will take place. If this is the entire state, enter "Entire State".

18a. Enter the proposed start date.

18b. Enter the proposed end date.

19a. List the Congressional District(s) where your organization is located.

19b. List any Congressional District(s) where your program of activities or project sites will be located.

20. You must complete the funding matrix on page 2 of this form. Enter the following information:

Grant Program: The HUD funding program under which you are applying.

HUD Share: Please check the program requirements. Enter the amount of HUD funds you are requesting in your application.

Applicant Match: Enter the amount of funds or cash equivalent of in-kind contributions you are contributing to your project or program of activities.

Other Federal Share: Enter the amount of other Federal funds for your program of activities.

Instructions for the HUD-424 (Continued)

State Share: Enter the amount of funds or cash equivalent of in-kind services the State is providing to your project or program of activities.

Local/Tribal Share: Enter the amount of funds or cash equivalent of in-kind services your local/tribal government is providing to your project or program of activities.

Other: Enter the amount of other sources of private, non-profit, or other funds or cash equivalent of in-kind services being provided to your project or program of activities.

Program Income: Enter the amount of program income you expect to generate over the life of your award.

Total: Please total all columns and fill in the amounts.

21. You should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 or check your application kit to determine whether the State Intergovernmental Review Process is required.

22. This question applies to your applicant organization, not the person signing as your organization's authorized representative. Categories of debt include disallowed costs that requires repayment to HUD.

23. To be signed by the authorized representative of your organization. A copy of your governing body's authorization for you to sign this application must be available in your organization's office.

**Applicant/Recipient
Disclosure/Update Report****U.S. Department of Housing
and Urban Development**

OMB Approval No. 2510-0011 (exp. 08/31/2003)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)**Applicant/Recipient Information**Indicate whether this is an Initial Report ☐ or an Update Report ☐

1. Applicant/Recipient Name, Address, and Phone (include area code):

() -

2. Social Security Number or
Employer ID Number:

- -

3. HUD Program Name

4. Amount of HUD Assistance
Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).

☐ Yes ☐ No

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9

☐ Yes ☐ No.

If you answered "No" to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form.
However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(Note: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity (\$ and %)

(Note: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation.

I certify that this information is true and complete.

Signature:

Date: (mm/dd/yyyy)

X

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:

- (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of \$200,000 during the fiscal year;
- (2) You are updating a prior report as discussed below; or
- (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. Update reports (filed by "Recipients" of HUD Assistance):

General. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.

All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to **either** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

- A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

- B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD **and any other source** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need

not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

**Acknowledgment of
Application Receipt****U.S. Department of Housing
and Urban Development**

Type or clearly print the Applicant's name and full address in the space below.

(fold line)

Type or clearly print the following information:

Name of the Federal
Program to which the
applicant is applying: _____

To Be Completed by HUD

- ☐ HUD received your application by the deadline and will consider it for funding. In accordance with Section 103 of the Department of Housing and Urban Development Reform Act of 1989, no information will be released by HUD regarding the relative standing of any applicant until funding announcements are made. However, you may be contacted by HUD after initial screening to permit you to correct certain application deficiencies.
- ☐ HUD did not receive your application by the deadline; therefore, your application will not receive further consideration. Your application is:
- ☐ Enclosed
- ☐ Being sent under separate cover

Processor's Name _____

Date of Receipt _____

[illegible]

Arkansas	California
Ms. Deborah Biddle	Ms. Margaret M. Gregg
Central Arkansas CoC	Santa Clara County
CATCH Board President	CSJ, Santa Clara County
Community Health Centers of Arkansas	Homeless Concerns
420 West 4th Street, Suite A	Coordinator-County Administrator's Office
North Little Rock, AR 72214	70 West Hedding Street, 11th Floor
(501) 374-8225	San Jose, CA 95110
	(408) 299-5117
Ms. Ramona Taylor	
Crittenden County/West Memphis CoC	Ms. Maggie Donahue
Chair	City and County of San Francisco
Crittenden Memorial Hospital	Department of Human Services
200 Tyler	Division of Housing and Homeless Programs
West Memphis, AR 72301	P.O. Box 7988
(870) 735-5527	San Francisco, CA 94120-7988
	(415) 588-1981
Mr. Jason Miller	
Arkansas River Valley	
(Conway/Faulkner County) CoC	Mr. Riley Wilkerson
Counseling Associates, Inc.	Alameda County-wide CoC Partnership
P.O. Box 298	2002
Perryville, AR 72301	Alameda County Housing and Community Development
(501) 889-5185	224 West Winton Avenue, Room 108
	Hayward, CA 94544-1215
Mr. David Hamilton	(510) 670-9797
Mississippi County CoC	
Mississippi County Public Facilities Board	Ms. Jan Gallaway
810 West Keiser	Sacramento County Department of Human Assistance
Osceola, AR 72370	1590 North A Street
(870) 563-2660	Sacramento, CA 95814
	(916) 874-4323
Ms. William C. Huddleston	
Delta Hills CoC	
North Arkansas Human Services System, Inc.	Ms. Kathleen H. Kane
P.O.Box 2578	Sonoma County, California - CoC Plan
Batesville, AR 72503	2002
(870) 793-8900	Sonoma County Community Development Commission
	1440 Guerneville Road
Mr. Donald R. Sampson	Santa Rosa, CA 95403
Southeast Arkansas	(707) 565-7509
City of Pine Bluff	
200 East 8th Street Room 103	Ms. Cynthia Belon
Pine Bluff, AR 71601	Contra Costa County CoC Advisory Board
(870) 543-1820	Director of County Homeless Program
	County Office of Homeless Programs,
Ms. Gayle Vickers	Department of Health Services
Northeast Arkansas (Clay County/Jonesboro) CoC	597 Center Avenue, Suite 355
Executive Director NEACC	Martinez, CA 94553-1299
City of Jonesboro	(925) 313-6736
515 West Washington	
Jonesboro, AR 72403	
(870) 933-4635	

California	California
Mr. Tom Melville	Ms. LeeAnn Hatton
County of Monterey	Kings/Tulare CoC
Coalition of Homeless Services	Community Services & Employment
Providers	Training, Inc. (C-SET)
220 12th Street	P.O. Box 1350
Marina, CA 93933	Visalia, CA 93279
(831) 883-3080	(559) 732-4194
Ms. Elizabeth Smith	Ms. Mary Moore
Marin County	Fresno/Madera CoC
Marin Continuum of Housing and	Fresno Housing Authority
Services	P.O. Box 11985
29 Mary Street	Fresno, CA 93776-1985
San Rafael, CA 94901	(559) 445-8923
(415) 485-1489 * 104	
Ms. Cecilia Espinola	Ms. Janice Critchlow
County-Wide Continuum of Care, Santa	Placer Co. Consortium on Homelessness
Cruz County, California	and Affordable Housing
County of Santa Cruz Human	Greater Collaborative
Resources Agency	2280 Grass Valley Highway
1000 Emeline Avenue	Auburn, CA 95603
Santa Cruz, CA 95060	(916) 924-0534
(831) 454-4897	Mr. Sergei Shkurkin
	County of Yolo
Ms. Alison Glassey	Yolo County Homeless Coordinator
Mendocino County	Yolo County Homeless Coordinator
P.O. Box 839	1029 Clark Court
Ukiah, CA 95482	Davis, CA 95616
(707) 463-7733	(916) 837-9050
Ms. Michele Gonzales	Ms. Jenny Gomez
Stanislaus County Housing & Support	Napa County CoC, Napa County,
Services Collaborative	California
Stanislaus County Housing Authority	Napa Housing Authority
P.O. Box 581918	2140 Jefferson Street , Suite A
Modesto, CA 95357	Napa, CA 94558
(209) 557-2025	(707) 257-9543
Mr. Chris Becerra	Ms. Janet Murray
San Joaquin County CoC	Solano County CoC Group
1810 E. Hazelton Avenue	Chairperson
Stockton, CA 95205	Solano Safety Net
(209) 468-3157	Consortium-Community Action
	Agency
Ms. Wendy Goldberg	City of Fairfield Housing Services
San Mateo Homeless CoC	Fairfield, CA 94533
San Mateo County Office of Housing	(707) 428-7385
262 Harbor Boulevard, Building A	
Belmont, CA 94002-4017	Mr. Thomas P. Tenorio
(650) 802-3378	Butte County
	Community Action Agency of Butte
	County, Inc.
	2255 Del Oro Avenue
	Oroville, CA 95965
	(530) 538-7559 * 105

California	California
Mr. Robert J. Scott	Mr. Mark A. Smith
Redding- Shasta County	City of Bakersfield and County of Kern,
FaithWORKs	CA
1254 California Street	Community Development Program
Redding, CA 96001	Department
(530) 242-1492	County of Kern - Community
	Development Program Division
Ms. Karen Olson	2700 "M" Street, Suite 250
Arcata/ Humboldt County	Bakersfield, CA 93301
Arcata House, Incorporated	(661) 862-5021
735 12th Street , Suite E	
Arcata, CA 95521	Ms. Cathy Brudnicki
(707) 822-4528	Ventura County Homeless and Housing
	Coalition
Mr. Mitchell Netburn	Ventura County Homeless and
County of Los Angeles, Ca	Housing Coalition
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Los Angeles, CA 90013	Ms. Corinne Schneider
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	City of Long Beach
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City of San Diego - Community	
Services	Ms. Eunice Gray
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San Diego, CA 92101	Commission
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Community Development Divisio	(626) 744-8300
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	Manager
Ms. Patricia Gabel	Department of Public Social Services
County of Santa Barbara, CA	-- County of Riverside
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Santa Barbara, CA 93101	
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	Community Services Department
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County of San Diego - Department of Housing and Community Departm	Colorado Balance of State Continuum of Care Advisory Board
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Oxnard, CA 93030	Denver, CO 80236
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County of Imperial	Greater Danbury CoC
Chair, El Centro Regional Task Force on Homeless	City of Danbury Department of Welfare & Social Services
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1401 D Street	Danbury, CT 06810
Brawley, CA 92227	(203) 796-1580
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Connecticut Balance-of-State (BOS) CoC	
State of Connecticut Department of	District of Columbia
Mental Health & Addiction Svcs	
410 Captial Avenue	Mrs. Sue Marshall
Hartford, CT 06134	District of Columbia Homeless Services
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Greater Stamford/Greenwich CoC	
Shelter for the Homeless, Inc.	Mr. James Joyce
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Miami, FL 33128	Association of Dade Cou
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Sinajana, GU 96910	County
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Hawaii	425 East State Street
	Rockford, IL 61104
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(808) 832-5930	
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	Madison County Community
Ms. Melanie Curtis	Development
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Boise City Ada County Housing	Edwardsville, IL 62025
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Administrator	
Dupage County Human Services	
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City of DeKalb Community Services	Dove, Incorporated
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Chicago, IL 60622	719 Batavia Avenue
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Suburban Cook County	Rock Island, IL 61201
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Palatine, IL 60074	
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(309) 837-3941	
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South Bend/St. Joseph County	Mr. Russ Kock
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South Bend, IN 46601	Development Division
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Department of Community	Mr. Lyle A. Schwery
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Ms. Mary Jenkins	
Evansville	
Department of Metropolitan	Kansas
Development	
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Indianapolis, IN 46204	Unified Government of Wyandotte
(317) 232-7117	County / Kansas City
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Kansas Department of Commerce and	Southwestern Louisiana Homeless
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United Community Services of	C/O Housing Authority of Bossier
Johnson County	805 1st Street East
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Kentucky	New Orleans/Jefferson Parish CoC
Ms. Natalie Hutcheson	Unity for the Homeless
Commonwealth of Kentucky CoC	2475 Canal Street, Suite 300
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Louisville, KY 40203	President/CEO
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Ms. Irene Gooding	1515 Jackson Street
Lexington/ Fayette County CoC	Monroe, LA 71202
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Mr. James Gallagher	Harford County Dept. of Community
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Inc.	2660 Riva Road
154 North Hollowood Road	Annapolis, MD 21401
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Ms. Nancy Zinn	City of North Hampton
Mid-Shore Regional CoC	210 Main Street
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101 Summit Avenue	
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	(413) 787-6500
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	Kalamazoo County CoC
Mr. Chuck Kieffer	Local Initiatives Support Corporation
State of Michigan CoC	119 North Church Street, Suite 201
Homeless Program Coordinator	Kalamazoo, MI 49007
Michigan State Housing Development	(616) 343-5472
Authority	
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	124 West Michigan Avenue 4th Floor
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City of Detroit CoC	(517) 483-4477
Homeless Action Network of Detroit	
16630 Wyoming	Mr. Mark Roby
Detroit, MI 48221	Ann Arbor/Washtenaw County CoC
(313) 862-8042	Washtenaw County Planning
	Department
Ms. Jennifer D. Lepard	705 North Zeeb Road
Out - Wayne County CoC	Ann Arbor, MI 48107
Wayne-Metro CAA	(734) 994-2435
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	Veteran's Administration Hospital
Ms. Gail A. Laufle	1500 Weiss Street
Macomb County CoC	Saginaw, MI 48602
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Clinton Township, MI 48036	
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Ms. Kathy Williams	Chair
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Improvement	Adrian, MI 49221
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Pontiac, MI 48341-0414	
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	Traverse City/Antrim & Leelanau
Ms. Michele O'Dell	County CoC
Flint/Genesee County CoC	Northwest Michigan Human Services
Metro Housing Partnership,	Agency
Incorporated	3963 Three Mile Road
519 Mott Foundation Building	Traverse City, MI 49686
Flint, MI 48502	(231) 947-3780
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c/o West Central Minnesota Housing	
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Fergus Falls, MN 56537	Multi County Community Service
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St. Louis County Planning	
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Scott-Carver-Dakota CAP Agency	
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Partnership	Mr. William F. Siedhoff
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	Mr. Virgil Hill
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State of Missouri CoC - Non-Metro/Rural	State of Montana CoC
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Greater St. Joseph CoC	
City of Joseph	Mr. Bradd Schmeichel
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Homeless Services Coalition of	Ms. Sharon C. Fox
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Mr. Mark Riley	Southeast Nebraska CoC
Independence CoC	Blue Valley Community Action, Inc.
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Services	Fairbury, NE 68352
10901 E. Winner Road	(402) 729-2278 * 106
Independence, MO 64052	
(816) 254-3652	
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Henry County	
Program Manager	Mrs. Shawna Parker
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Division of Behaviora105 Pleasant Street	
Concord, NH 03301	Ms. Darice Toon-Bell
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	Director
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City of Manchester	30 Montgomery Street, Room 404
President	Jersey City, NJ 07302
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C/O Families in Transi 122 market Street	
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Mr. Peter Kelleher	Administration Building - 5th Floor, JFK
City of Nashua	New Brunswick, NJ 08901
Harbor Homes, Inc.	(732) 745-4228
12 Amherst Street	
Nashua, NH 03064	Ms. Virginia A. Edwards
(603) 882-3616	Monmouth County
	Monmouth County Community
New Jersey	Development
	Hall of Records Annex, One East Main Str
Mr. John McLernon	Freehold, NJ 07728
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Atlantic City, NJ 08401	Ms. Laura Horchak
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	County of Morris
Ms. Angela Drakes	P.O. Box 900
Bergen County	Morristown, NJ 07963-0900
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Hackensack, NJ 07601	Ms. Pat Lane
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	Planning Department - County of
Ms. Ann Kline	Ocean
Burlington County	P.O. Box 2191
Burlington County Community	Toms River, NJ 08754-2191
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Mount Holly, NJ 08060	
(609) 265-5072	

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Paterson, NJ 07505	Services -City of Albuquerque
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	Albuquerque, MN 87103
Ms. Rosalee Yurasko	(505) 768-2860
Somerset County	
Community Development Office	Mr. Hank Hughes
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Somerville, NJ 08876	New Mexico Coalition to End
(908) 231-7039	Homelessness
	P.O.Box 865
Mr. Ollie Green	Santa Fe, NM 87504
City of Trenton CoC	(505) 982-9000
Director Community Relations &	
Social Srvs.	
224 East State Street	
Trenton, NJ 08609	New York
(609) 989-3349	
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Ms. Rosita Fletcher	Rochester - Monroe County
Union County CoC	Monroe County DDS
Divison Director	111 Westfall Road
Department of Human Services,	Rochester, NY 14620
Division of Planning	(585) 274-6627
Administration Building	
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	215 E. Church Street
Mr. Cris Erwin	Elmira, NY 14901
Warren County	(607) 734-9784 * 129
Director	
Easter Seals, New Jersey	Mr. Bradley S. Bridge
	Saratoga County - City of Saratoga
(732) 257-6662	Springs
	Community Development Director
Ms. Aimee P. Hoch	City of Saratoga Springs
Hunterdon County	City Hall - 474 Broadway
Director	Saratoga Springs, NY 12866
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Ms. Pat Devaney	Homelessness
Cape May County CoC	c/o CARES, Inc. 85 Watervliet Avenue
Director	Albany, NY 12206
Cape May County Department of	(518) 489-2312
Human Services	
4 Moore Road	
Cape May Court House, NJ 08210	
(609) 465-1055	

New York	New York
Ms. Candy Plants	Ms. Carole Coppens
Cattaraugus County CoC	Broome County/City of Binghamton
Cattaraugus Community Action, Inc.	Exexcutive Director
25 Jefferson Street	YWCA
Salamanca, NY 14779	80 Hawley Street
(716) 945-1041 * 15	Binghamton, NY 13901
	(607) 772-0340 * 227
Ms. Kim Dupcak	
Syracuse/Clay/Onondaga County CoC	Ms. Linda Glassman
Interreligious Council	City of Troy and Rensselaer County
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Syracuse, NY 13224	Coalition
(315) 449-3552 * 106	c/o YMCA of Troy-Cohoes
	Troy, NY 12180
Mr. Kevin Williams	(518) 489-2312
Steuben County CoC	
The Institute for Human Sevices	Mr. Martin Teller
6666 County Road	Ontario and Wayne Counties, CoC
Bath, NY 14810-7722	Finger Lakes Addictions Counseling
(607) 776-9467	and Referral Agency, Inc.
	28 East Main Street
Ms. Linda Glassman	Clifton Springs, NY 14432
City and County of Schenectady, CoC	(315) 462-9466
c/o United Way of Schenectady, Inc.	
650 Franklin Street	Mr. Thomas J. Whitney
Schenectady, NY 12301	Chautauqua County CoC
(518) 489-2312	Executive Director
	Southern Teir Environments for
	Living, Inc.
Mr. William T. O'Connell	715 Central Avenue
Erie County CoC	Dunkirk, NY 14048
Erie County Commission	(716) 366-3200
Homelessness	
190 Franklin Street	Ms. Cheryl Blacklock
Buffalo, NY 14202	Niagara County CoC
(716) 852-6120 * 270	YWCA of Niagara
	32 Cottage Street
Ms. Kelly A. Beil	Lockport, NY 14094
Allegany County CoC	(716) 433-6717
ACCORD Corporation	
84 Schuyler Street, PO Box 573	Mr. Bill DiSefano
Belmont, NY 14813	New York City Coalition on the CoC
(585) 268-7605	Department of Homeless Services
	33 Beaver Street
Ms. Margaret F. Dill	New York, NY 10004
Tompkins County CoC	(212) 361-8531
Human Services Coalition	
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Ithaca, NY 14882	County of Dutchess
(607) 273-8686	Dutchess County Department of
	Planning and Development
	27 High Street
	Poughkeepsie, NY 12601
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New York	North Carolina
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Crystal Run Village Inc.	Ph.D.,
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Middletown, NY 10941	225 West Fifth Street, Suite 300
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	(336) 727-8597
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Suffolk County CoC Group	Ms. Robin L. Merrell
Executive Director, NSCH	Asheville-Buncombe CoC
Nassau-Suffolk Coalition for the	Pisgah Legal Services
Homeless, Inc.	P. O. Box 2276
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Garden City, NY 11530	(828) 253-0406
(516) 742-7770	
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Ms. Jennifer Schaffer	Durham CoC
The Westchester Partnership	Affordable Housing Coalition
Westchester County Department of	331 W. Main Street
Community Mental Health	Durham, NC 27701
112 East Post Road, Room 219	(919) 683-1185 * 27
White Plains, NY 10601	
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	High Point NC
Ms. Joan Noguera	City of High Point
Nassau County Continuum of Care Group	P. O. Box 230
Nassau-Suffolk Coalition for the	High Point, NC 27261
Homeless	(336) 883-3689
38 Old County Road	
Garden City, NY 11530	Ms. Cynthia Blue
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	Department of Housing &
Mr. Joseph F. Abate	Community Development
County of Rockland, Office of	PO Box 3136
Community Development	Greensboro, NC 27402
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	Charlotte-Mecklenburg
Ms. Veronica Uss	Mecklenburg Country ACCESS
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Sullivan County	Charlotte, NC 28206
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Monticello, NY 12701	
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	Wilmington Tri-County
Mr. Marshall Beckman	Southeastern Center for MH/DD/SAS
Ulster County Housing Consortium	2023 South 17th Street
Director	Wilmington, NC 28401
UC Mental Health Department	(910) 251-6560
239 Golden Hill Lane	
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North Carolina	North Carolina
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CoC	Northwestern Continuum of Care
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(910) 947-5675	
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Ms. Mary McCreight	
Gaston-Lincoln-Cleveland Tri-County	Ms. Dena Filler
COC	North Dakota Statewide
City of Gastonia	Chair, ND Coalition for Homeless
181 South Street	People, Inc.
Gastonia, NC 28053-1748	Domestic Violence Crisis Center, Inc.
(704) 866-6753	P.O. Box 881
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Cumberland County Community	Ohio
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Burlington, NC 27217	Manager Program & Budgets
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Inter-Faith Council for Social Service	Mrs. Ruth Gillett
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C/O Neuse Center MH/DD/SAS	
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Ms. Kathy Chambers	Columbus, OH 43215
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Statesville Housing Authority	
110 W Allison Street	
Statesville, NC 28677	
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Mrs. Helen Tomic	Revitalization Manager
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Ohio Balance of State	
Ohio Department of Development	Oregon
77 South High Street	
Columbus, OH 43216-1001	Mr. Steve Manela
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	Manager Human Services Commission
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Mr. Johnny Bryant	Jackson County
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Services	Coalition
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Clackamas County Community	Department of Community
Development	Development
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(503) 655-8591	(610) 344-6900
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	Reading-Berks
	Berks County
Ms. Dainette Mintz	633 Court Street
City of Philadelphia	Reading, PA 19601
Office of Housing & Community	(610) 478-6375
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	Central-Harrisburg Region of
Ms. Angela C. Smith	Pennsylvania
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	Lackawanna Neighbors, Inc.
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Lancaster, PA 17608	Chairperson
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Department of Community and	
Business Development	Mr. Mark W. Alexa
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York County CoC	
York County Planning Commission	
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York, PA 17401	
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Ms. Niall Sexton	3255 Lafayette Street
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Federal Register

**Wednesday,
October 15, 2003**

Part III

General Services Administration

48 CFR Parts 511 and 552

**General Services Administration
Acquisition Regulation; Defense Priorities
and Allocations System; Proposed Rule**

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 511 and 552

[GSAR Case No. 2003–G502]

RIN 3090–AH88

General Services Administration Acquisition Regulation; Defense Priorities and Allocations System

AGENCY: Office of Acquisition Policy,
General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to implement the Defense Priorities and Allocations System (DPAS) within the GSA Federal Supply Service (FSS).

DATES: Interested parties should submit comments to the Regulatory Secretariat at the address shown below on or before November 14, 2003, to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to—

General Services Administration,
Regulatory Secretariat (MVA), 1800 F Street,
NW., Room 4035, Attn: Ms. Laurie Duarte,
Washington, DC 20405.

Submit electronic comments via the Internet to *GSARcase.2003–G502@gsa.gov*.

Please submit comments only and cite 2003–G502 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat at (202) 501–4225, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Gerald Zaffos, Procurement Analyst, at (202) 208–6091. Please cite GSAR case 2003–G502.

SUPPLEMENTARY INFORMATION:

A. Background

FAR Subpart 11.6 implements the Defense Priorities and Allocations System (DPAS), a Department of Commerce (DoC) regulation in support of the national defense (see 15 CFR part 700). The DoC delegates authority to Delegate Agencies to place priority ratings on contracts and orders that support authorized programs. GSA is a Delegate Agency.

FAR 11.603(f) instructs agencies to provide contracting officers with specific guidance on the issuance of rated orders. The GSA Federal Supply Service issues single award and multiple award Federal Supply

Schedule contracts. These contracts are not rated orders as defined by DPAS. However, from time to time, an order placed against one of these schedule contracts may be a rated order. This rule would provide GSA contracting officers with the required specific guidance by adding a new subpart to the GSAR. The rule also requires the use of a clause that explains to schedule contractors their obligations under DPAS.

B. Executive Order 12866

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

GSA does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule primarily provides instructions for GSA contracting officers on including a contract clause in Federal Supply Schedules, and information on placing DPAS rated orders. Contractors are already required to give priority to DPAS rated orders under Title I of the Defense Production Act of 1950, as amended (50 U.S.C. app 2061, *et seq.*) An Initial Regulatory Flexibility Analysis has, therefore, not been performed. GSA will consider comments from small entities concerning the affected GSAR subparts 511 and 552 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite GSAR case 2003–502, in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed change to the GSAR does not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 511 and 552

Government procurement.

Dated: October 7, 2003.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy.

Therefore, GSA proposes to amend 48 CFR parts 511 and 552 as set forth below:

1. The authority citation for 48 CFR parts 511 and 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

PART 511—DESCRIBING AGENCY NEEDS

2. Subpart 511.X is added to read as follows:

Subpart 511.X—PRIORITIES AND ALLOCATIONS

Sec.

511.X00 Scope of subpart.
511.X01 Definitions.
511.X02 General.
511.X03 Procedures.
511.X04 Solicitation provision and contract clause.

511.X00 Scope of subpart.

FAR Subpart 11.6 implements the Defense Priorities and Allocations System (DPAS), a Department of Commerce (DoC) regulation (15 CFR part 700) to assure timely delivery of industrial resources (products, materials, and services) in support of approved national defense, energy, and civil emergency preparedness (Homeland Security) programs. Pursuant to DPAS Delegation 3, DoC delegated GSA the authority to use the DPAS in support of the GSA Federal supply system. This subpart implements the DPAS within GSA.

511.X01 Definitions.

As used in this subpart—

Approved Program means a program determined as necessary or appropriate for priorities and allocations support to promote the national defense. See Schedule 1 of 15 CFR part 700 for a list of Delegate Agencies, approved programs, and program identification symbols at <http://www.bxa.doc.gov/DefenseIndustrialBasePrograms/OSIES/DPAS/Default.htm>.

Authorized person means a Delegate Agency, or other entity either permitted under 15 CFR part 700, or explicitly authorized by Department of Commerce to issue DPAS rated orders.

Delegate Agency means an agency of the U.S. Government authorized by delegation from Department of Commerce to place priority ratings on contracts or orders needed to support approved programs.

Defense Priorities and Allocations System (DPAS) means the regulation published at 15 CFR part 700 that requires preferential treatment for certain contracts and orders placed by a Delegate Agency in support of an approved program.

Rated Order means a delivery or task order placed by a Delegate Agency

under the provisions of the Defense Priorities and Allocations System in support of an approved program and which requires preferential treatment as necessary to meet delivery requirements. This includes orders placed by the contractor to subcontractors or suppliers for required products, materials, and services resulting from such orders.

511.X02 General.

(a) The purpose of the Defense Priorities and Allocations System is to assure the timely availability of industrial resources to meet current national defense, energy, and civil emergency preparedness program requirements and to provide an operating system to support rapid industrial response in a national emergency. The primary statutory authority for the DPAS is Title I of the Defense Production Act of 1950, as amended, with additional authority from the Selective Service Act of 1948, and the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Executive Orders 12919 and 12742 delegate this authority to the Department of Commerce to administer the DPAS. DoC is further authorized to redelegate to heads of other departments and agencies (Delegate Agencies) authority under the DPAS for the priority rating of contracts and orders in support of approved programs. Within DoC, the Office of Strategic Industries and Economic Security (SIES) is assigned the implementation, administration, and compliance responsibilities for the system.

(b) The DPAS is published in the Code of Federal Regulations at 15 CFR part 700. This regulation provides an overview, a detailed explanation of operations and procedures, and other implementing guidance, including information on special priorities assistance and compliance.

(c) Orders placed under DPAS are "rated orders." Rated orders must receive preferential treatment only as necessary to meet delivery requirements. Rated orders are identified by a rating symbol of either "DX" or "DO" followed by a program identification symbol. All "DO" rated orders have equal priority with each other and take preference over unrated orders. All "DX" rated orders take preference over "DO" rated orders and unrated orders. A program identification symbol indicates which approved program is supported by the rated order.

(d) Only authorized persons may place an order containing a DPAS priority rating.

(e) Within GSA, the Federal Supply Service (FSS) has been delegated the authority to issue rated orders to meet approved national defense, energy, and civil emergency preparedness program requirements of the supply distribution program. The Commissioner, FSS, shall issue additional guidance, as may be necessary, to ensure effective implementation of its delegated DPAS authority, such as the exclusions listed in paragraph F.(2) of the 1998 Doc Delegation.

(f) Executive Order 12919 defines the jurisdictional limitations as set forth in 15 CFR 700.18(b).

511.X03 Procedures.

(a) A DPAS rating may be placed against an entire contract at time of award or an individual order issued under an existing, otherwise unrated, contract.

(b) When a DPAS rating is placed against an entire contract, the contracting officer must include the clause and provision prescribed at FAR 11.604, as well as the elements listed in paragraphs (c)(1) through (c)(3) of this section (see 15 CFR part 700.12.)

(c) When a DPAS rating is placed against an individual order issued under an existing, otherwise unrated, contract, the order must include the following elements (see 15 CFR part 700.12):

(1) The appropriate priority rating symbol (*i.e.*, either "DO" or "DX") along with the program identification symbol. As required by the 1998 DoC Delegation to GSA, when GSA contracting officers place DO rated orders, they will use program identification symbol K1. When placing a DX rated order for other agencies, GSA contracting officers will use the requesting agency program identification symbol. When a Delegate Agency places its own orders, it uses its own program identification symbol. (See Schedule 1 of 15 CFR part 700 for a listing of Delegate Agencies, approved programs, and program identification symbols).

(2) A required delivery date. The words "as soon as possible" or "immediately" do not constitute a required delivery date. A specific date or a specified number of days ARO (after receipt of order) is acceptable.

(3) The written signature on a manually placed order, or the digital signature or name on an electronically placed order of an individual authorized to place rated orders.

(4)(i) A statement that reads substantially as follows:

(ii) "This is a rated order certified for national defense use, and you are required to follow all the provisions of

the Defense Priorities and Allocations System regulation (15 CFR part 700)."

(d) Multiple and Single Award Schedule contracts are not rated at time of award. Individual DPAS rated orders must include the elements listed in paragraphs (c)(1) through (c)(4), of this section.

511.X04 Solicitation provision and contract clause.

The contracting officer must insert in full text the clause at 552.211–15, Defense Priorities and Allocations System Requirements, in Single and Multiple Award Schedule solicitations and resultant contracts except where the contract is wholly for products, materials, or services excluded from DPAS applicability (see 15 CFR part 700.18).

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Add section 552.211–XX to read as follows:

552.211–XX Defense Priorities and Allocations System Requirements.

As prescribed at 511.X04, insert the following clause:

Defense Priorities and Allocations System Requirements (Date)

(a) *Definitions.* *Approved Program* means a program determined to be necessary or appropriate for priorities and allocations support to promote the national defense (see Schedule 1 of 15 CFR part 700 for a list of Delegate Agencies, approved programs, and program identification symbols.)

Delegate Agency means an agency of the U.S. Government authorized by delegation from the Department of Commerce (DoC) to place priority ratings on contracts or orders needed to support approved programs.

Defense Priorities and Allocations System (DPAS) means the regulation published at 15 CFR part 700 that requires preferential treatment for certain contracts and orders placed by a Delegate Agency in support of an approved program.

Rated order means, for the purpose of this contract, a delivery or task order placed by a Delegate Agency under the provisions of the DPAS in support of an approved program and which requires preferential treatment as necessary to meet delivery requirements. This includes orders placed by the Contractor to subcontractors or suppliers for required products, materials, and services resulting from such orders.

(b) *Rated order requirement.* From time to time, the Contractor may receive a rated order under this contract from a Delegate Agency. The Contractor must give preferential treatment to rated orders as required by the Defense Priorities and Allocations System (DPAS) regulation (15 CFR part 700). The existence of previously accepted unrated or lower rated orders is not sufficient reason to reject a rated order. Rated

orders take preference over all unrated orders as necessary to meet required delivery dates. There are two levels of ratings designated by the symbol of either "DO" or "DX." All "DO" rated orders have equal priority with each other and take preference over unrated orders. All "DX" rated orders take preference over "DO" rated orders and unrated orders. The rating designation is followed by a

program identification symbol. Program identification symbols indicate which approved program is supported by the rated order (see Schedule 1 of 15 CFR part 700 for a list of Delegate Agencies, approved programs, and program identification symbols).

(c) *Additional information.* Additional information may be obtained at the DoC

DPAS web site www.bxa.doc.gov/DefenseIndustrialBasePrograms/OSIES/DPAS/Default.htm or by contacting the designated Administrative Contracting Officer.

(End of clause)

[FR Doc. 03-26024 Filed 10-14-03; 8:45 am]

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comments due by 10-24-03; published 8-19-03 [FR 03-21121]

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Program regulations:
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Program regulations:
Direct farm loan programs; appraisals; comments due by 10-20-03; published 8-21-03 [FR 03-21422]

AGRICULTURE DEPARTMENT**Rural Utilities Service**

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Direct farm loan programs; appraisals; comments due by 10-20-03; published 8-21-03 [FR 03-21422]

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://>

www.nara.gov/fedreg/plawcurr.html.

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H.R. 1925/P.L. 108-96

Runaway, Homeless, and Missing Children Protection Act (Oct. 10, 2003; 117 Stat. 1167)

H.R. 2826/P.L. 108-97

To designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building". (Oct. 10, 2003; 117 Stat. 1173)

S. 570/P.L. 108-98

To amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools. (Oct. 10, 2003; 117 Stat. 1174)

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