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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[CGD05–03–195]

RIN 1625–AA01

Anchorage Grounds; Delaware Bay and River

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the regulations that govern Anchorage 5, southeast of Pea Patch Island, due to U.S. Army Corp of Engineers dredging operations in the anchorage. This regulation will help ensure the safety of vessels anchoring in Anchorage 5 while dredging operations are ongoing. Mariners must receive approval from the Captain of the Port Philadelphia before using the anchorage and

DATES: This rule is effective from December 9, 2003, until December 31, 2003.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05–03–195 and are available for inspection or copying at Coast Guard Fifth District, 431 Crawford Street, Portsmouth, Virginia, 23704, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Roger Smith, Coast Guard Fifth District Marine Safety Division, at (757) 398–6389.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and (d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this regulation effective less than 30 days after publication in the **Federal Register**. On November 28, 2003, a contractor for the Army Corps of Engineers began conducting dredging operations, which are potentially hazardous to mariners in New Castle Range Ship Channel and in Anchorage 5 southeast of Pea Patch Island. Publishing an NPRM, allowing for a comment period, and/or waiting 30 days after publication before making this regulation effective is impracticable and contrary to public interest. Immediate action is needed to protect mariners against the potential hazards associated with the dredging operation. Advance notification will be made to affected mariners via marine information broadcasts.

Background and Purpose

The U.S. Army Corps of Engineers (USACE) conducts dredging operations on the Delaware River in the vicinity of New Castle Range Ship Channel to maintain the 46-foot project depth.

To reduce the hazards associated with dredging the channel, mariners must receive approval from the Captain of the Port Philadelphia before using Anchorage 5 while the operations are ongoing.

Discussion of Temporary Final Rule

Currently in paragraph (b)(2) of 33 CFR 110.157, vessels are allowed to anchor for up to 48 hours in the anchorage grounds listed in § 110.157(a), which includes Anchorage 5. However, because of underwater dredge piping in Anchorage 5 southeast of Pea Patch Island, the Coast Guard is temporarily adding paragraph (b)(12) in 33 CFR 110.157 to protect mariners from encountering hazards within Anchorage 5. All vessels desiring to use Anchorage 5 must obtain permission from the Captain of the Port 24 hours prior to anchoring. The Coast Guard expects that vessels normally permitted to anchor in Anchorage 5 will make arrangements to anchor elsewhere during the dredge operations, as there are 15 other anchorages in the local area.

Regulatory Evaluation

This temporary rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS) because we expect the economic impact of this rule to be so minimal. There are fifteen other anchorages in the local area for use by mariners. Also, New Castle Range is not near any critical infrastructure or marine terminals and Anchorage 5 is rarely used by the public or by the river pilots.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we 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.

Therefore, the Coast Guard certifies under section 605(b) of the regulatory Flexibility Act (5 U.S.C 605(b)) that this rule will not have a significant impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: the pilots association, the supply boat providers, and the tugboat operators. However, there are fifteen other anchorages in the local area for use by these small businesses. This temporary regulation will not have a significant impact on a substantial number of entities for the following reasons: Anchorage 5 is rarely used, as other anchorages are more convenient to these businesses. In addition, the New Castle Range is not near any critical infrastructure or marine terminals.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of federal employees who enforce or otherwise determine compliance with federal regulations to

the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–743–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such 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 considered the environmental impact of temporarily restricting the usage of Anchorage 5 and concluded under figure 2–1, paragraph (34)(f), of Commandant Instruction M16475.lD, that this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035 and 2071; 33 CFR 1.05–1(g). Department of Homeland Security Delegation No. 0170.1.

■ 2. From December 9, 2003, until December 31, 2003, add temporary § 110.157(b)(12) to read:

§ 110.157 Delaware Bay and River.

* * * * *

(b) * * *

(12) All vessels desiring to use Anchorage 5 southeast of Pea Patch Island must obtain permission from the Captain of the Port 24 hours prior to anchoring. The Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf. The Captain of the Port may be contacted by telephone at (215) 271–4807 or via channels 13 and 16 on VHF marine band radio.

* * * * *

Dated: December 9, 2003.

Sally Brice-O'Hara,

Rear Admiral, Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 03–31391 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No.: 2003–P–001]

RIN 0651–AB57

Changes to Implement the 2002 *Inter Partes* Reexamination and Other Technical Amendments to the Patent Statute

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The 21st Century Department of Justice Appropriations Authorization Act contains a title relating to intellectual property. The patent-related provisions in the intellectual property title of the 21st Century Department of Justice Appropriations Authorization Act include provisions permitting a third party requester in an *inter partes* reexamination proceeding to appeal a final decision by the Board of Patent Appeals and Interferences (BPAI) to the U.S. Court of Appeals for the Federal Circuit (Federal Circuit), and to participate in the patent owner's appeal of a final decision by the BPAI to the Federal Circuit. The patent-related provisions of the 21st Century Department of Justice Appropriations Authorization Act also include technical amendments to the provisions directed to *inter partes* reexamination, 18-month publication of patent applications and provisional rights, and issuance of patents. The United States Patent and Trademark Office (Office) is revising the rules of practice to implement the patent-related provisions of the 21st Century Department of Justice Appropriations Authorization Act, and other miscellaneous changes

related to appeals in reexamination proceedings.

EFFECTIVE DATE: January 21, 2004.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Schor or Gerald A. Dost, Senior Legal Advisors. Kenneth M. Schor may be contacted by telephone at (703) 308–6710; by mail addressed to: U.S. Patent and Trademark Office, Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Kenneth M. Schor; by facsimile transmission to (703) 872–9408, marked to the attention of Kenneth M. Schor; or by electronic mail message over the Internet addressed to *kenneth.schor@uspto.gov.* Gerald A. Dost may be contacted by telephone at (703) 305–8610; by mail addressed to: U.S. Patent and Trademark Office, Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Gerald A. Dost; by facsimile transmission to (703) 308–6916, marked to the attention of Gerald A. Dost; or by electronic mail message over the Internet addressed to *gerald.dost@uspto.gov.*

SUPPLEMENTARY INFORMATION: The American Inventors Protection Act of 1999 (AIPA), enacted on November 29, 1999, contained a number of changes to title 35, United States Code (U.S.C.). *See* Pub. L. 106–113, 113 Stat. 1501, 1501A–552 through 1501A–591 (1999). The 21st Century Department of Justice Appropriations Authorization Act, enacted on November 2, 2002, contained technical corrections to the AIPA, as well as other technical amendments to title 35, U.S.C. *See* Pub. L. 107–273, 116 Stat. 1758, 1899–1906 (2002). This final rule revises the rules of practice in title 37 CFR to implement the patent-related provisions of the 21st Century Department of Justice Appropriations Authorization Act (and other related miscellaneous changes).

I. *Third Party Requester Appeal Rights to United States Court of Appeals for the Federal Circuit:* Optional *inter partes* reexamination was newly enacted in the AIPA. The AIPA provided that the patent owner in an *inter partes* reexamination could appeal a decision of the BPAI (adverse to patent owner) to the Federal Circuit. The third party requester of the *inter partes* reexamination, however, was specifically precluded from appealing a decision of the BPAI to the Federal Circuit. *See* 35 U.S.C. 134(c) as amended by the AIPA, 113 Stat. at 1501A–571. In addition, the AIPA did not permit the third party requester to be a party to (*i.e.*, participate in) an appeal taken by the patent owner to the Federal Circuit.

The Office published a final rule in December of 2000 revising the rules of practice in patent cases to implement the optional *inter partes* reexamination provisions of the AIPA. *See Rules to Implement Optional Inter Partes Reexamination Proceedings,* 65 FR 76755 (Dec. 7, 2000), 1242 *Off. Gaz. Pat. Office* 12 (Jan. 2, 2001) (final rule). Section 1.983 is promulgated to codify in the rules of practice the patent owner's statutory right, under 35 U.S.C. 141, to appeal to the Federal Circuit in *inter partes* reexamination proceedings. Because the third-party requester of an *inter partes* reexamination was previously expressly precluded under 35 U.S.C. 134(c) (as amended by the AIPA) from appealing the decision of the BPAI to the Federal Circuit, the rules of practice did not previously provide for such an appeal. Likewise, because there was no authority in the statute for the third party requester to participate in an appeal taken by the patent owner to the Federal Circuit, no such provision of the rules was provided. Finally, because the third-party requester of an *inter partes* reexamination was precluded under 35 U.S.C. 134(c) (as amended by the AIPA) from appealing the decision of the BPAI to the Federal Circuit, no provision in the rules concerning patent owner participation in a third-party requester appeal was provided.

Section 13106 of Public Law 107–273 now grants the *inter partes* reexamination third party requester the right to appeal an adverse decision of the BPAI to the Federal Circuit. *See* 35 U.S.C. 315(b)(1). It further authorizes the third party requester to be a party to any appeal taken by the patent owner to the Federal Circuit. *See* 35 U.S.C. 315(b)(2). Moreover, section 13106 of Public Law 107–273 also permits the patent owner to be a party to an appeal taken by the third party requester to the Federal Circuit. This is so because 35 U.S.C. 315(a)(2) as enacted by the AIPA states that the patent owner involved in an *inter partes* reexamination proceeding ''may be a party to any appeal taken by a third-party requester under subsection (b).'' Therefore, the Office is revising § 1.983 to implement this statutory revision, and making conforming or ancillary amendments to §§ 1.301, 1.304, and 1.979.

II. *Technical amendments to the inter partes reexamination provisions of the American Inventors Protection Act of 1999:* Section 13202 of Public Law 107–273 made technical corrections to statutory provisions directed to *inter partes* and *ex parte* reexamination. The Office is revising §§ 1.191, 1.303, and 1.913 to address the *inter partes* and *ex parte* reexamination technical corrections.

III. *Other miscellaneous changes made to reexamination proceedings:* Additionally, the Office is revising the *inter partes* reexamination rules to avoid the loss of appeal rights during appeals to the BPAI due to certain inadvertent errors on the part of the patent owner or third party requester. Further, the Office is revising the *inter partes* and *ex parte* reexamination appeal rules generally for clarity. These revisions are made in §§ 1.302, 1.959, 1.965, 1.967, 1.971, and 1.977.

IV. Patent and Trademark Efficiency Act Amendments: Section 13203 of Public Law 107–273 is directed to efficiency amendments to the statute. The Office is revising § 1.13(b) to eliminate its requirement for an attestation for certified copies of documents, similar to the elimination of the attestation requirement in 35 U.S.C. 153 as provided in section 13203(c) of Public Law 107–273.

V. Technical amendment related to eighteen-month publication of applications and provisional rights: Sections 13204 and 13205 of Public Law 107–273 made technical corrections to provisions directed to the eighteen-month publication of patent applications and provisional rights, and the issuance of patents. The Office is revising §§ 1.14, 1.78, 1.417, and 1.495 to implement the statutory revisions made by these sections of Public Law 107–273.

Section-by-Section Discussion

Section 1.1: Section 1.1(c) is amended to provide separate mail stops for *ex parte* reexamination proceedings and *inter partes* reexamination proceedings. Section 1.1(c) is amended to clarify that the mail stop for *ex parte* reexamination proceedings can only be used for the original request papers for *ex parte* reexamination. The new mail stop for *inter partes* reexamination includes both original request papers and all subsequent correspondence filed in the Office (other than correspondence to the Office of the General Counsel pursuant to § 1.1(a)(3) and § 1.302(c)). Correspondence relating to *inter partes* reexamination proceedings is best handled at one central location where Office personnel have specific expertise in *inter partes* reexamination because of the unique nature of *inter partes* reexamination proceedings.

Section 1.13: Section 1.13(b) is amended to delete ''attested by an officer of the United States Patent and

Trademark Office authorized by the Director.'' Section 13203(c) of Public Law 107–273 eliminated the requirement in 35 U.S.C. 153 that the signature of the Director for issued patents be attested to by an officer of the Office. To achieve further efficiencies, certified copies of documents will no longer include an attestation for the Director's signature. Accordingly, § 1.13(b) is amended to eliminate the requirement for an attestation for certified copies of documents.

Section 1.14: Section 1.14(g)(2) is amended to correct the reference to ''35 U.S.C. 154(d)(4)''.

Section 1.78: Section 1.78(a)(3) is amended by deleting the phrase ''in a nonprovisional application.'' Section 4508 of the AIPA as originally enacted did not make the eighteen-month publication amendments to 35 U.S.C. 119 and 120 applicable to an international application unless and until it enters the national stage under 35 U.S.C. 371. *See* Public Law 106–113, 113 Stat. at 1501A–566 through 1501A–567. Section 13205 of Public Law 107–273 amended section 4508 of the AIPA to make the eighteen-month publication amendments to 35 U.S.C. 119 and 120 also applicable during the international stage of an international application. With regard to international applications, § 1.78(a)(2)(ii) requires that the reference required by § 1.78(a)(2)(i) be submitted: (1) during the pendency of the later-filed application; and (2) within the later of (A) four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in the later-filed international application, or (B) sixteen months from the filing date of the prior-filed application. Since an abandoned international application is not a nonprovisional application, the petition procedure set forth in former § 1.78(a)(3) was not applicable to a delayed priority claim in an abandoned international application. Section 1.78(a)(3) as amended now makes the petition procedure set forth in § 1.78(a)(3) applicable to submitting a delayed priority claim in an abandoned international application including an international application that has not entered the national stage under 35 U.S.C. 371. Therefore, when filing a ''bypass'' continuation application under 35 U.S.C. 111(a) that claims the benefit of the international application with a filing date on or after November 29, 2000, that could have but did not claim the benefit of an earlier U.S. nonprovisional application or international application designating the United States and the benefit claim is to be added, a petition under § 1.78(a)(3) will be required in the abandoned international application. A ''bypass'' continuation application is an application for patent filed under 35 U.S.C. 111(a) that claims the benefit of the filing date of an earlier international application designating the United States that did not enter the national stage under 35 U.S.C. 371. *See* H.R. Rep. No. 107–685, at 222 (2002). The Office previously indicated that to amend a later-filed abandoned international application to add a claim to the benefit of a prior-filed nonprovisional application, or a prior-filed international application designating the United States, an applicant need only file a petition under § 1.182 to amend an abandoned application (the later-filed international application) with the claim to the benefit of a prior-filed application. *See Requirements for Claiming the Benefit of Prior-Filed Applications Under Eighteen-Month Publication of Patent Applications,* 66 FR 67087, 67092 (Dec. 28, 2001), 1254 *Off. Gaz. Pat. Office* 121, 125 (Jan. 22, 2002) (final rule) (response to comment 6). In view of this change to § 1.78(a), applicants should no longer rely upon that advice.

Section 1.191: Section 1.191(a) is amended to delete each appearance of the phrase ''for a patent that issued from an original application filed in the United States.'' Section 13202(d) of Public Law 107–273 provides a technical correction for the effective date set forth in the AIPA for appeals to the BPAI as follows:

> *Effective Date*—The amendments made by Section 4605(b), (c), and (e) of the Intellectual Property and Communications Omnibus Reform Act, as enacted by Section 1000(a)(9) of Public Law 106–113, shall apply to any reexamination filed in the United States Patent and Trademark Office on or after the date of enactment of Public Law 106–113.

The effective date language in section 4608 of the AIPA limited the applicability of the conforming amendments to 35 U.S.C. 134 to a reexamination of a patent that issued from an original application which was filed on or after November 29, 1999. Thus, the conforming amendments to 35 U.S.C. 134 applied only to those *ex parte* reexamination proceedings filed under § 1.510 for patents that issued from an original application which was filed on or after November 29, 1999. Public Law 107–273 revised the applicability of the conforming amendments to 35 U.S.C. 134 such that the conforming amendments are applicable to a reexamination of a patent where the request for *ex parte* reexamination was filed on or after November 29, 1999. Accordingly, § 1.191 is amended to track the statutory revision of the effective date.

Section 1.191(a) is also subdivided into paragraphs (a)(1) (for applications and *ex parte* reexamination proceedings filed before November 29, 1999), (a)(2) (for *ex parte* reexamination proceedings filed on or after November 29, 1999), and (a)(3) (for *inter partes* reexamination proceedings).

Section 1.197: Section 1.197(c) is amended to provide that an appeal to the Federal Circuit is terminated when the mandate is issued by the Court, rather than when the mandate is received by the Office. This change to § 1.197(c) is for consistency with a 1998 amendment to Rule 41 of the Federal Rules of Appellate Procedure. The commentary on the addition of subdivision (c) to Rule 41 of the Federal Rules of Appellate Procedure indicates that this provision is intended to make clear that the Court's mandate is effective upon issuance, and that its effectiveness is not delayed until receipt of the mandate by the trial court or agency.

Section 1.301: Section 1.301 (last sentence) is amended by inserting the phrase ''appeals by patent owners and third party requesters in'' before ''*inter partes* reexamination proceedings.'' The revision makes it clear that appeals by third party requesters of *inter partes* reexamination proceedings are controlled by § 1.983.

Section 1.302: Section 1.302 is amended by adding new paragraphs (c) and (d), and redesignating existing paragraph (c) as paragraph (e). New paragraph (c) points out that when an appeal is taken to the Federal Circuit in an *ex parte* reexamination proceeding, the appellant must serve notice as provided in § 1.550(f). New paragraph (d) points out that when an appeal is taken to the Federal Circuit in an *inter partes* reexamination proceeding, the appellant must serve notice as provided in § 1.903. These revisions are intended to focus parties on the unique service requirements in *ex parte* and *inter partes* reexamination proceedings, when appealing to the Federal Circuit.

Section 1.303: Section 1.303 is amended by revising paragraphs (a), (b) and (d) to delete the appearance of ''for a patent that issued from an original application filed in the United States'' in each paragraph. This revision is made for the reasons stated in the discussion of § 1.191.

Section 1.304: Section 1.304 is amended by revising paragraph (a)(1) to add after the second sentence, the following sentence: ''If a request for rehearing or reconsideration of the decision is filed within the time period

provided under § 1.979(a), the time for filing an appeal shall expire two months after action on the last such request.'' In addition, reference to § 1.979(a) in the second sentence is deleted. Further, § 1.304 is amended to include all of the current provisions relating to interferences in § 1.304(i), and to include a new § 1.304(ii) which provides that in *inter partes* reexaminations the time for filing a cross-appeal expires: (1) fourteen days after service of the notice of appeal to the Federal Circuit; or (2) two months after the date of decision of the BPAI, whichever is later.

Section 1.304(a)(1) now provides that an *inter partes* third party requester can appeal to the Federal Circuit and can participate in the patent owner's appeal to the Federal Circuit. The time for filing an appeal to the Federal Circuit will expire two months after ''action on the last such request made by the parties,'' as opposed to the sentence which precedes the added sentence where time for filing an appeal to the Federal Circuit is stated to expire two months after ''action on the request.'' Thus, the potential for rehearing or reconsideration by more than one party is now factored into the time for appeal to the Federal Circuit. Since a party may not challenge a BPAI decision in an *inter partes* reexamination in a civil action under 35 U.S.C. 145, § 1.304(a)(1) provides that ''the time for filing an appeal shall expire * * *'' and not ''the time for filing an appeal or commencing a civil action shall expire * * *'' (which appears in the sentence which precedes the added sentence).

The revision to § 1.304(a)(1) also conforms to the change to § 1.983, by addressing the potential for cross appeal to the Federal Circuit in an *inter partes* reexamination (in addition to that in an interference).

Section 1.417: As discussed with regard to the revision to § 1.14, the statute has been revised to clarify that a translation of the international publication, as opposed to the international application, must be filed in order for a patent owner to obtain the provisional right of a reasonable royalty under 35 U.S.C. 154(d). Accordingly, § 1.417 is amended: (1) To delete ''the international publication or''; (2) to add ''of the publication'' after ''English language translation''; and (3) to delete '', unless it is being submitted pursuant to § 1.495,''.

Section 1.495: Section 1.495(c) is amended to change ''if it was originally filed in another language (35 U.S.C. 371(c)(2)'' to ''if the international application was originally filed in another language and if any English language translation of the publication of the international application previously submitted under 35 U.S.C. 154(d) (§ 1.417) is not also a translation of the international application as filed (35 U.S.C. 371(c)(2)).'' The purpose of this revision is to clarify that if an English language translation of the publication has already been filed and the publication was also a translation of the international application, a second translation is not required. Instead, the translation required by 35 U.S.C. 154(d) will satisfy the requirement for a translation under 35 U.S.C. 371(c)(2). In § 1.495(g), the phrase '', except for a copy of the international publication or translation of the international application that is identified as provided in § 1.417,'' is deleted because the phrase is unnecessary, since it merely repeats a provision of § 1.417.

Section 1.913: Section 1.913 is amended to add the phrase ''other than the patent owner or its privies'' after ''any person,'' because section 13202 of Pub. L. 107–273 now clarifies that only the third party requester may file a request for *inter partes* reexamination; a patent owner may not file a request for *inter partes* reexamination. This is consistent with the initial position taken by the Office during the implementation of optional *inter partes* reexamination. *See Rules to Implement Optional Inter partes Reexamination Proceedings,* 65 FR 18153, 18178 (Apr. 6, 2000), 1234 *Off. Gaz. Pat. Office* 93, 116 (May 23, 2000) (proposed rule).

Section 1.959: Section 1.959 is amended by adding a new paragraph (f), which provides a non-extendable one-month period for correcting an inadvertent failure to comply with any requirement of § 1.959, when a notice of appeal or cross appeal is submitted. The revision of § 1.959 will permit a remedy of inadvertent defects in a notice of appeal or cross appeal.

Section 1.959 relates to appeals and cross appeals to the BPAI in *inter partes* reexamination proceedings. The requirements for acceptance by the Office of a notice of appeal and cross appeal to the BPAI are: (1) Payment of the appeal fee set forth in § 1.17(b) (§§ 1.959(a) and (b)); (2) identification of the appealed claim(s) (§ 1.959(c)); and (3) signature by the patent owner, the third party requester, or their duly authorized attorney or agent (§ 1.959(c)).

Section 1.959 is amended to provide the third party requester (as well as the patent owner) one opportunity to supply, within one month, the missing fee or missing portion of the fee that was inadvertently not supplied. Section 1.957(a) provides that if ''the third party requester files an untimely or inappropriate comment [or] notice of appeal * * * in an *inter partes* reexamination, the paper will be refused consideration.'' Thus, if the third party requester inadvertently fails to pay the appeal fee, or makes a payment which is deficient as to the amount specified in § 1.17(b), the requester's notice of appeal (or cross appeal) will not be considered, and requester's appeal will otherwise be barred. The failure to submit the complete appeal fee is not a ''*bona fide* attempt to respond and to advance the prosecution'' where ''some requirement has been inadvertently omitted'' under § 1.957(d) (with requester then given a chance to rectify the inadvertency), since § 1.957(d) applies only to a patent owner and not to a third party requester. In addition, the third party requester does not have the opportunity to ''revive'' the appeal, as does the patent owner under § 1.137 (further, an extension of the time for filing the notice of appeal (or cross appeal) is not provided for by § 1.956, even if the requester becomes aware of the inadvertency on the last day to remedy it). Thus, the third party requester would be barred from appealing the case when a sufficient payment of the fee is inadvertently not made, in the absence of the present revision to § 1.959. Yet, estoppel attaches to the third party requester which precludes further resolution of the issues that the requester wishes to appeal. Under the statute, requester is estopped from later asserting in any civil action, or in a subsequent *inter partes* reexamination, the invalidity/unpatentability of any claim finally determined to be valid and patentable on any ground the third party requester raised or could have raised in the *inter partes* reexamination. Requester is further estopped from later challenging in a civil action any fact determined in the *inter partes* reexamination. Accordingly, a requester's loss of appeal rights because of an inadvertent payment would be an unduly harsh and extreme measure. Thus, the Office is revising § 1.959 to provide the third party requester one opportunity to supply, within one month, the missing fee or missing portion of the fee. As to the requirements that the notice of appeal (or cross appeal) identify the appealed claim(s) and be signed by the appellant, it may be that an opportunity to remedy the inadvertent failure to comply with same is not precluded by § 1.957(a). The refusal of consideration mandated by that section is directed only to ''untimely or inappropriate'' notices of appeal (and cross appeal). If so, the failure to sign or identify as

required might not render the notice untimely, and the paper might be an ''appropriate'' paper, *i.e.*, the type of paper that is entitled to entry in an *inter partes* reexamination, but is not a complete paper. However, to cover the possibility that failure to comply with the signature or identification of claims requirements of § 1.959(c) could permanently bar the requester's appeal, new § 1.959(f) has been phrased to explicitly encompass these potential defects in a notice of appeal (or cross appeal).

Sections 1.965 and 1.967: Section 1.965(d) is amended by inserting ''paragraphs (a) and (c)'' in place of ''paragraph (c).'' Section 1.967(c) is amended by inserting ''paragraphs (a) and (b)'' in place of ''paragraph (b).''

Under former § 1.965, an inadvertent failure to comply with a requirement of § 1.965(a) permanently barred the requester's appeal from going forward. Under former § 1.967, an inadvertent failure to comply with a § 1.967(a) requirement also barred the requester's participation via respondent brief in the patent owner's appeal. Sections 1.965 and 1.967 are revised to provide the appellant and respondent, respectively, with a non-extendable one-month period for correcting an inadvertent failure to comply with a requirement of §§ 1.965(a) and 1.967(a), respectively. This revision of §§ 1.965 and 1.967 is for reasons analogous to those set forth above for the revision of § 1.959. Again, the loss of requester's appeal rights because of a § 1.965(a) inadvertency, and the loss of requester's participation rights because of a § 1.967(a) inadvertency, are considered to be unduly harsh and extreme measures.

It is noted that § 1.965(b) states: ''A party's appeal shall stand dismissed upon failure of that party to file an appellant's brief, accompanied by the requisite fee, within the time allowed.'' Under § 1.965(d), as it has now been revised, the phrase 'within the time allowed'' in § 1.965(b) includes the filing of an ''appellant's brief, accompanied by the requisite fee'' within the one-month period for correcting an inadvertency (in failure to comply with a requirement of § 1.965(a) and/or (c)) set forth in § 1.965(d).

Section 1.971: Section 1.971 is amended by designating the sole current paragraph of the section as paragraph (a), and adding new paragraph (b). New paragraph (b) provides a non-extendable one-month period for correcting an inadvertent failure to comply with any requirement of paragraph (a) of § 1.971, when a rebuttal brief is submitted. Existing §§ 1.965(d) and 1.967(c) provide relief for certain non-compliance inadvertencies in appellant and respondent briefs, respectively. However, prior to the present amendment of § 1.971, there was no relief of this nature provided for rebuttal briefs. Section 1.971 is amended (in a new paragraph (b)) to provide similar relief for inadvertencies in the rebuttal brief. In addition, the phrase ''[n]o new ground of rejection can be proposed by a third party requester'' is being changed to ''[n]o new ground of rejection may be proposed by a third party requester'' to more correctly state the limitation.

Section 1.977: Section 1.977(g) is amended by inserting the phrase '', when the patent owner is responding under paragraph (b)(1) of this section'' at the end of the first sentence of the paragraph, and by adding the following new sentence as the second sentence: ''The time period set forth in paragraph (b) of this section may not be extended when the patent owner is responding under paragraph (b)(2) of this section.''

Prior § 1.977(g) provided that ''[t]he time period set forth in paragraph (b) of this section is subject to the extension of time provisions of § 1.956.'' Thus, an extension of time could be obtained for the filing of a patent owner amendment or showing of facts under § 1.977(b)(1), or the filing of a patent owner request for rehearing of the decision of the BPAI made under § 1.977(b)(2). However, § 1.979(g) stated, and continues to state, that the times for requesting rehearing under § 1.979(a) may not be extended, and a patent owner request for rehearing of the decision of the BPAI made under § 1.977(b)(2) is included as § 1.979(a)(2). Thus, the time for filing a patent owner request for rehearing under § 1.977(b)(2) could not be extended. The present amendment to § 1.977(g) makes it consistent with the language of § 1.979(g). Note further that this revision is consistent with the policy for a streamlined appeal procedure, which is reflected, for example, in § 1.959 (no extension of the time for filing the notice of appeal or cross appeal), § 1.963 (no extension of the time for filing appellant, respondent, and rebuttal briefs), and § 1.979(g) (no extension of the time for filing *any* rehearing request). Thus, it is appropriate that an extension of time cannot be obtained for the filing of a patent owner request for rehearing of the decision of the BPAI made under § 1.977(b)(2), while an extension can be obtained for the filing of a patent owner amendment or showing of facts presented under § 1.977(b)(1), which may be considered a reopening of the examination process, as opposed to the appeal process.

Section 1.979: Section 1.979 is amended by revising its paragraphs (e) and (f) to replace ''patent owner'' (and its possessive) with ''parties to an appeal to the Board of Patent Appeals and Interferences,'' ''party,'' ''any party,'' or ''party's,'' as applicable. Section 1.979 is also amended by deleting the first and second sentences of paragraph (f). The third sentence of § 1.979(f) is amended to add ''to the Board of Patent Appeals and Interferences'' after ''An appeal'' to provide additional clarity. Section 1.979 was formerly drafted to address the situation where an appeal to the Federal Circuit is possible only for the patent owner. The first revision modifies the language of § 1.979 to make it applicable to all parties to the *inter partes* reexamination proceeding, *i.e.*, the patent owner and any *inter partes* reexamination third party requester, who are the parties to the appeal to the BPAI. The second revision deletes the provision for termination of the third party requester's appeal, which was (before the enactment of Public Law 107–273) under criteria different than that for the patent owner (since a third party requester could not appeal to the courts under the statute prior to Public Law 107–273). The first revision to the text of § 1.979(f) makes the criteria for termination the same for all parties to the appeal. Finally, § 1.979(f) is amended to provide that an appeal to the Federal Circuit is terminated when the mandate is issued by the Federal Circuit, which is consistent with a 1998 amendment to Rule 41 of the Federal Rules of Appellate Procedure. *See* the discussion of § 1.197 above.

Undesignated center heading immediately preceding § 1.983: The undesignated center heading immediately preceding § 1.983 is revised by deleting ''PATENT OWNER'' before ''APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT.'' The undesignated center heading immediately preceding § 1.983 was formerly drafted to address the situation where appeal to the Federal Circuit was possible only by the patent owner. This revision modifies the language to make it applicable to all parties to the *inter partes* reexamination proceeding who are the parties to the appeal to the BPAI.

Section 1.983: Section 13106 of Public Law 107–273 grants the *inter partes* reexamination third party requester the right to appeal an adverse decision of the BPAI to the Federal Circuit. 35 U.S.C. 315(b)(1). It further authorizes the third party requester to be a party to any appeal taken by the patent owner to the Federal Circuit. *See* 35 U.S.C.

315(b)(1). Also, as pointed out above, section 13106 of Public Law 107–273 implicitly permits the patent owner to be a party to the newly provided appeal taken by the third party requester to the Federal Circuit. Section 1.983 is amended to track this newly enacted legislation by revising its heading, dividing the existing text into paragraphs (a) and (b), revising the text of newly designated paragraphs (a) and (b), and adding new paragraphs (c) through (f).

The heading of § 1.983 is amended by changing ''Patent owner appeal'' to ''Appeal.''

Section 1.983(a) is amended to permit the patent owner and any third party requester who is a party to an appeal to the BPAI to: (1) appeal the BPAI's decision to the Federal Circuit; and (2) be a party to any appeal to the Federal Circuit taken from the BPAI's decision.

Section 1.983(b) is amended to clarify that service of the notice of appeal or cross appeal must be made on every other party to the reexamination proceeding as required in § 1.903. The explicit statement of requirement for service on other parties also provides antecedent for the fourteen-day period recited in paragraph (e) of § 1.983 that follows.

Section 1.983 is amended to add paragraphs (c) and (d) to provide for a cross appeal to the Federal Circuit within fourteen days of service of an opposing party's notice of appeal to the Federal Circuit. This is analogous to the cross appeal (within fourteen days of service of the notice of appeal) provided for in § 1.304(a)(1) for interferences. The interferences model is used, because an interference is the only other *inter partes* proceeding appealed to the Court from the decision of the BPAI. It is noted that if the two-month time period from the BPAI's decision will expire after the fourteen-day period set for a cross appeal, then the later-expiring two-month period will control. Thus, where a first party files an appeal to the court (the Federal Circuit) fourteen days after the BPAI's decision, an opposing party need not file a cross appeal fifteen days later (twenty-nine days after the BPAI's decision), but rather has the remainder of the two-month period to do so.

A new paragraph (e) is added to § 1.983, to set forth the action a party must take in order to participate in an appellant's appeal (including cross appeal). Participation in the appellant's appeal is directed to providing argument supporting the decision of the BPAI. Such participation is in contrast to the cross appeal which is provided for in paragraphs (c) and (d) of § 1.983, where a party challenges a decision of the BPAI adverse to that party. New paragraph (f): Section 13106(d) of Public Law 107–273 provides the effective date for the revision to the statute made in section 13106 as follows: ''[t]he amendments made by this Section apply with respect to any reexamination proceeding commenced on or after the date of enactment of this Act.''

Accordingly, § 1.983 is amended to add a new paragraph (f) stating: ''[n]otwithstanding any provision of the rules, in any reexamination proceeding commenced prior to November 2, 2002, the third party requester is precluded from appealing and cross appealing any decision of the BPAI to the Federal Circuit, and the third party requester is precluded from participating in any appeal taken by the patent owner to the Court.''

Response to comments: The Office published a notice proposing changes to the rules of practice to implement the patent-related provisions in the intellectual property title of the 21st Century Department of Justice Appropriations Authorization Act. *See Changes to Implement the 2002 Inter Partes Reexamination and other Technical Amendments to the Patent Statute,* 68 FR 22343 (Apr. 28, 2003), 1270 *Off. Gaz. Pat. Office* 106 (May 20, 2003) (proposed rule). The Office received six written comments (from intellectual property organizations, patent practitioners, and the general public) in response to this notice. While the comments were for the most part favorable to the changes proposed, a number of issues were raised. The comments which raise issues, and the Office's responses to these comments, now follow:

Comment 1: The comments of all three intellectual property associations which provided comments focused on the revision that was proposed for §§ 1.949 and 1.953, to issue a Right of Appeal Notice (under § 1.953) after all claims are found patentable, without first issuing an Action Closing Prosecution (under § 1.949). The comments noted that the revision was proposed in an effort to streamline *inter partes* reexamination prosecution, based on the assumption that a patent owner ''presumably'' would not file any further comments after receiving a notice that all claims are patentable. The comments then pointed out that while it is possible that this assumption should cover most situations, the proposed revision would eliminate an important safeguard for the patent owner in circumstances where the assumption is not correct. An example was given where a patent owner would wish to respond after all claims are allowed, but would be precluded from doing so under the proposal. A patent owner receiving notice that all claims are found patentable might very well decide to propose an amendment at that point, if the patent owner disagrees with the examiner's statement of reasons for allowance or statement of claim interpretation. If, as proposed, a Right of Appeal Notice would be the paper that first informs a patent owner that all claims have been found patentable, then the patent owner would be precluded from submitting such an amendment in the proceeding. One comment asserted that in the instance of a first action indication of patentability of all claims and simultaneous issuance of a Right of Appeal Notice, the proposed revision could deny the patent owner its statutory right to propose amendments during reexamination pursuant to 35 U.S.C. 314(a), since amendments to claims are expressly barred once the Right of Appeal Notice is issued.

Based on the above, the comments urge that the Office retain the current practice of issuing an Action Closing Prosecution in all cases where the request for *inter partes* reexamination is granted, even after all claims in the proceeding have been found patentable.

Response: In view of the comments, the proposed revision of §§ 1.949 and 1.953 will not be adopted. The public response expresses a view that the need to always provide the patent owner with an opportunity to comment after all claims are found patentable outweighs the pendency reduction benefit that would result from bypassing the issuance of an Action Closing Prosecution and directly issuing a Right of Appeal Notice. In view of the preference stated in the comments that the patent owner should always be given an opportunity to comment after all claims are found patentable (by issuing an Action Closing Prosecution under § 1.949, after which patent owner can comment under § 1.951(a)), the proposal to revise §§ 1.949 and 1.953 has been withdrawn.

One of the comments suggested that the Office's objective of streamlining prosecution (after a determination of patentability of all claims) could be achieved by providing patent owner with an opportunity to expressly waive its right to submit comments/amendments under current § 1.951(a) upon notice that all claims have been found patentable. It is noted, however, that such a right already exists, because the patent owner is free to file, after an Action Closing Prosecution under § 1.949, a paper stating that no comments/amendments will be filed

under current § 1.951(a). Thus, a new provision is not needed to implement the suggestion.

As a final point, it is noted that (contrary to a statement made in one of the comments) under the current practice, an Action Closing Prosecution will not be issued in all cases where a request for *inter partes* reexamination is granted. Where all claims are rejected in a first Office action (for example) and the patent owner fails to respond, a Notice of Intent to Issue a Reexamination Certificate will issue canceling all the patent claims, and there is no need for an Action Closing Prosecution. Also, if the ordered reexamination is vacated, where appropriate, prior to the issuance of an Action Closing Prosecution, there will be no Action Closing Prosecution issued in the proceeding.

Comment 2: One comment points out that the effective date language in section 4608 of the AIPA changes to 35 U.S.C. 134 and 35 U.S.C. 145 was to be ''phased in only years after enactment,'' *i.e.*, only for an *ex parte* reexamination that was based upon an original application filed on or after November 29, 1999. This would have taken many years to become effective, thus providing a gradual transition. Instead, the comment notes, Public Law 107–273 accelerates the effective date provision to apply to any reexamination filed on or after November 29, 1999 (*i.e.*, nearly three years ago). The comment urges that this change has accelerated the existence of a situation where an examiner can ''suppress a case from appellate review 'forever' simply by refraining from making a rejection final.'' The comment requests relief from this situation.

Response: If a patent owner believes that a reexamination proceeding is being ''suppressed'' from appellate review by the examiner's refraining from making a rejection final, the patent owner may file a petition under § 1.181(a) requesting that the most recent Office action by the examiner be designated as a final rejection so as to permit an appeal. Such a petition should be accompanied by a showing as to why the most recent Office action should have been designated as a final rejection. If such a petition is denied by the Technology Center Director, the patent owner could seek further review by way of a petition under § 1.181(a)(3) requesting higher level review of the decision of the Technology Center Director. Since a petition under § 1.181 does not operate to stay the reexamination proceeding (§ 1.181(f)), it is advisable that the petition under § 1.181(a) be accompanied by a notice of appeal and appeal fee set forth in § 1.17(b) (which will be refunded as unnecessary if the petition is denied) and a request for an extension of time under § 1.550(c) to respond to the most recent Office action (since an appeal is not a proper response to a non-final Office action and the period for response to the Office action continues to run if the petition is denied). However, it must be remembered that in no case can the period for response be extended so as to expire later than six months from the date of the most recent Office action.

Comment 3: Two comments have suggested that the Office permit *inter partes* reexamination of patents issuing from original applications filed in the United States prior to November 29, 1999. One of the comments argues that the Office's statement that the effective date language in section 4608 of the AIPA limited the applicability of *inter partes* reexamination (and conforming amendments) to patents issuing from original applications filed in the United States on or after November 29, 1999, is ''bad law, bad policy for the patent system and bad policy for the Patent and Trademark Office.'' The commenter then presents a constitutional argument to support this. The same comment further argues that the *inter partes* reexamination effective date provision of the AIPA has been repealed by implication, based upon the legislative expansion of third party requester appeal rights provided by Public Law 107–273. The comment further urges that, if its proposal is not adopted, then third party requester participation in *ex parte* reexamination which would be analogous to that provided by statute for *inter partes* reexamination should be permitted by rule for patents issuing from an original application filed in the United States prior to November 29, 1999.

Response: Section 4608 (effective date) of the AIPA provides: ''this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act [November 29, 1999] and shall apply to any patent that issues from an original application filed in the United States on or after that date [November 29, 1999].'' *See* Pub. L. 106–113, 113 Stat. at 1501A–572. The plain language of the statute is clear and is not ambiguous. The enacted *inter partes* provisions of the AIPA are clearly stated (in Section 4608) to apply ''to any patent that issues from an original application filed in the United States on or after'' the date of enactment (November 29, 1999).

To the extent that it is argued that this provision is unwise and should not be adhered to, and that Art. I, § 8, cl. 8 of the U.S. Constitution (Congress shall have the power * * * ''[t]o promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries'') provides a basis for the Office to ignore the limitations in the AIPA on the applicability of *inter partes* reexamination, it is noted that the Federal courts have generally held that the power of Congress to legislate on the subject of patents is plenary by the terms of the Constitution. *See e.g., McClurg* v. *Kingsland,* 42 U.S. (1 How.) 202, 206 (1843); *see also Owen* v. *Heimann,* 12 F.2d 173, 174 (D.C. Cir.), cert. denied, 271 U.S. 685 (1926) (''Congress has full power to prescribe to whom and upon what terms and conditions a patent shall issue''); *Kling* v. *Haring,* 11 F.2d 202, 204–05 (D.C. Cir.), *cert. denied,* 271 U.S. 671 (1926) (same). In any event, administrative agencies do not have the authority to declare unconstitutional the laws they are charged with administering. *See, e.g., Oestereich* v. *Selective Service Board,* 393 U.S. 233, 242 (1968); *McGowan* v. *Marshall,* 604 F.2d 885, 892 (5th Cir. 1979); and *Buckeye Industries, Inc.* v. *Secretary of Labor,* 587 F.2d 231 (5th Cir. 1979).

As to the argument that the *inter partes* reexamination effective date provision of the AIPA has been repealed by implication, based upon the legislative expansion of third party requester appeal rights provided by Public Law 107–273, Congress is well versed in the mechanism for changing an effective date of prior legislation (as it did for the eighteen-month publication provisions of the AIPA), and Congress did not do so for the *inter partes* reexamination effective date provisions of the AIPA. It is noted that a proposed revision to the *inter partes* reexamination eligibility effective date was explicitly placed before Congress by way of Section 3(a) of H.R. 2231 introduced on June 19, 2001, and referred to the House committee. *See* H.R. 2231, 107th Cong., 1st Sess. (2001). Thus, an explicit provision to revise the *inter partes* reexamination effective date was before Congress; yet, it was not carried forward into Public Law 107–273.

As to the suggestion that third party requester participation rights (analogous to those provided by statute for *inter partes* reexamination) should be provided by rule for *ex parte* for patents issuing from an original application filed in the United States prior to November 29, 1999, the statute does not provide authority for a third party

requester of a reexamination proceeding requested under 35 U.S.C. 302 to file a paper directed to the issues during the examination of the reexamination proceeding. The statute and its intent are clear that the reexamination proceeding under 35 U.S.C. 302 must be *ex parte* and third party requester participation is barred by statute. *See Syntex (U.S.A.) Inc.* v. *U.S. Patent and Trademark Office,* 882 F.2d 1570, 1573, 11 USPQ2d 1866, 1868–69 (Fed. Cir. 1989) (third parties do not participate before the Office). While the third party requester is permitted by statute pursuant to 35 U.S.C. 304 to file a ''reply'' prior to the examination stage if the patent owner files a statement under 35 U.S.C. 304, that is the only paper directed to the merits of the proceeding authorized to a requester that files an *ex parte* reexamination.

Comment 4: One comment points out that a reexamination requester may ''piggyback'' a second or subsequent reexamination onto an ongoing reexamination proceeding with the possibility of merged proceedings and thus thwart a final rejection being made as the second action in the ongoing reexamination, with a first Office action then being issued for the merged proceeding. The commenter further notes that a requester could ''hamstring a reexamination proceeding to keep a case bottled up in the examining corps forever'' by filing multiple requests for reexamination based on the same patent.

Response: Section 2283 of the Manual of Patent Examining Procedure states that:

> Once the files are returned to the examiner for issuance of an Office action, the examiner should prepare an Office action at the most advanced point possible for the first proceeding. Thus, if the first proceeding is ready for a final rejection and the second proceeding does not provide any new information which would call for a new ground of rejection, the examiner should issue a final rejection for the merged proceeding using the guidelines for the prosecution stage set forth below.

See Manual of Patent Examining Procedure § 2283 (8th. ed. 2001) (Rev. 1, Feb. 2003) (MPEP).

Thus, the examiner is directed to, where possible, prepare an Office action at the most advanced point possible for the ongoing (first) proceeding, which in the commenter's scenario is the final rejection stage. If, however, a new issue (*e.g.*, new art, combining the old art a new way, or new evidence) that precludes a final rejection is raised by the later request, a final rejection would not be issued. In that instance, public policy dictates that the substance of the later request be considered and applied in order that only valid patent claims result from the reexamination proceeding, *i.e.*, to prevent the public from being barred from using claimed subject matter for which protection is not warranted. It is noted that even in this situation, the patent owner would be free to file a petition under § 1.181 requesting that the Office action be designated as a final rejection (see response to comment 2).

A patent owner faced with the filing of multiple reexamination requests on a patent may obtain relief if it can be shown that the newly filed reexamination request was filed: (1) by the same real party in interest who filed a previous request (rather than another party who wishes to approach the issue in its own way), and (2) without providing a new issue in the form of new art or viewing art previously applied in the reexamination proceeding in a new light. If a *bona fide* new issue is, however, raised by the later request, public policy dictates that the substance of the later request be considered and applied in order to resolve the new issue such that only valid patent claims result from the reexamination proceeding.

Comment 5: One comment raises a concern that there is no express requirement in § 1.953 for an examiner to set forth grounds for not making any third party proposed rejections (as is required in existing § 1.949) upon a determination of patentability of all claims.

Response: Initially, it is noted that § 1.953 (c) states ''The Right of Appeal Notice shall be a final action, which comprises a final rejection setting forth each ground of rejection and/or final decision favorable to patentability including each determination not to make a proposed rejection, an identification of the status of each claim, and the reasons for decisions favorable to patentability and/or the grounds of rejection for each claim''. Thus, the commenter's concern is in fact addressed in the rule.

It is also noted that in any Office action (in an *inter partes* reexamination) where an examiner declines to adopt a rejection proposed by a third party requester, the examiner must explicitly identify the proposed rejection, state that the proposed rejection is not adopted, and set forth grounds for not adopting the proposed rejection. This will be covered in a new chapter of the MPEP which will be directed to *inter partes* reexamination. It is noted, however, that if the third party requester then fails to address and contest the refusal to adopt the proposed rejection at the first opportunity to do so, such will be taken as an acquiescence to the examiner's position. In such a case, the proposed ground of rejection will be withdrawn from further consideration in the proceeding, will not be addressed in future Office actions, and will not serve as a basis for appeal in any subsequent appeal that may be taken by the requester in the proceeding.

Comment 6: Two comments suggested that an inconsistency was raised by the statement in the notice of proposed rule making that an Action Closing Prosecution (or Right of Appeal Notice) can be issued ''even though the Office action being issued is the first action on the merits.'' It is argued that if a request for reexamination does not present prior art printed publications and patents that provide a *prima facie* case of unpatentability (or come ''exceedingly close'' to it), then the Office should not have issued an order for reexamination in the first place, but rather should have denied the request (and thus the first Office action stage should not be reached). Stated another way, it is argued that finding all the claims patentable over the art at the first action stage should be inconsistent with ordering reexamination based on such art.

Response: A finding that all of the claims are patentable over the art at the first action stage is not inconsistent with the prior order of reexamination based on such art. *See* MPEP 2240. The initial decision on a request for reexamination is based upon whether or not a ''substantial new question of patentability'' is raised by the art (the patents and/or printed publications). *See id.* Where a finding is made that a substantial new question of patentability has been raised, the examiner has only determined that there is a ''substantial likelihood'' that a reasonable examiner would consider the art of record important in deciding whether or not the claims are patentable. *See* MPEP 2242. After reexamination has been ordered, it is then determined, in the examination stage of the proceeding, whether or not the claims are patentable over the art. *See* MPEP 2240. At the time when the first Office action is issued, if one or more claims are not patentable over the art, the claims will be rejected based on that art. If claims are found patentable over the art, the action will state that finding (and supporting reasons). A decision that all the claims are patentable at this point does not negate the initial finding that a substantial new question of patentability was raised by the art, because reexamination will be ordered as long as a reasonable

examiner would consider the art of record important in deciding whether or not the claims are patentable; there is no requirement that the claims be prima facie obvious over the art. The Federal Circuit has specifically indicated that:

> The inquiry occasioned by a request for reexamination is solely whether a reexamination order should issue and is not directed toward resolution of validity. The requestor's burden is simply to show a basis for issuance of the order, a burden unrelated to that assigned in [35 U.S.C.] 282. A refusal of reexamination leaves untouched the [35 U.S.C.] 282 presumption to which the patent is entitled in the courtroom.

See In re Etter, 756 F.2d 852, 857 n.5, 225 USPQ 1, 4 n.5 (Fed. Cir. 1985).

It is also noted that the third party requester is not entitled (under 35 U.S.C. 315(b)) to appeal a finding of claim patentability in situations in which the Director does not issue a determination pursuant to 35 U.S.C. 312 and 313 that a substantial new question of patentability has been presented. *See* 35 U.S.C. 312(c) (a determination made under 35 U.S.C. 312(a) by the Director on the request for reexamination is ''final and non-appealable''). Refusing to order reexamination where a substantial new question has been found to be present, but all the claims are found to be patentable over the art, would deprive the requester of the right to appeal the finding of claim patentability (under 35 U.S.C. 315(b)).

Comment 7: One comment suggests that the policy of issuing an Action Closing Prosecution (or Right of Appeal Notice) as the first action on the merits where all claims are patentable may be ''contrary to the letter of the law.'' The comment notes that according to 35 U.S.C. 314(a), ''reexamination shall be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133.'' These sections (35 U.S.C. 132 and 133) are directed to prosecution before the examiner and not proceedings on appeal to the BPAI. The comment urges that 35 U.S.C. 132(a) indicates that ''each interested party shall get two bites at the apple. By analogy to initial examination, 35 U.S.C. 132(a) should be construed, in the context of *inter partes* reexamination, to loosely read: ''Whenever, on reexamination, any claim in a patent is confirmed to be patentable, the Director shall notify the Third Party Requester thereof, stating the reasons for such confirmation, together with such information and references as may be useful in judging of the propriety of continuing the Reexamination of the patent; and if after receiving such notice, the Third Party Requester persists, the previously-confirmed patent claim shall be reassessed.'' Thus, the commenter believes that the statute provides the third party requester with a right to address the finding of claims patentable during the examination stage of the *inter partes* reexamination proceeding.

Response: 35 U.S.C. 132(a) reads in part: ''Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined''. 35 U.S.C. 132(a) provides for an applicant's opportunity to participate in an application, and by virtue of the incorporation of 35 U.S.C. 132(a) into 35 U.S.C. 314(a), it also provides for a patent owner's opportunity to participate during the examination stage of the *inter partes* reexamination proceeding. 35 U.S.C. 132(a), by virtue of its incorporation into 35 U.S.C. 314(a), does not confer any participation rights on a third party requester.

Further, 35 U.S.C. 314(b)(2) states: ''Each time that the patent owner files a response to an action on the merits from the Patent and Trademark Office, the third-party requester shall have one opportunity to file written comments addressing issues raised by the action of the Office or the patent owner's response thereto, if those written comments are received by the Office within 30 days after the date of service of the patent owner's response''. The third party requester may file a paper during the examination stage of the *inter partes* reexamination proceeding if, and only if, the patent owner files a response to an Office action. Thus, the third party requester is precluded by statute from participation in the examination stage of the *inter partes* reexamination proceeding if the patent owner fails to respond to all Office actions issued. Thus, contrary to the commenter's argument, the third party requester certainly is not ensured of the opportunity to participate during the examination stage of the *inter partes* reexamination proceeding. It is only the requester's right to appeal any rejection proposed and not adopted that is ensured by the statute.

As a final point, issuance of an Action Closing Prosecution as the first action on the merits (where all claims are patentable) is entirely consistent with the statute, since it provides the requester with the rights provided by statute to comment if and only if the patent owner responds to the Action Closing Prosecution.

In conclusion, the *inter partes* third party requester of reexamination is permitted by statute only to comment pursuant to 35 U.S.C. 314(b)(2) if the patent owner responds to an Office action, and to appeal and participate in appeals pursuant to 35 U.S.C. 315(b). No further participation in an *inter partes* reexamination proceeding is authorized by 35 U.S.C. chapter 31.

Rule Making Considerations

Administrative Procedure Act: The changes in this notice conform the patent-related rules of practice in 37 CFR to the changes to title 35 U.S.C. contained in Public Law 107–273. Therefore, these changes involve interpretive rules or rules of agency practice and procedure under 5 U.S.C. 553(b)(A). *See Bachow Communications Inc.* v. *FCC,* 237 F.3d 683, 690 (D.C. Cir. 2001); *Paralyzed Veterans of America* v. *West* 138 F.3d 1434, 1436 (Fed. Cir. 1998); and *Komjathy* v. *National Transportation Safety Board,* 832 F.2d 1294, 1296–97 (D.C. Cir. 1987). Therefore, prior notice and opportunity for public comment are not required pursuant to 5 U.S.C. 553(b) or (c) (or any other law).

Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), an initial regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required. See 5 U.S.C. 603.

Executive Order 13132: This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Executive Order 12866: This rule making has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Paperwork Reduction Act: This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collections of information involved in this notice have been reviewed and previously approved by OMB under OMB control numbers: 0651–0021, 0651–0031, 0651–0032, and 0651–0033. The United States Patent and Trademark Office is not resubmitting any information collection to OMB for its review and approval, because the changes in this notice do

not affect the information collection requirements associated with the information collection under these OMB control numbers.

The title, description and respondent description of each of the information collections are shown below with an estimate of each of the annual reporting burdens. Included in each estimate is the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. The changes in this notice conform the patent-related rules of practice in 37 CFR to the changes to title 35 U.S.C. contained in Public Law 107–273.

OMB Number: 0651–0021.

Title: Patent Cooperation Treaty.

Form Numbers: PCT/RO/101, PCT/RO/134, PCT/RO/144, PTO–1382, PCT/IPEA/401, PCT/IB/328, PCT/SB/61/PCT, PCT/SB/64/PCT.

Type of Review: Approved through December of 2003.

Affected Public: Individuals or Households, Business or Other For-Profit Institutions, Not-for-Profit Institutions, Farms, Federal Government and State, Local and Tribal Governments.

Estimated Number of Respondents: 331,407.

Estimated Time Per Response: Between 15 minutes and 4 hours.

Estimated Total Annual Burden Hours: 401,202.

Needs and Uses: The information collected is required by the Patent Cooperation Treaty (PCT). The general purpose of the PCT is to simplify the filing of patent applications on the same invention in different countries. It provides for a centralized filing procedure and a standardized application format.

OMB Number: 0651–0031.

Title: Patent Processing (Updating).

Form Numbers: PTO/SB/08A, PTO/SB/08B, PTO/SB/21–27, PTO/SB/30–32, PTO/SB/35–37, PTO/SB/42–43, PTO/SB/61–64, PTO/SB/67–68, PTO/SB/91–92, PTO/SB/96–97, PTO–2053–A/B, PTO–2054–A/B, PTO–2055–A/B, PTOL–413A, eIDS, EFS form.

Type of Review: Approved through July of 2006.

Affected Public: Individuals or Households, Business or Other For-Profit Institutions, Not-for-Profit Institutions, Farms, Federal Government and State, Local and Tribal Governments.

Estimated Number of Respondents: 2,208,339.

Estimated Time Per Response: 1 minute 48 seconds to 8 hours.

Estimated Total Annual Burden Hours: 830,629 hours.

Needs and Uses: During the processing of an application for a patent, the applicant/agent may be required or desire to submit additional information to the Office concerning the examination of a specific application. The specific information required or which may be submitted includes: Information Disclosure Statements; Terminal Disclaimers; Petitions to Revive; Express Abandonments; Appeal Notices; Petitions for Access; Powers to Inspect; Certificates of Mailing or Transmission; Statements under § 3.73(b); Amendments, Petitions and their Transmittal Letters; and Deposit Account Order Forms.

OMB Number: 0651–0032.

Title: Initial Patent Application.

Form Number: PTO/SB/01–07, PTO/SB/13PCT, PTO/SB/16–19, PTO/SB/29 and 29A, PTO/SB/101–110.

Type of Review: Approved through July of 2006.

Affected Public: Individuals or Households, Business or Other For-Profit Institutions, Not-For-Profit Institutions, Farms, Federal Government, and State, Local, or Tribal Governments.

Estimated Number of Respondents: 454,287.

Estimated Time Per Response: 22 minutes to 10 hours and 45 minutes.

Estimated Total Annual Burden Hours: 4,171,568 hours.

Needs and Uses: The purpose of this information collection is to permit the Office to determine whether an application meets the criteria set forth in the patent statute and regulations. The standard Fee Transmittal form, New Utility Patent Application Transmittal form, New Design Patent Application Transmittal form, New Plant Patent Application Transmittal form, Declaration, Provisional Application Cover Sheet, and Plant Patent Application Declaration will assist applicants in complying with the requirements of the patent statute and regulations, and will further assist the Office in processing and examination of the application.

OMB Number: 0651–0033.

Title: Post Allowance and Refiling.

Form Numbers: PTO/SB/44, PTO/SB/50–51, PTO/SB/51S, PTO/SB/52–53, PTO/SB/55–58, PTOL–85B.

Type of Review: Approved through January of 2004.

Affected Public: Individuals or Households, Business or Other For-Profit Institutions, Not-For-Profit Institutions, Farms, State, Local and Tribal Governments, and Federal Government.

Estimated Number of Respondents: 205,480.

Estimated Time Per Response: 1.8 minutes to 2 hours.

Estimated Total Annual Burden Hours: 63,640 hours.

Needs and Uses: This collection of information is required to administer the patent laws pursuant to Title 35, U.S.C., concerning the issuance of patents and related actions including correcting errors in printed patents, refiling of patent applications, requesting reexamination of a patent, and requesting a reissue patent to correct an error in a patent. The affected public includes any individual or institution whose application for a patent has been allowed or who takes action as covered by the applicable rules.

Comments are invited on: (1) Whether the collection of information is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency's estimate of the burden; (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 to respondents.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia, 22313–1450, or to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for the Patent and Trademark Office.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects

37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and recordkeeping requirements, Small Businesses.

■ For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

■ 2. Section 1.1 is amended by revising paragraph (c) to read:

§ 1.1 Addresses for non-trademark correspondence with the United States Patent and Trademark Office.

* * * * *

(c) *For reexamination proceedings.* (1) Requests for *ex parte* reexamination (*original* request papers only) should be additionally marked ''Mail Stop *Ex parte* Reexam.''

(2) Requests for *inter partes* reexamination (original request papers) and all subsequent *inter partes* reexamination correspondence filed in the Office, other than correspondence to the Office of the General Counsel pursuant to § 1.1(a)(3) and § 1.302(c), should be additionally marked ''Mail Stop *Inter partes* Reexam.''

* * * * *

■ 3. Section 1.13 is amended by revising paragraph (b) to read:

§ 1.13 Copies and certified copies.

* * * * *

(b) Certified copies of patents, patent application publications, and trademark registrations and of any records, books, papers, or drawings within the jurisdiction of the United States Patent and Trademark Office and open to the public or persons entitled thereto will be authenticated by the seal of the United States Patent and Trademark Office and certified by the Director, or in his or her name, upon payment of the fee for the certified copy.

■ 4. Section 1.14 is amended by revising paragraph (g)(2) to read as follows:

§ 1.14 Patent applications preserved in confidence.

* * * * *

(g) * * *

(2) A copy of an English language translation of a publication of an international application which has been filed in the United States Patent and Trademark Office pursuant to 35 U.S.C. 154(d)(4) will be furnished upon written request including a showing that the publication of the application in accordance with PCT Article 21(2) has occurred and that the U.S. was designated, and upon payment of the appropriate fee (§ 1.19(b)(4)).

* * * * *

■ 5. Section 1.78 is amended by revising paragraph (a)(3) to read as follows:

§ 1.78 Claiming benefit of earlier filing date and cross-references to other applications.

(a) * * *

(3) If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America may be accepted if the reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

(i) The reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior-filed application, unless previously submitted;

(ii) The surcharge set forth in § 1.17(t); and

(iii) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

* * * * *

■ 6. Section 1.191 is amended by revising paragraph (a) to read as follows:

§ 1.191 Appeal to Board of Patent Appeals and Interferences.

(a)(1) Every applicant for a patent or for reissue of a patent, and every owner of a patent involved in an *ex parte* reexamination proceeding filed under § 1.510 before November 29, 1999, any of whose claims has been twice or finally (§ 1.113) rejected, may appeal from the decision of the examiner to the Board of Patent Appeals and Interferences by filing a notice of appeal and the fee set forth in § 1.17(b) within the time period for reply provided under §§ 1.134 and 1.136 (for applications) or § 1.550(c) (for *ex parte* reexamination proceedings).

(2) Every owner of a patent involved in an *ex parte* reexamination proceeding filed under § 1.510 on or after November 29, 1999, any of whose claims has been finally (§ 1.113) rejected, may appeal from the decision of the examiner to the Board of Patent Appeals and Interferences by filing a notice of appeal and the fee set forth in § 1.17(b) within the time period for reply provided under §§ 1.134 and 1.550(c).

(3) Appeals to the Board of Patent Appeals and Interferences in *inter partes* reexamination proceedings filed under § 1.913 are controlled by §§ 1.959 through 1.981. Sections 1.191 through 1.198 are not applicable to appeals in *inter partes* reexamination proceedings filed under § 1.913.

* * * * *

■ 7. Section 1.197 is amended by revising paragraph (c) to read as follows:

§ 1.197 Action following decision.

* * * * *

(c) Termination of proceedings. (1) Proceedings are considered terminated by the dismissal of an appeal or the failure to timely file an appeal to the court or a civil action (§ 1.304) except:

(i) Where claims stand allowed in an application; or

(ii) Where the nature of the decision requires further action by the examiner.

(2) The date of termination of proceedings is the date on which the appeal is dismissed or the date on which the time for appeal to the Court or review by civil action (§ 1.304) expires. If an appeal to the Court or a civil action has been filed, proceedings are considered terminated when the appeal or civil action is terminated. An appeal to the U.S. Court of Appeals for the Federal Circuit is terminated when the mandate is issued by the Court. A civil action is terminated when the time to appeal the judgment expires.

■ 8. Section 1.301 is revised to read as follows:

§ 1.301 Appeal to U.S. Court of Appeals for the Federal Circuit.

Any applicant, or any owner of a patent involved in any *ex parte* reexamination proceeding filed under § 1.510, dissatisfied with the decision of the Board of Patent Appeals and Interferences, and any party to an interference dissatisfied with the decision of the Board of Patent Appeals and Interferences, may appeal to the U.S. Court of Appeals for the Federal Circuit. The appellant must take the following steps in such an appeal: In the U. S. Patent and Trademark Office, file a written notice of appeal directed to the Director (*see* §§ 1.302 and 1.304); and in the Court, file a copy of the notice of appeal and pay the fee for appeal as provided by the rules of the Court. For appeals by patent owners and third party requesters in *inter partes* reexamination proceedings filed under § 1.913, § 1.983 is controlling.

■ 9. Section 1.302 is revised to read as follows:

§ 1.302 Notice of appeal.

(a) When an appeal is taken to the U.S. Court of Appeals for the Federal Circuit, the appellant shall give notice thereof to the Director within the time specified in § 1.304.

(b) In interferences, the notice must be served as provided in § 1.646.

(c) In *ex parte* reexamination proceedings, the notice must be served as provided in § 1.550(f).

(d) In *inter partes* reexamination proceedings, the notice must be served as provided in § 1.903.

(e) Notices of appeal directed to the Director shall be mailed to or served by hand on the General Counsel as provided in § 104.2.

■ 10. Section 1.303 is amended by revising paragraphs (a), (b), and (d) to read as follows:

§ 1.303 Civil action under 35 U.S.C. 145, 146, 306.

(a) Any applicant, or any owner of a patent involved in an *ex parte* reexamination proceeding filed before November 29, 1999, dissatisfied with the decision of the Board of Patent Appeals and Interferences, and any party to an interference dissatisfied with the decision of the Board of Patent Appeals and Interferences may, instead of appealing to the U.S. Court of Appeals for the Federal Circuit (§ 1.301), have remedy by civil action under 35 U.S.C. 145 or 146, as appropriate. Such civil action must be commenced within the time specified in § 1.304.

(b) If an applicant in an *ex parte* case, or an owner of a patent involved in an *ex parte* reexamination proceeding filed before November 29, 1999, has taken an appeal to the U.S. Court of Appeals for the Federal Circuit, he or she thereby waives his or her right to proceed under 35 U.S.C. 145.

* * * * *

(d) For an *ex parte* reexamination proceeding filed on or after November 29, 1999, and for any *inter partes* reexamination proceeding, no remedy by civil action under 35 U.S.C. 145 is available.

■ 11. Section 1.304 is amended by revising paragraph (a)(1) to read as follows:

§ 1.304 Time for appeal or civil action.

(a)(1) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is two months from the date of the decision of the Board of Patent Appeals and Interferences. If a request for rehearing or reconsideration of the decision is filed within the time period provided under § 1.197(b) or § 1.658(b), the time for filing an appeal or commencing a civil action shall expire two months after action on the request. If a request for rehearing or reconsideration of the decision is filed within the time period provided under § 1.979(a), the time for filing an appeal shall expire two months after action on the last such request.

(i) In interferences, the time for filing a cross-appeal or cross-action expires:

(A) Fourteen days after service of the notice of appeal or the summons and complaint; or

(B) Two months after the date of decision of the Board of Patent Appeals and Interferences, whichever is later.

(ii) In *inter partes* reexaminations, the time for filing a cross-appeal expires:

(A) Fourteen days after service of the notice of appeal; or

(B) Two months after the date of decision of the Board of Patent Appeals and Interferences, whichever is later.

* * * * *

■ 12. Section 1.417 is revised to read as follows:

§ 1.417 Submission of translation of international publication.

The submission of an English language translation of the publication of an international application pursuant to 35 U.S.C. 154(d)(4) must clearly identify the international application to which it pertains (§ 1.5(a)) and be clearly identified as a submission pursuant to 35 U.S.C. 154(d)(4). Otherwise, the submission will be treated as a filing under 35 U.S.C. 111(a). Such submissions should be marked ''Mail Stop PCT.''

■ 13. Section 1.495 is amended by revising paragraphs (c) and (g) to read as follows:

§ 1.495 Entering the national stage in the United States of America.

* * * * *

(c) If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date but omits either a translation of the international application, as filed, into the English language, if the international application was originally filed in another language and if any English language translation of the publication of the international application previously submitted under 35 U.S.C. 154(d) (§ 1.417) is not also a translation of the international application as filed (35 U.S.C. 371(c)(2)), or the oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26*ter*.1, applicant will be so notified and given a period of time within which to file the translation and/or oath or declaration in order to prevent abandonment of the application. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than the expiration of thirty months after the priority date. The payment of the surcharge set forth in § 1.492(e) is required for acceptance of the oath or declaration of the inventor later than the expiration of thirty months after the priority date. A ''Sequence Listing'' need not be translated if the ''Sequence Listing'' complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b).

* * * * *

(g) The documents and fees submitted under paragraphs (b) and (c) of this section must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a).

* * * * *

■ 14. Section 1.913 is revised to read as follows:

§ 1.913 Persons eligible to file request for inter partes reexamination.

Except as provided for in § 1.907, any person other than the patent owner or its privies may, at any time during the period of enforceability of a patent which issued from an original application filed in the United States on or after November 29, 1999, file a request for *inter partes* reexamination by the Office of any claim of the patent on the basis of prior art patents or printed publications cited under § 1.501.

■ 15. Section 1.959 is amended by adding a new paragraph (f) to read as follows:

§ 1.959 Notice of appeal and cross appeal to Board of Patent Appeals and Interferences in inter partes reexamination.

* * * * *

(f) If a notice of appeal or cross appeal is timely filed but does not comply with any requirement of this section, appellant will be notified of the reasons for non-compliance and provided with a non-extendable period of one month within which to file an amended notice of appeal or cross appeal. If the appellant does not then file an amended notice of appeal or cross appeal within the one-month period, or files a notice which does not overcome all the reasons for non-compliance stated in the

notification of the reasons for non-compliance, that appellant's appeal or cross appeal will stand dismissed.

■ 16. Section 1.965 is amended by revising paragraph (d) to read as follows:

§ 1.965 Appellant's brief in inter partes reexamination.

* * * * *

(d) If a brief is filed which does not comply with all the requirements of paragraphs (a) and (c) of this section, appellant will be notified of the reasons for non-compliance and provided with a non-extendable period of one month within which to file an amended brief. If the appellant does not file an amended brief during the one-month period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, that appellant's appeal will stand dismissed.

■ 17. Section 1.967 is amended by revising paragraph (c) to read as follows:

§ 1.967 Respondent's brief in inter partes reexamination.

* * * * *

(c) If a respondent's brief is filed which does not comply with all the requirements of paragraphs (a) and (b) of this section, respondent will be notified of the reasons for non-compliance and provided with a non-extendable period of one month within which to file an amended brief. If the respondent does not file an amended brief during the one-month period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the respondent brief will not be considered.

■ 18. Section 1.971 is revised to read as follows:

§ 1.971 Rebuttal brief in inter partes reexamination.

(a) Within one month of the examiner's answer in an *inter partes* reexamination appeal, any appellant may once file a rebuttal brief in triplicate. The rebuttal brief of the patent owner may be directed to the examiner's answer and/or any respondent brief. The rebuttal brief of any third party requester may be directed to the examiner's answer and/or the respondent brief of the patent owner. The rebuttal brief of a third party requester may not be directed to the respondent brief of any other third party requester. No new ground of rejection may be proposed by a third party requester. The time for filing a rebuttal brief may not be extended. The rebuttal brief must include a certification that a copy of the rebuttal brief has been served in its entirety on all other parties to the reexamination proceeding. The names and addresses of the parties served must be indicated.

(b) If a rebuttal brief is filed which does not comply with all the requirements of paragraph (a) of this section, appellant will be notified of the reasons for non-compliance and provided with a non-extendable period of one month within which to file an amended rebuttal brief. If the appellant does not file an amended rebuttal brief during the one-month period, or files an amended rebuttal brief which does not overcome all the reasons for non-compliance stated in the notification, that appellant's rebuttal brief will not be considered.

■ 19. Section 1.977 is amended by revising paragraph (g) to read as follows:

§ 1.977 Decision by the Board of Patent Appeals and Interferences; remand to examiner in inter partes reexamination.

* * * * *

(g) The time period set forth in paragraph (b) of this section is subject to the extension of time provisions of § 1.956, when the patent owner is responding under paragraph (b)(1) of this section. The time period set forth in paragraph (b) of this section may not be extended when the patent owner is responding under paragraph (b)(2) of this section. The time periods set forth in paragraphs (c) and (e) of this section may not be extended.

■ 20. Section 1.979 is amended by revising paragraphs (e) and (f) to read as follows:

§ 1.979 Action following decision by the Board of Patent Appeals and Interferences or dismissal of appeal in inter partes reexamination.

* * * * *

(e) The parties to an appeal to the Board of Patent Appeals and Interferences may not appeal to the U.S. Court of Appeals for the Federal Circuit under § 1.983 until all parties' rights to request rehearing have been exhausted, at which time the decision of the Board of Patent Appeals and Interferences is final and appealable by any party to an appeal to the Board of Patent Appeals and Interferences who is dissatisfied with the final decision of the Board of Patent Appeals and Interferences.

(f) An appeal to the Board of Patent Appeals and Interferences by a party is considered terminated by the dismissal of that party's appeal, the failure of the party to timely request rehearing under § 1.979(a) or (c), or the failure of the party to timely file an appeal to the U.S. Court of Appeals for the Federal Circuit under § 1.983. The date of such termination is the date on which the appeal is dismissed, the date on which the time for rehearing expires, or the date on which the time for the appeal to the U.S. Court of Appeals for the Federal Circuit expires. If an appeal to the U.S. Court of Appeals for the Federal Circuit has been filed, the appeal is considered terminated when the mandate is issued by the U.S. Court of Appeals for the Federal Circuit. Upon termination of an appeal, if no other appeal is present, the reexamination proceeding will be terminated and the Director will issue a certificate under § 1.997.

* * * * *

■ 21. The undesignated center heading immediately preceding § 1.983 is revised to read as follows:

Appeal to the United States Court of Appeals for the Federal Circuit in Inter Partes Reexamination

■ 22. Section 1.983 is revised to read as follows:

§ 1.983 Appeal to the United States Court of Appeals for the Federal Circuit in inter partes reexamination.

(a) The patent owner or third party requester in an inter partes reexamination proceeding who is a party to an appeal to the Board of Patent Appeals and Interferences and who is dissatisfied with the decision of the Board of Patent Appeals and Interferences may, subject to § 1.979(e), appeal to the U.S. Court of Appeals for the Federal Circuit and may be a party to any appeal thereto taken from a reexamination decision of the Board of Patent Appeals and Interferences.

(b) The appellant must take the following steps in such an appeal:

(1) In the U.S. Patent and Trademark Office, timely file a written notice of appeal directed to the Director in accordance with §§ 1.302 and 1.304;

(2) In the U.S. Court of Appeals for the Federal Circuit, file a copy of the notice of appeal and pay the fee, as provided for in the rules of the U.S. Court of Appeals for the Federal Circuit; and

(3) Serve a copy of the notice of appeal on every other party in the reexamination proceeding in the manner provided in § 1.248.

(c) If the patent owner has filed a notice of appeal to the U.S. Court of Appeals for the Federal Circuit, the third party requester may cross appeal to the U.S. Court of Appeals for the Federal Circuit if also dissatisfied with the decision of the Board of Patent Appeals and Interferences.

(d) If the third party requester has filed a notice of appeal to the U.S. Court of Appeals for the Federal Circuit, the

patent owner may cross appeal to the U.S. Court of Appeals for the Federal Circuit if also dissatisfied with the decision of the Board of Patent Appeals and Interferences.

(e) A party electing to participate in an appellant's appeal must, within fourteen days of service of the appellant's notice of appeal under paragraph (b) of this section, or notice of cross appeal under paragraphs (c) or (d) of this section, take the following steps:

(1) In the U.S. Patent and Trademark Office, timely file a written notice directed to the Director electing to participate in the appellant's appeal to the U.S. Court of Appeals for the Federal Circuit by mail to, or hand service on, the General Counsel as provided in § 104.2;

(2) In the U.S. Court of Appeals for the Federal Circuit, file a copy of the notice electing to participate in accordance with the rules of the U.S. Court of Appeals for the Federal Circuit; and

(3) Serve a copy of the notice electing to participate on every other party in the reexamination proceeding in the manner provided in § 1.248.

(f) Notwithstanding any provision of the rules, in any reexamination proceeding commenced prior to November 2, 2002, the third party requester is precluded from appealing and cross appealing any decision of the Board of Patent Appeals and Interferences to the U.S. Court of Appeals for the Federal Circuit, and the third party requester is precluded from participating in any appeal taken by the patent owner to the U.S. Court of Appeals for the Federal Circuit.

Dated: December 9, 2003.

James E. Rogan,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 03–31398 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL–7601–4]

RIN 2060–AL80

Revisions to the Regional Haze Rule To Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within That Geographic Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendments.

SUMMARY: The EPA is taking final action to approve a correction to the mobile source provisions of EPA's regional haze rule. This correction is consistent with recommendations of the Western Regional Air Partnership (WRAP). The amendments to the rule are intended to address an emissions projection scenario for mobile sources which was not addressed when EPA published the regional haze rule in 1999.

EFFECTIVE DATE: This final rule is effective February 20, 2004.

ADDRESSES: The EPA has established an official public docket for this action under Docket No. OAR–2002–0076. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include confidential business information 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 Docket in the EPA Docket Center, 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 Docket is (202) 566–1742. A reasonable fee may be charged for copying.

Electronic Access. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above. Once in the system, select ''search,'' then key in the docket identification number, OAR–2002–0076.

FOR FURTHER INFORMATION CONTACT: If you would like further information about this rule, contact Kathy Kaufman, Integrated Policies and Strategies Group, (919) 541–0102 or by e-mail *kaufman.kathy@epa.gov*.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are nine States in the Western United States (Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah and Wyoming) and Indian tribes within that same geographic area. This final action, and an earlier action taken by EPA in 1999, provides these States and tribes with an optional program to protect visibility in federally protected scenic areas. The portion of the program addressed by today's final rule is a program for tracking of mobile source emissions under the 1999 rule.

Outline

The contents of today's preamble are listed in the following outline.

I. Background
  A. What Is the Regional Haze Rule?
  B. What Are the Special Provisions for Western States and Eligible Indian Tribes in 40 CFR 51.309 of the Regional Haze Rule?
II. Changes to the Mobile Source Provisions of Section 309
  A. Why Are We Changing the Mobile Source Provisions of 40 CFR 51.309?
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I. Background

A. What Is the Regional Haze Rule?

Section 169(A) of the Clean Air Act (CAA) establishes a national goal for protecting visibility in federally-protected scenic areas. These ''Class I'' areas include national parks and

wilderness areas. The national visibility goal is to remedy existing impairment and prevent future impairment in these Class I areas, consistent with the requirements of sections 169A and 169B of the CAA.

Regional haze is a type of visibility impairment caused by air pollutants emitted by numerous sources across a broad region. The EPA uses the term regional haze to distinguish this type of visibility problem from those which are more local in nature. In 1999, EPA issued a regional haze rule requiring States to develop implementation plans that will make ''reasonable progress'' toward the national visibility goal (64 FR 35714, July 1, 1999). The first State plans for regional haze are due between 2003 and 2008. The regional haze rule provisions appear at 40 CFR 51.308 and 40 CFR 51.309.

B. What Are the Special Provisions for Western States and Eligible Indian Tribes in 40 CFR 51.309 of the Regional Haze Rule?

The regional haze rule at 40 CFR 51.308 sets forth the requirements for State implementation plans (SIPs) under the regional haze program. The rule requires State plans to include visibility progress goals for each Class I area, as well as emissions reductions strategies and other measures needed to meet these goals. The rule also provides an optional approach, described in 40 CFR 51.309, that may be followed by the nine western States (Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming) that comprise the transport region analyzed by the Grand Canyon Visibility Transport Commission (GCVTC) during the 1990's. This optional approach is also available to eligible Indian Tribes within this geographic region. The regulatory provisions at 40 CFR 51.309 are based on the final report issued by the GCVTC in 1996,[1] which included a number of recommended emissions reductions strategies designed to improve visibility in the 16 Class I areas on the Colorado Plateau.

In developing the regional haze rule, EPA received a number of comments on the proposed rule encouraging the Agency to recognize explicitly the work of the GCVTC. In addition, in June 1998, Governor Leavitt of Utah provided comments to EPA on behalf of the Western Governors Association (WGA), further emphasizing the commitment of western States to implementing the GCVTC recommendations. The WGA's comments also suggested the translation of the GCVTC's recommendations into specific regulatory language. The EPA issued a Notice of Availability during the fall of 1998 requesting further comment on the WGA's proposal and a draft set of regulatory language based upon the WGA's recommendations. Based on the comments received on this **Federal Register** action, EPA developed the provisions set forth in 40 CFR 51.309 that allow the nine Transport Region States and eligible tribes within that geographic area to implement many of the GCVTC recommendations within the framework of the national regional haze rule.

The provisions in 40 CFR 51.309 comprise a comprehensive long-term strategy for addressing sources that contribute to visibility impairment within this geographic region. The strategy addresses the time period between the year 2003, when the implementation plans are due,[2] and the year 2018. The provisions address emissions from stationary sources, mobile sources, and area sources such as emissions from fires and windblown dust.

II. Changes to the Mobile Source Provisions of Section 309

A. Why Are We Changing the Mobile Source Provisions of 40 CFR 51.309?

1. What Is the Basis for the Old Provisions?

The GCVTC determined that mobile source emissions need to be an essential part of a strategy to reduce haze on the Colorado Plateau. Therefore, one element of the GCVTC's strategy, as reflected in 40 CFR 51.309(d)(5), was to address mobile sources emissions. Section 309 also requires States to establish a mobile source emissions budget for each area that significantly contributes to visibility impairment in any of the 16 Class I areas covered by this section of the regulations. At the time the GCVTC made its recommendations (in 1996), mobile source emissions were projected to be lowest in 2005, and to subsequently rise over the course of the first regional haze planning period (*i.e.*, until 2018). Accordingly, section 309 required mobile source emissions budgets to be set using the lowest projected level as a planning objective and performance indicator for each area.

2. What Is the Basis for the New Provisions?

Since the GCVTC made its recommendations, new developments have caused mobile source emissions projections to change significantly. Over the past few years, we have promulgated a series of new emissions standards for several different engine types, as well as new standards for diesel fuel content.[3] As a result of these new standards, the WRAP, using EPA's latest models,[4] now projects a significant decline in mobile source emissions throughout the region during the 2003–2018 time period covered by the section 309 plans, particularly from on-road mobile sources. Rather than emissions being lowest in 2005, and subsequently rising, mobile source emissions for all pollutants except sulfur dioxide (SO_2) are expected to decline continuously over the course of the first regional haze planning period.

The projected trends for mobile source emissions of SO_2 differ from those of other pollutants. Emissions reductions from pollutants such as nitrogen oxides (NO_X) and particulate matter (PM) are dependent on technological changes to the onroad fleet and to nonroad engines which are implemented gradually. In contrast, SO_2 emissions reductions are immediately realized when the sulfur content of the fuel changes, because emissions from both new and existing engines immediately drop sharply. We have already published stringent fuel sulfur limits for onroad engines and have proposed stringent fuel sulfur limits for nonroad engines.[5] These Federal fuel sulfur regulations, fully implemented, would together result in a substantial reduction in SO_2 emissions over the 2003—2018 planning period.

B. What Are the Specific Changes to the Mobile Source Provisions of 40 CFR 51.309?

These revisions would change 40 CFR 51.309(d)(5)(i) to eliminate the requirement for setting mobile source emissions budgets using the lowest projected level as a planning objective and performance indicator for each area. Instead, the new 40 CFR 51.309(d)(5)(i) would substitute, as the new planning objective and performance indicator, a

[1] *Recommendations for Improving Western Vistas.* GCVTC, June 10, 1996.

[2] Indian tribes are given the flexibility under EPA regulations to submit implementation plans and opt into the program after the 2003 deadline.

[3] *See* 62 FR 25355, (May 8, 1997); 63 FR 18978, (April 16, 1998); 63 FR 56968, (October 23, 1998); 64 FR 73300, (December 29, 1999); 65 FR 59895, (October 6, 2000); 66 FR 5001, (January 18, 2001); 67 FR 68241, (November 8, 2002); and 68 FR 9745, (February 28, 2003).

[4] MOBILE6 and MOBILE6.2 for on-highway vehicles and the NON–ROAD model for nonroad vehicles.

[5] *See* 68 FR 28327, (May 23, 2003).

requirement for statewide inventories to show a continuous decline in emissions of each pollutant of concern over the planning period. Should mobile source emissions not decline as expected, States would have to revise their SIPs to include any feasible additional strategies. This new requirement conforms to trends that are currently projected.

In addition, in light of the continuous decline in mobile source emissions expected over the entire region, these revisions also eliminate the unneeded requirement in 40 CFR 51.309(d)(5)(ii) and (iii) to determine whether mobile sources emissions constitute a significant contributor to haze in a given State. The revisions retain the requirements for statewide inventories and performance demonstrations.

Finally, the revisions contain a backstop provision, requested by the WRAP, to address any potential concerns regarding SO_2 from nonroad sources in the event that recently proposed Federal standards, referenced above, are not finalized. The backstop provision, contained in the new 40 CFR 51.309(d)(5)(i)(B), requires States to assess the need for any long-term strategies to address SO_2 from nonroad mobile sources by no later than December 31, 2008. In determining whether to revise their SIPs to address SO_2 from mobile sources, States may consider the emissions reductions achieved—or anticipated—by any Federal standards that are in place addressing fuel sulfur content for nonroad engines.

C. What Comments Did We Receive on the Proposed Rule and What Is Our Response?

We received one comment letter on the proposed rule, from the Center for Energy and Economic Development (CEED). We also received three comments at the public hearing—one from CEED, reiterating comments provided in its letter, one from the WRAP in support of this rule, and one from the Colorado Mining Association.

The CEED commented (1) that EPA should fix other flaws in section 309 before making this change; (2) that making this change now may constrain state authority in making ''reasonable progress'' determinations; (3) that it is not clear that all WRAP states and tribes have authorized the request for this change; and (4) that this action circumvents the recent statutory process enacted by Arizona for determining which regional haze path to implement.

In regard to comment (1), EPA believes that we would be remiss in awaiting the outcome of CEED's current lawsuit before bringing the requirements of section 309 in line with the most recent data on mobile sources emission trends. Section 309 is currently in effect, and, as explained earlier in this preamble, this change is needed by States and tribes who must submit section 309 SIPs to EPA by the December 31, 2003, deadline. Without this change, those section 309 SIPs would have to contain extra work by States to determine significance, work that the current data shows is unnecessary.

In regard to comment (2), EPA does not agree that making this change would constrain state authority in making ''reasonable progress'' determinations. We do not agree with CEED that greater public input is needed from western States on this point; we believe by specifically requesting this change, the WRAP has made it quite clear that western States (and tribes) need it. We believe that CEED's claim in comment (3), that it is not ''clear that all WRAP States and tribes authorized such a request'', is disingenuous at best. Representatives of the WRAP have assured us that the WRAP discussed this request at length. The WRAP requested this change, in writing, on behalf of its member States and tribes, and we have not heard of any member State or tribe objecting in any way.

In regard to comment (4), we do not believe that removing an unneeded requirement from a voluntary program circumvents the Arizona legislature in any way.

The Colorado Mining Association asserted that we should make available for public reivew the assumptions and model inputs that support our projections. In regard to this comment, as noted in footnote 4 of the proposed rule, the WRAP used EPA's MOBILE6 and MOBILE6.2 models for on-highway vehicles and the NONROAD model for nonroad vehicles. The assumptions and model inputs for these models have undergone numerous public workshops and reviews, as described in detail on our Web site, *http://www.epa.gov/otaq/models/mobile6/m6wkshop.htm.*

III. 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 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.

Pursuant to the terms of Executive Order 12866, we have determined that this direct final rule is not a significant regulatory action.

B. Paperwork Reduction Act

This action does not add any new requirements involving the collection of information as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The OMB has approved the information collection requirements contained in the final Regional Haze regulations (64 FR 35714, July 1, 1999) and has assigned OMB control number 2060–0421 (EPA ICR No. 1813.04). A copy of this ICR may be obtained from Susan Auby, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW., Washington, DC 20460 or by calling (202) 566–1672.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*, 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 rulemaking on small entities, small entity is defined as: (1) A small business that is a small industrial entity as defined in the U.S. Small Business Administration (SBA) size standards (as discussed on the SBA Web site at *http://www.sba.gov/size/indextableofsize.html*); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's direct final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the proposed rule on small entities.'' 5 U.S.C. sections 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

This rule eliminates certain comprehensive requirements to address mobile source emissions that EPA now considers to be unnecessary. Specifically, as discussed above, this rule eliminates the requirements in 51.309(5)(ii) and (iii) to determine whether mobile sources emissions constitute a significant contributor to haze in a given State, and for those States with areas that meet this significance criterion, to establish mobile source emissions budgets. The rule requires emissions reductions consistent with the downward trend in mobile source emission inventories that is currently projected, based on regulations that have already been promulgated. We have therefore concluded that today's rule will relieve regulatory burden for all small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) (UMRA), 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, 2 U.S.C. 1532, EPA generally must prepare a written statement, including a cost-benefit analysis, for any proposed or final rule that ''includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more * * * in any one year.'' A ''Federal mandate'' is defined under section 421(6), 2 U.S.C. 658(6), to include a ''Federal intergovernmental mandate'' and a ''Federal private sector mandate.'' A ''Federal intergovernmental mandate,'' in turn, is defined to include a regulation that ''would impose an enforceable duty upon State, local, or tribal governments,'' section 421(5)(A)(i), 2 U.S.C. 658(5)(A)(i), except for, among other things, a duty that is ''a condition of Federal assistance,'' section 421(5)(A)(i)(I). A ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector,'' with certain exceptions, section 421(7)(A), 2 U.S.C. 658(7)(A).

Before promulgating an EPA rule for which a written statement is needed under section 202 of the UMRA, section 205, 2 U.S.C. 1535, of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule.

Because the entire program under 40 CFR 51.309, including today's amendments, is an option that each of the States may choose to exercise, these revisions to section 309 do not establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments. The program is not required and, thus is clearly not a ''mandate.'' Moreover, as explained above, today's rule eliminates certain requirements and will overall reduce any regulatory burdens. Accordingly, this rule will not result in expenditures to State, local, and tribal governments, in the aggregate, or the private sector, of $100 million or more in any given year. Thus EPA is not obligated, under section 203 of UMRA, to develop a small government agency plan.

We believe that this rulemaking is not subject to the requirements of UMRA. For regional haze SIPs overall, it is questionable whether a requirement to submit a SIP revision constitutes a Federal mandate, as discussed in the preamble to the regional haze rule (64 FR 35761, July 1, 1999). However, today's direct final rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, or tribal governments or the private sector. In addition, the program contained in 40 CFR 51.309, including today's revisions, is an optional program.

E. Executive Order 13132: Federalism

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

Under section 6(b) of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing a regulation. Under section 6(c) of Executive Order 13132, EPA may not issue a regulation that has federalism implications and that preempts State law, unless EPA consults with State and local officials early in the process of developing the regulation.

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in

Executive Order 13132. As described above, this rule contains minor revisions to section 309 of the regional haze rule which will reduce any regulatory burden on the States. In addition, section 309 is an optional program for States. The minor revisions to section 309, accordingly, do not directly impose significant new requirements on State and local governments. Moreover, even if today's revisions did have federalism implications, these revisions would not impose substantial direct compliance costs on State or local governments, nor would they preempt State law. Thus, Executive Order 13132 does not apply to this rule.

Consistent with EPA policy, we nonetheless did consult with representatives of State and local governments in developing this rule. This rule directly implements specific recommendations from the WRAP, which includes representatives from all the affected States.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This rule eliminates certain requirements and will overall reduce any regulatory burden on the tribes. Moreover, the section 309 program is an optional program for tribes within the same geographic region as the WRAP states. Accordingly, this rule will not have tribal implications. In addition, this rule directly implements specific recommendations from the WRAP, which includes representatives of tribal governments. Thus, although the rule does not have tribal implications, representatives of Tribal governments have had the opportunity to provide input into development of the recommendations forming its basis.

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

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

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 Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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

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

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

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

Executive Order 12898 requires that each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. The requirements of Executive Order 12898 have been previously addressed to the extent practicable in the Regulatory Impact Analysis (RIA) for the regional haze rule (cited above), particularly in chapters 2 and 9 of the RIA. Today's direct final rule makes no changes that would have a disproportionately high and adverse human health or environmental effect on minorities and low-income populations.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the SBREFA, 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**. A ''major rule'' cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(a).

IV. Statutory Provisions and Legal Authority

Statutory authority for today's direct final rule comes from sections 169(a) and 169(b) of the CAA (42 U.S.C. 7545(c) and (k)). These sections require EPA to issue regulations that will require States to revise their SIPs to ensure that reasonable progress is made toward the national visibility goals specified in section 169(A).

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Nitrogen dioxide, Particulate matter, Sulfur oxides, Volatile organic compounds.

Dated: December 15, 2003.

Stephen L. Johnson,

Acting Administrator.

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

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart P—Protection of Visibility

■ 2. Section 51.309 is amended by revising paragraphs (b)(6) and (d)(5)(i), removing paragraphs (d)(5)(ii) and (d)(5)(iii), and redesignating paragraph (d)(5)(iv) as (d)(5)(ii), to read as follows:

§ 51.309 Requirements related to the Grand Canyon Visibility Transport Commission.

* * * * *

(b) * * *

(6) *Continuous decline in total mobile source emissions* means that the projected level of emissions from mobile sources of each listed pollutant in 2008, 2013, and 2018, are less than the projected level of emissions from mobile sources of each listed pollutant for the previous period (*i.e.,* 2008 less than 2003; 2013 less than 2008; and 2018 less than 2013).

* * * * *

(d) * * *

(5) * * *

(i) Statewide inventories of onroad and nonroad mobile source emissions of VOC, NO_X, SO_2, $PM_{2.5}$, elemental carbon, and organic carbon for the years 2003, 2008, 2013, and 2018.

(A) The inventories must demonstrate a continuous decline in total mobile source emissions (onroad plus nonroad; tailpipe and evaporative) of VOC, NO_X, $PM_{2.5}$, elemental carbon, and organic carbon, evaluated separately. If the inventories show a continuous decline in total mobile source emissions of each of these pollutants over the period 2003–2018, no further action is required as part of this plan to address mobile source emissions of these pollutants. If the inventories do not show a continuous decline in mobile source emissions of one or more of these pollutants over the period 2003–2018, the plan submission must provide for an implementation plan revision by no later than December 31, 2008 containing any necessary long-term strategies to achieve a continuous decline in total mobile source emissions of the pollutant(s), to the extent practicable, considering economic and technological reasonableness and federal preemption of vehicle standards and fuel standards under title II of the CAA.

(B) The plan submission must also provide for an implementation plan revision by no later than December 31, 2008 containing any long-term strategies necessary to reduce emissions of SO_2 from nonroad mobile sources, consistent with the goal of reasonable progress. In assessing the need for such long-term strategies, the State may consider emissions reductions achieved or anticipated from any new Federal standards for sulfur in nonroad diesel fuel.

* * * * *

[FR Doc. 03–31471 Filed 12–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 437

[FRL–7601–3]

RIN 2040–AD95

Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Centralized Waste Treatment Point Source Category

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending certain provisions of a wastewater discharge regulation for the Centralized Waste Treatment (CWT) Point Source Category. Today's action deletes the selenium limitations and standards from certain sections of Subpart A, the Metals Treatment and Recovery subcategory. In addition, it deletes the barium, molybdenum, antimony, and titanium limitations and standards from Subpart B, the Oils Treatment and Recovery subcategory. Further, this action deletes the molybdenum, antimony, aniline, and 2,3-dichloroaniline limitations and standards from the Organics Treatment and Recovery subcategory. This action also revises all applicable related sections of Subpart D, the Multiple Wastestream subcategory, to reflect the preceding revisions. Finally this action increases the maximum monthly average BOD_5 limitation for directly discharging facilities subject to a section of the Multiple Wastestreams subcategory. EPA originally established wastewater discharge standards for CWT facilities in December 2000. Following publication of that rule, a number of CWT facilities petitioned EPA to reconsider the limitations and standards for certain pollutants. EPA evaluated the technology basis and other analyses and agreed with many of the suggested revisions. Today's action establishes those changes. As a result, facilities will not be required to comply with certain discharge standards that were erroneously included in the earlier regulation or for which EPA had incorrectly assessed the capability of the technology to achieve the removals.

DATES: This regulation shall become effective on December 22, 2003.

ADDRESSES: The administrative record is available for inspection and copying at the Water Docket, located at the EPA Docket Center (EPA/DC) in the basement of the EPA West Building, Room B–102, 1301 Constitution Ave., NW., Washington, DC. The rule and key supporting materials are also electronically available via EPA Dockets (Edocket) at *http://www.epa.gov/edocket/* Edocket number OW–2003–0075 or at *http://www.epa.gov/guide/cwt/.*

FOR FURTHER INFORMATION CONTACT: Elwood H. Forsht, EPA Office of Water by phone at (202) 566–1025 or by e-mail at *forsht.elwood@epa.gov.* For information on how to get copies of this document and other related information see the **SUPPLEMENTARY INFORMATION** section.

SUPPLEMENTARY INFORMATION:

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I. General Information

A. What Entities Are Potentially Regulated by This Regulation?

Entities potentially regulated by this action include the following types of facilities that discharge pollutants directly or indirectly to U.S. waters.

Category	Examples of regulated entities	NAICS codes
Industry	Discharges from stand-alone waste treatment and recovery facilities receiving materials from off-site. These facilities may treat hazardous or non-hazardous waste, hazardous or non-hazardous wastewater, and/or used material from off-site, for disposal, recycling, or recovery. Certain discharges from waste treatment systems at facilities primarily engaged in other industrial operations. Industrial facilities that process their own, on-site generated, process wastewater with hazardous or non-hazardous wastes, wastewaters, and/or used material received from off-site, in certain circumstances, may be subject to this rule with respect to a portion of their discharge.	56221, 562219.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the definitions and applicability criteria in §§ 437.1, 437.2, 437.10, 437.20, 437.30, and 437.40 of title 40 of the Code of Federal Regulations. If you have questions about the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

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

1. *Docket.* EPA has established an official public docket for this action under Docket ID No. OW–2003–0075. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. The official public docket is the collection of materials that is available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426. To view these docket materials, please call ahead to schedule an appointment. Every user is entitled to copy 266 pages per day before incurring a charge. The Docket may charge 15 cents a page for each page over the 266-page limit plus an administrative fee of $25.00.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.* An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in section I.B.1. Once in the system, select ''search,'' then key in the appropriate docket identification number.

C. What Process Governs Judicial Review for Today's Final Rule?

In accordance with 40 CFR 23.2, today's rule is considered promulgated for the purposes of judicial review as of 1 p.m. eastern daylight time, January 5, 2004. Under section 509(b)(1) of the Clean Water Act (CWA), judicial review of today's effluent limitations guidelines and standards may be obtained by filing a petition in the United States Circuit Court of Appeals for review within 120 days from the date of promulgation of these guidelines and standards. Under section 509(b)(2) of the CWA, the requirements of this regulation may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

II. Legal Authority

The U.S. Environmental Protection Agency is promulgating these regulations under the authority of 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342 and 1361.

III. Overview of Effluent Limitations Guidelines and Standards for Centralized Waste Treatment

Congress adopted the Clean Water Act (CWA) to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters'' (Section 101(a), 33 U.S.C. 1251(a)). To achieve this, the CWA prohibits the discharge of pollutants into navigable waters except in compliance with the statute. The CWA confronts the problem of water pollution on a number of different fronts. It relies primarily, however, on establishing restrictions on the types and amounts of pollutants discharged from various industrial, commercial, and public sources of wastewater.

Congress recognized that regulating only those sources that discharge effluent directly into the Nation's waters would not achieve the CWA's goals. Consequently, the CWA requires EPA to set nationally-applicable pretreatment standards that restrict pollutant discharges for those facilities that discharge wastewater indirectly through sewers flowing to publicly-owned treatment works (POTWs) (Section 307(b) and (c), 33 U.S.C. 1317(b) and (c)). National pretreatment standards are established for those wastewater pollutants that may pass through or interfere with POTWs operations. Generally, pretreatment standards are designed to ensure that wastewater from direct and indirect industrial dischargers are subject to similar levels of treatment. POTWs must also implement local pretreatment limits applicable to their industrial indirect dischargers to satisfy local requirements (40 CFR 403.5).

Direct dischargers must comply with effluent limitations through National

Pollutant Discharge Elimination System (NPDES) permits; indirect dischargers must comply with pretreatment standards. These limitations and standards are established by regulation for categories of industrial dischargers and are based on the degree of control that can be achieved using various levels of pollution control technology.

On December 22, 2000, EPA published regulations establishing effluent limitations guidelines, pretreatment standards for new and existing sources, and new source performance standards for the Centralized Waste Treatment (CWT) Point Source Category (65 FR 81242). These regulations control the discharges from CWT facilities that receive waste, wastewater, or used material from off-site. EPA established limitations and standards for four CWT subcategories. The first three subcategories cover facilities that treat or recover only one type of waste, either metal-bearing (Subpart A—Metals Treatment and Recovery), oily (Subpart B—Oils Treatment and Recovery), or organic (Subpart C—Organics Treatment and Recovery). The fourth subcategory, Subpart D—Multiple Wastestreams, covers facilities that treat or recover some combination of metal-bearing, oily, and organic waste, wastewater, or used material received from off-site. Using Subpart D limitations and standards simplifies implementation of the rule and compliance monitoring for CWT facilities that treat wastes subject to more than one of the first three subcategories. These facilities may choose to comply with the provisions of the multiple wastestreams Subpart D rather than Subparts A, B, or C. However, they must certify that an equivalent treatment system is installed and properly designed, maintained, and operated.

After the Agency published the December 2000 final rule, facilities in the regulated community conducted compliance monitoring studies and began to develop compliance strategies for the regulated pollutants. Based on these efforts, several members of the regulated community and a trade association submitted new information to the Agency and asked EPA to revise certain aspects of the final rule. In September 2003, EPA proposed to amend the regulations to delete certain pollutants from those subject to effluent limitations guidelines and standards. (68 FR 53432, September 10, 2003). After our own analysis and review of comments received on the proposed amendment, EPA has determined that it should adopt the proposed modifications to the current rule as well as several additional modifications resulting from additional analyses in the organics subcategory.

IV. Amendment To Remove Selenium Limitations From Certain Sections of the Metals Treatment and Recovery Subcategory

For the Metals Treatment and Recovery subcategory, EPA proposed to amend 40 CFR part 437 by deleting from §§ 437.11, 437.13, 437.15 and 437.16 the respective Best Practicable Control Technology Currently Available (BPT), Best Available Technology Economically Achievable (BAT), Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS) limitations and standards for selenium. We are adopting the changes for the reasons explained below. Section VII describes the methodology used to revise the related segments of the Multiple Wastestreams subcategory to reflect deletion of selenium from the Metals Treatment and Recovery subcategory.

In the December 2000 final rule, EPA established, for the Metals Treatment and Recovery subcategory, direct discharge limitations and standards as well as pretreatment standards for selenium and 15 other metal pollutants. The model technology for the BPT, BAT, PSES, and PSNS limitations and standards was primary chemical precipitation, liquid-solid separation, secondary chemical precipitation, clarification, and sand filtration. Following promulgation of the final rule, EPA received information indicating that the model technology that was the basis for the limitations and standards for existing sources would not remove selenium from wastewater consistently to the level required by the regulation. Based on the Agency's review of this information, EPA agrees and has concluded that it should delete selenium from the regulated metals for this subcategory. (EPA did not reassess its New Source Performance Standards (NSPS) for selenium because the standards are based on a different model treatment system involving the use of selective metals precipitation.)

While the data in the record for the 2000 CWT regulation demonstrate that the technology EPA evaluated as the basis for the BPT, BAT, PSES, and PSNS limitations and standards removes selenium, they also show that selenium removal was achieved only in the last stage of the model treatment system—the sand filtration polishing step. The sand filtration polishing step was included in the model technology to ensure compliance with total suspended solids (TSS) limits and was not designed to achieve specific metal removals. While it is true that the removal of solids associated with sand filtration will also remove associated metals, these metals removals are not achieved at a consistent or predictable rate. EPA did not intend to regulate a metal for which removals were obtained only during this final, polishing step of an extended treatment train. The identified removals may be an artifact of the particular data set EPA evaluated, and the record does not demonstrate that selenium removals are achieved consistently and predictably with this technology. While removals were observed, EPA determined that facilities would not be able to achieve the consistent removals required for compliance with a specific regulatory limit for selenium. Commenters on the proposed amendment supported EPA's conclusions. Commenters' experience confirmed that the model technology would not achieve consistent and predictable high-percentage removal of selenium. The docket includes documents which describe EPA's review of the selenium data that form the basis for today's action (DCNs 47.1 and 47.2).

Although EPA is deleting the regulatory limits for selenium in the selected sections, operation of treatment systems required to achieve compliance with the 14 other metals limits will ensure some continued removal of selenium, even if not at a consistent and predictable rate. Even without incidental removals for selenium, the estimated pollution reduction for this regulation remains relatively unchanged from the December 2000 estimates. Specifically, the decrease in reductions would be only 398 pounds per year (lbs/yr) or 0.01 percent of the total estimated metals subcategory reduction of 3.17 million lbs/yr. Expressed as toxic pound-equivalents (lb-eq), the decrease as a result of assuming no selenium removals is 0.011 percent or 438 lb-eq/yr out of the total estimated metals subcategory reduction of 415,393 lb-eq/yr (DCN 48.1).

V. Amendment To Remove Barium, Molybdenum, Antimony, and Titanium Limitations From the Oils Treatment and Recovery Subcategory

In the December 2000 final rule, EPA established, for the Oils Treatment and Recovery subcategory, direct discharge limitations and standards for barium, molybdenum, antimony, and titanium as well as 18 other pollutants. It also established pretreatment standards for barium, molybdenum, and antimony as well as 11 other pollutants. The model

technology used as the basis for the BPT, BAT, NSPS, and PSNS limitations and standards was emulsion breaking/gravity separation, secondary gravity separation, and dissolved air flotation (DAF). The PSES model technology was emulsion breaking/gravity separation, and DAF.

After EPA published the final rule, members of the regulated community evaluated different engineering strategies for complying with the promulgated limitations and standards. Several companies and a trade association submitted new information to EPA demonstrating that the model technology did not consistently remove certain pollutants from oils wastestreams. They reported to EPA that the limitations and standards were not technically achievable and petitioned EPA to delete these pollutants from the regulated parameters.

Based on the data submitted concerning metals removal and the model technology, EPA reexamined its model technology. As noted above, the model technology used for BPT, BAT, NSPS, and PSNS consists of emulsion breaking/gravity separation, secondary gravity separation, and DAF. During the DAF phase of treatment, surface active agents, coagulating agents, and polyelectrolytes are added to the wastewater, and the pH of the system is adjusted. The effect of adding coagulating agents and adjusting pH is to promote precipitation of metals and their consequent removal. Different metals are removed more effectively at different concentrations of coagulating agents and at different pH levels. EPA examined its database to identify which of the metal pollutants were removed consistently and predictably by the treatment system. Our review demonstrates that removals were not consistent and predictable for barium, molybdenum, antimony, and titanium. As a result, EPA is amending the regulations to remove the limitations and standards for these metal pollutants from Subpart B and to modify the related provisions of Subpart D to reflect these changes. In today's action, EPA is deleting BPT, BAT, and NSPS limitations and standards for barium, molybdenum, titanium, and antimony. EPA is also deleting PSES and PSNS standards for barium, molybdenum and antimony. (EPA had not promulgated pretreatment standards for titanium in the December 2000 rule.) Comments on the proposed amendment and EPA's record support these changes as explained in the following discussions.

Even though this amendment deletes the limitations and standards for these four metal pollutants, the control of other metal pollutants ensures some incidental removals for these parameters. For direct discharge facilities, limitations for nine other metals remain in place. For indirect discharge facilities, pretreatment standards for six other metals remain in place.

A. Barium

EPA is amending 40 CFR part 437 by deleting from §§ 437.21, 437.23, 437.24, 437.25 and 437.26 the respective BPT, BAT, NSPS, PSES, and PSNS limitations and standards for barium. Section VI describes the methodology used to revise the related segments of the Multiple Wastestreams subcategory to reflect deletion of barium from the Oils Treatment and Recovery subcategory.

EPA received information and data from several companies and a CWT trade association concerning barium concentrations in different types of waste receipts treated at CWT facilities. EPA evaluated this information and concluded that the model technology would not reliably and consistently remove barium to the limits required in the oils subcategory. The record includes the additional information provided to the Agency with the request for changes to the regulation and EPA's review of that information (DCNs 43.2.49, 43.2.51, 43.2.54, 43.2.60, 44.2, 44.2.1, 44.3, 45.29.1, and 47.7).

EPA based its determination on the information noted above and other information supplied by commenters. Petitioners and commenters noted that CWT facilities accept a variety of oily waste receipts that contain barium including used lubricating oils and greases and oil and gas extraction drilling fluids and brine. The information and data indicate that barium is usually precipitated as barium sulfate and that sedimentation, rather than dissolved air flotation, would provide more consistent barium removals.

EPA's single-stage DAF model treatment system was designed primarily to remove suspended solids and dispersed oil and grease from oily wastewater. The use of treatment chemicals effectively increases the efficiencies of DAF treatment systems in removing suspended solids and may also enhance the removal of metals (DCN 41.2, pages 8–13 to 15). The operating conditions of the model treatment technology in the final regulation included the addition of treatment chemicals (aluminum sulfate, caustic soda, and polymers). Use of aluminum sulfate (alum) precipitates barium sulfate which has a specific gravity 4.5 times heavier than water; the use of polymers flocculate suspended particles.

Because of the density of barium sulfate and the use of polymers, large floc formations would tend to sink, and smaller floc formations would tend to float. However, if colloidal suspensions are formed, DAF might be ineffective. Therefore, removing barium sulfate by DAF requires a careful balance between forming a large enough floc to be floated but not too large to sink. In these circumstances, EPA determined that the model DAF technology would not reliably and consistently provide the pollutant reductions that were used for the promulgated limitations. Thus, EPA proposed to remove the limitations and standards for barium from Subpart B and the associated provisions of Subpart D. EPA did not intend to regulate a pollutant in the oils waste receipts subcategory for which compliance could not be consistently and predictably achieved with the model DAF treatment system. Further analysis of EPA data and that supplied by commenters and others confirms EPA's conclusions about barium removals in the model DAF treatment system. As a consequence, EPA is modifying the limitations and standards to remove barium as a regulated pollutant.

Although EPA is deleting the regulatory limits for barium, operation of treatment systems required to achieve compliance with other metals limits will ensure some continued removal of barium, even if not at a consistent and predictable rate. Even without incidental removals for barium, the estimated pollutant reduction for this regulation remains relatively unchanged from the December 2000 estimates. Specifically, the oils subcategory pollutant reductions would decrease by 2,117 lbs/yr or 0.25 percent of the total estimated reduction of 859,988 lbs/yr if no barium removals were included. Expressed as toxic pound-equivalents, the decrease assuming no barium removals is less than 0.008 percent or 4 lb-eq/yr of the total estimated subcategory reduction of 52,603 lb-eq/yr (DCN 48.1).

B. Molybdenum, Antimony, and Titanium

EPA is amending 40 CFR part 437 by deleting the respective BPT, BAT, and NSPS limitations and standards for molybdenum, antimony, and titanium from §§ 437.21, 437.23, 437.24; and by deleting the respective PSES and PSNS standards for molybdenum and antimony from §§ 437.25 and 437.26. Section VI describes the methodology used to revise the related segments of

the Multiple Wastestreams subcategory to reflect deletions of regulated pollutants.

As explained in the proposal, EPA's single-stage DAF model treatment system was designed primarily to remove suspended solids and dispersed oil and grease from oily wastewater. The use of treatment chemicals effectively increases the efficiencies of DAF treatment systems in removing suspended solids. It may also enhance the removal of metals (DCN 41.2, pages 8–13 to 15). The conditions under which the EPA's model treatment technology operated included adding treatment chemicals (aluminum sulfate, caustic soda, and polymer) with pH adjustments to relatively strong base levels between 9 to 11. These operating conditions optimize removals of the more traditional heavy metals including chromium, zinc, lead, nickel, copper, and cadmium.

As previously noted, after EPA published the December 2000 final rule, the regulated community evaluated several different engineering strategies for complying with the limitations and standards. Several companies and a CWT trade association submitted new information demonstrating that the model technology would not consistently remove certain pollutants from oils wastestreams. They reported that the antimony, molybdenum, and titanium limitations and standards were not technically achievable, petitioning EPA to delete these pollutants as regulated parameters. The docket includes the additional information and EPA's review of that information (DCNs 45.12.1, 45.12.2, 45.12.3, 45.12.4, 45.25, 45.25.2, 46.5.1, 46.5.2, 46.5.3, 46.10, 46.11, 46.12, 46.15, 46.21, and 47.5).

Based on the materials submitted, EPA reexamined its model technology and the removal data. The results led EPA to propose deleting the antimony, molybdenum, and titanium limitations and standards in the Oils Treatment and Recovery subcategory. Information and data submitted by commenters has further convinced the Agency that the oils subcategory model DAF treatment technology will not consistently meet the antimony, molybdenum, and titanium limitations and standards. The data demonstrate that optimum removals of antimony, molybdenum, and titanium require treatment with high concentrations of iron (ranging from 1,000 to 5,000 mg/l). The data also demonstrate that optimum removals of antimony and molybdenum require pH adjustments to relatively strong acid levels between 4 to 5. To ensure compliance with the antimony, molybdenum, and titanium limitations and standards, many oily waste facilities would need to add a second-stage chemical precipitation step, operated at a relatively low pH (between 4 and 5) and/or add large quantities of iron (1,000 to 5,000 mg/l), followed by clarification or filtration.

EPA did not intend to regulate a pollutant in the oils waste receipts subcategory for which compliance requires the addition of uniquely designed chemical precipitation systems to the model technology. Based on the information and data provided, we conclude that many CWT facilities subject to Subpart B would not be able to comply with the antimony, molybdenum, and titanium limitations and standards through the use of the model DAF technology alone. EPA is therefore amending the regulation to remove the limitations and standards for these pollutants from Subpart B and revise the associated provisions of Subpart D.

Although EPA is deleting the regulatory limits for antimony, molybdenum, and titanium, operation of treatment systems required to achieve compliance with other metals limits will ensure some continued removal of antimony, molybdenum, and titanium, even if not at consistent and predictable rates. Even with no incidental removals for antimony, molybdenum, and titanium, the estimated oils subcategory pollutant reduction for this regulation remains relatively unchanged (the December 2000 estimated pollutant reductions would decrease by 7,832 lbs/yr or 0.91 percent of the total estimated reduction of 859,988 lbs/yr). Expressed as pollutant pound-equivalents, the decrease, assuming no antimony, molybdenum, and titanium removals, is about 2.89 percent or 1,519 lb-eq/yr out of the total estimated subcategory reduction of 52,603 lb-eq/yr (DCN 48.1).

VI. Amendment To Remove Molybdenum, Antimony, Aniline, and 2,3-Dichloroaniline Limitations From the Organics Treatment and Recovery Subcategory

EPA is amending 40 CFR Part 437 by deleting from §§ 437.31, 437.33, and 437.34 the respective BPT, BAT, and NSPS limitations and standards for molybdenum, antimony, aniline, and 2,3-dichloroaniline; and by deleting the respective PSES and PSNS standards for molybdenum and 2,3-dichloroaniline from §§ 437.35 and 437.36. Section VII describes the methodology used to revise the related segments of the Multiple Wastestreams subcategory to reflect deletions of regulated pollutants.

In the proposed amendment, EPA asked for comment on an issue raised by the National Oil Recyclers Association (NORA). NORA submitted information with a request that EPA delete the molybdenum limitations and standards from the Organics Treatment and Recovery subcategory and from the related sections of the Multiple Wastestreams subcategory (DCNs 45.32 and 45.33). NORA stated that many CWT organics subcategory facilities had molybdenum influent raw waste concentrations that are too high for effective biological treatment. Based on our assessment of the information and data, EPA indicated in the proposed amendment that it would probably delete the molybdenum limitations from the organics subcategory. We sought further information that showed that the model technology for the Organics Treatment and Recovery subcategory would not consistently and predictably remove molybdenum from wastestreams. EPA received additional information and data from commenters on this issue and has determined that it should remove molybdenum from the pollutants regulated in the Organics Treatment and Recovery subcategory (and related sections of the Multiple Wastestreams subcategory).

EPA had based the December 2000 effluent limitations and pretreatment standards for Subpart C—the Organics Treatment and Recovery subcategory—on the performance of one model facility that used the BPT/BAT model technology. That technology consists of equalization followed by biological treatment provided by a sequential batch reactor (SBR). EPA's analysis of information and data submitted by commenters and in the rulemaking record demonstrates, however, that well-designed and well-operated treatment systems at CWT facilities that use the BPT/BAT technology as the basis for the organics subcategory limitations and standards will not consistently and predictably remove molybdenum. Commenters asserted that EPA had erroneously selected molybdenum as a regulated pollutant because it had used data from the wrong influent sample point. Further, commenters asserted that EPA had improperly included in its determination influent data for one day of sampling for which it had no corresponding effluent data. Commenters concluded that, if EPA had applied its methodology to the proper data set from the correct sampling point, the Agency would not have selected molybdenum for regulation.

EPA has reexamined the data underlying its original determination of which pollutants should be regulated in the organics subcategory. The

''Development Document for Effluent Limitations Guidelines and Standards for the Centralized Waste Treatment Industry—Final'' describes the methodology EPA used to select regulated pollutants for this subcategory (DCN 41.2, Chapter 7). Among the criteria EPA had considered in selecting regulated pollutants was whether a pollutant was present in the influent wastewater at a treatable level and whether a pollutant was effectively removed by the model technology. Thus, selection of the influent sampling point can greatly influence whether a pollutant is regulated.

For today's action, EPA reviewed all of the information in the rulemaking record concerning the model sampled facility. EPA has realized that this facility used a more sophisticated treatment system than the model technology. Therefore, for the December 2000 final rule, EPA had relied on influent data that reflected additional treatment steps not included in the model technology.

EPA also reviewed its record to consider the comment that it should not include influent data from the last day of sampling at the model facility. EPA agrees with the comment because EPA does not have effluent data that corresponds to the last day of influent sampling at the model facility. Consequently, EPA cannot determine to what extent these influent pollutant concentrations were treated by the model technology on this day. As a result, it is appropriate to exclude the influent data from the last day of sampling in the analysis of treatment efficiency.

After revising the influent sampling point and deleting influent data from the last day of sampling, EPA found that the model technology did not effectively treat molybdenum. As a result, we are deleting molybdenum limitations and standards from the organics subcategory.

EPA also applied its pollutant selection methodology with the revised data sets to all pollutants regulated in the Organics subcategory. As a result of those analyses, we are also amending the limitations and standards for the Organics subcategory to delete antimony, aniline, and 2,3-dichloroaniline as regulated parameters. [DCN Section 48]

Although EPA is deleting the limits for molybdenum, antimony, aniline, and 2,3-dichloroaniline, compliance with other organics limitations and standards may still lead to incidental removals of these pollutants. Assuming no incidental removals, the organics subcategory pollutant reduction estimates for this regulation remain relatively unchanged from the December 2000 estimates. Specifically, the estimated organics subcategory pollutant reductions would decrease by 282 lbs/yr or 0.05 percent of the total estimated reduction of 611,283 lbs/yr if no molybdenum, antimony, aniline, and 2,3-dichloroaniline removals were included. Expressed as toxic pound-equivalents, the decrease is about 0.23 percent or 46 lb-eq/yr out of the total estimated subcategory reduction of 19,976 lb-eq/yr (DCN 48.1).

Finally, this analysis does not affect the actual numerical limitations and standards for the remaining regulated pollutants in the organics subcategory—it affects only the selection of regulated pollutants. EPA based the numerical limitations and standards only on effluent data. EPA has concluded that, because it properly selected the effluent sampling point at the model facility, the numerical limitations and standards for the remaining regulated pollutants do not change.

VII. Amendment To Revise the Related Multiple Wastestreams Subcategory Segments

In the December 2000 final rule, EPA established limitations and standards for facilities that treat a combination of metal-bearing, oily or organic waste, wastewater or used material. Use of these Multiple Wastestreams subcategory limitations and standards simplifies implementation of the rule and compliance monitoring for CWT facilities that treat wastes subject to more than one of the other subcategories. These facilities may elect to comply with the provisions of the Multiple Wastestreams subcategory rather than the applicable individual provisions of the metals, oils, and organics treatment and recovery subcategories in the circumstances described in 40 CFR 437.40.

EPA developed four sets of limitations for each of the possible combinations of the three subcategories of wastestreams. These are mixtures of:

- Metal-bearing, oils, and organics waste receipts,
- Metal-bearing and oils waste receipts,
- Metal-bearing and organics waste receipts, and
- Oils and organics waste receipts.

To derive these limitations and standards, EPA combined pollutant limitations and standards from each possible combination of subcategories, selecting the most stringent pollutant values where they overlap. (For each pollutant, EPA selected the most stringent maximum monthly average limitations and its corresponding maximum daily limitation.) For example, in the December 2000 rule, antimony is regulated under (*i.e.,* overlaps) Subparts A, B, and C. Therefore, the antimony Subpart D limitations for mixtures of Subparts A, B, and C wastestreams are based on Subpart B, the most stringent antimony limitations.

Today's action modifies the Multiple Wastestreams subcategory limitations and standards to reflect the removal of selenium from the Metals subcategory limitations and standards; the removal of barium, molybdenum, antimony, and titanium from the Oils Treatment and Recovery subcategory; and the removal of molybdenum, antimony, aniline, and 2,3-dichloroaniline from the Organics Treatment and Recovery subcategory.

A. Selenium

EPA is amending 40 CFR part 437 by deleting the respective BPT, BAT, PSES, and PSNS limitations and standards for selenium from §§ 437.42(b), (c), and (d); 437.44(b), (c), and (d); 437.46(b), (c), and (d); and 437.47(b), (c), and (d). Because selenium was regulated in the Metals Treatment and Recovery subcategory but not in the Oils or Organics Treatment and Recovery Subcategories, there are no overlapping limitations for this pollutant. Therefore, the result of deleting selenium from the BPT, BAT, PSES, and PSNS segments of the metals subcategory (see Section IV) is that selenium limitations and standards remain only for the New Source Performance Standards (NSPS) segment of the Multiple Wastestreams subcategory. The selenium NSPS standards are based on a different model treatment system involving the use of selective metals precipitation.

B. Barium

EPA is amending 40 CFR part 437 by deleting the respective BPT, BAT, NSPS, PSES, and PSNS limitations and standards for barium in the Oils Treatment and Recovery subcategory from §§ 437.42(b), (c), and (e); 437.44(b), (c), and (e); 437.45(b), (c), and (e); 437.46(b), (c), and (e); and 437.47(b), (c), and (e). Because barium was only regulated in the Oils Treatment and Recovery subcategory but not in the Metals or Organics Treatment and Recovery Subcategories, there are no overlapping limitations for this pollutant. Therefore, the result of deleting barium from the oils subcategory (see Section V) is that there are no barium limitations and standards for any segment of the Multiple Wastestreams subcategory.

C. Molybdenum

EPA is amending 40 CFR part 437 by deleting the respective BPT, BAT, NSPS, PSES, and PSNS limitations and standards for molybdenum from §§ 437.42(b), (c), (d), and (e); 437.44(b), (c), (d), and (e); 437.45(b), (c), (d), and (e); 437.46(b), (c), (d), and (e); and 437.47(b), (c), (d), and (e). EPA originally promulgated molybdenum limitations for the Oils Treatment and Recovery subcategory and the Organics Treatment and Recovery subcategory but not in the Metals Treatment and Recovery subcategory. Therefore, the result of deleting molybdenum from the Oils Treatment and Recovery subcategory and the Organics Treatment and Recovery subcategory (see Section V) is that there are no molybdenum limitations and standards for any segment of the Multiple Wastestreams subcategory.

D. Antimony

EPA is amending 40 CFR part 437 by deleting the respective BPT, BAT, NSPS, PSES and PSNS standards for antimony from §§ 437.42(e), 437.44(e), 437.45(e), 437.46(e) and 437.47(e), and by revising the respective BPT, PSES, and PSNS limitations and standards for antimony in §§ 437.42(b) and (c), 437.46(b) and (c), and 437.47(b) and (c).

Because antimony was originally regulated for indirect discharges only in the Metals and Oils Treatment and Recovery Subcategories but not in the Organics Treatment and Recovery subcategory and EPA is deleting antimony from the Oils Treatment and Recovery subcategory, there are PSES and PSNS standards for this pollutant only in the Metals subcategory. The antimony standards in the related indirect discharge segments of the Multiple Wastestreams subcategory are, therefore, based on the Metals subcategory limitations.

In the December 2000 rule, EPA regulated antimony for direct discharges in the Metals, Oils, and Organics Treatment and Recovery Subcategories. As the result of today's action, there are BPT, BAT, and NSPS limitations and standards for this pollutant only in the Metals subcategory. Therefore, the BPT, BAT, and NSPS antimony limitations and standards in the related direct discharge segments of the Multiple Wastestreams subcategory are based on the Metals subcategory limitations.

E. Titanium

EPA is amending 40 CFR part 437 by deleting the respective BPT, BAT, and NSPS limitations and standards for titanium in §§ 437.42(e), 437.44(e), and 437.45(e), and by revising the respective BPT limitations for titanium in paragraphs §§ 437.42(b) and (c). Because EPA has deleted titanium from the pollutants regulated for direct discharges in the Oils Treatment and Recovery subcategories, the only remaining subcategory for which it is a regulated parameter is the Metals subcategory. Therefore the BPT, BAT, and NSPS titanium limitations and standards in the related direct discharge segments of the Multiple Wastestreams subcategory are now based on the titanium limitations and standards in the Metals subcategory.

F. Aniline

EPA is amending 40 CFR part 437 by deleting the respective BPT, BAT, and NSPS limitations and standards for aniline in the Organics Treatment and Recovery subcategory from §§ 437.42(b), (d), and (e); 437.44(b), (d), and (e); and 437.45(b), (d), and (e). Because aniline was only regulated for direct dischargers in the Organics Treatment and Recovery subcategory but not in the Metals or Oils Treatment and Recovery Subcategories, there are no overlapping limitations for this pollutant. Therefore, the result of deleting aniline from the organics subcategory (see Section VI) is that there are no aniline limitations and standards for any segment of the Multiple Wastestreams subcategory.

G. 2,3-Dichloroaniline

EPA is amending 40 CFR part 437 by deleting the respective BPT, BAT, NSPS, PSES, and PSNS limitations and standards for 2,3-dichloroaniline in the Organics Treatment and Recovery subcategory from §§ 437.42(b), (d), and (e); 437.44(b) and (e); 437.45(b), (d), and (e); 437.46(b), (d), and (e); and 437.47(b), (d), and (e). Because 2,3-dichloroaniline was only regulated in the Organics Treatment and Recovery subcategory but not in the Metals or Oils Treatment and Recovery Subcategories, there are no overlapping limitations for this pollutant. Therefore, the result of deleting 2,3-dichloroaniline from the organics subcategory (see Section VI) is that there are no 2,3-dichloroaniline limitations and standards for any segment of the Multiple Wastestreams subcategory.

VIII. Summary of Today's Amendments

The Agency is deleting certain limitations and standards for selenium from the metals subcategory; for antimony, barium, molybdenum, and titanium from the oils subcategory; and for antimony, molybdenum, aniline, and 2,3-dichloroaniline from the organics subcategory. Today's rule also reflects these changes in the multiple wastestreams subcategory. The model technologies that provide the basis for the metals and oils subcategory limitations and standards do not consistently and predictably remove these pollutants to the specified levels. Furthermore, based on the revised analyses in the organics subcategory, four pollutant parameters do not meet the criteria for regulation (whether pollutants are present in influent wastewater at treatable levels and whether pollutants are effectively removed by the model technology). Nevertheless, using treatment systems required for compliance with other pollutant limits will ensure some continued removal of these seven pollutants, even if not at consistent and predictable rates.

Even if there were no incidental removals for these pollutants, the estimated pollutant reduction for this regulation remains relatively unchanged from the December 2000 estimated pollutant reductions. At most, the pollutant reductions would decrease by 10,629 lbs/yr, or 0.23 percent of the total estimated reduction of 4,642,635 lbs/yr. Expressed as toxic pound-equivalents, the decrease assuming no removals for these pollutants is 0.41 percent or 2,006 lb-eq/yr out of the total estimated reduction of 487,872 lb-eq/yr (DCN 48.1).

Even though EPA believes that possible increases in pollutant discharges will not result in significant environmental effects, we will continue to monitor the discharges from this industry as part of the biennial Effluent Guidelines Program Plans required under Section 304(m) of the Clean Water Act.

IX. Corrections and Edits to 40 CFR Part 437

EPA is correcting a technical error contained in the December 22, 2000 final rule. The **Federal Register** publication of the final rule (65 FR 81241) contained an error in § 437.42(d) for the maximum monthly average BOD_5 limitation for direct discharging facilities subject to the Multiple Wastestreams subcategory for combined metals and organics waste receipts. The BOD_5 maximum monthly average limitation is revised from 3.0 mg/l to 53.0 mg/l. This reflects the limitation in the final rule signed by the Administrator on August 28, 2000. The correct 53.0 mg/l BOD_5 limitation for this segment may also be found in the ''Development Document for Effluent Limitations Guidelines and Standards for the Centralized Waste Treatment Industry—Final,'' (EPA 821–R–00–020,

DCN 41.2) as well as in the supporting information and analyses in the record.

In addition, the ''Authority'' citation is revised to conform with current guidance from the Federal Register Office.

X. Good Cause for Making Today's Amendments Effective on December 22, 2003

Section 553(d) of the Administrative Procedure Act generally provides that a final rule may not be effective sooner than 30 days after it is published. Section 553(d)(3), however, provides that an agency may make a final rule effective in less than 30 days after publication for ''good cause found and published with the rule.'' The purpose of this provision is to provide affected parties a reasonable time to prepare for the effective date of the rule or take such other action as needed. The legislative history of this provision indicates that it was not intended to unduly hamper agencies from making a rule effective immediately or at some time earlier than 30 days. The exercise of the ''good cause'' exception, however, requires legitimate grounds supported in law and fact. Legitimate grounds would include an ''urgency of conditions coupled with demonstrated and unavoidable limitations of time.'' The primary consideration is the convenience or necessity of the people affected. *See Northern Arapahoe Tribe* v. *Hodel,* 808F.2d 741, 752 (10th Cir. 1987) citing, *United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977). EPA has determined that there is good cause for making today's amendments effective on December 22, 2003 for two reasons.

First, the changes would relieve direct and indirect dischargers from the legal obligation to comply with effluent limitations and pretreatment standards for certain pollutants that the Agency either erroneously determined should be regulated or incorrectly assessed the capability of the model technology to achieve the required removals. In these circumstances, immediate relief from the former limitations and standards is warranted.

Second, existing indirect dischargers are required to comply with the promulgated pretreatment standards by December 22, 2003. Delaying the effective date for 30 days could result in the contemplated changes not being effective before the required compliance date, possibly exposing some indirect dischargers to enforcement action for violation of standards that will be superseded. These circumstances constitute the requisite urgency of condition coupled with limitations of time to warrant good cause for making today's rule effective on December 22, 2003.

XI. 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 a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

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

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

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

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

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

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et. seq.* It merely deletes the limitations for seven pollutants from certain provisions of the current rule and corrects a limitation for another pollutant that was incorrectly transcribed from the version signed by the EPA Administrator. Consequently, today's rule does not establish any new information collection burden on the regulated community.

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 in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business with gross revenue under $6 million (based on Small Business Administration size standards); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The rule removes or revises the limitations and standards for seven pollutants from certain provisions of the current rule and corrects an error in another provision. These changes reduce the economic impacts of the regulation on those entities, including small entities, subject to the limitations and pretreatment standards. The estimated reduction in the analytical laboratory costs of compliance is about $500,000 (DCN 47.6). The change to the BOD_5 limitation will result in no change in economic burden because this modification merely corrects the limitation to reflect the BOD_5 limitation

in the December 2000 version of the 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, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed, under section 203 of the UMRA, a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. It deletes or revises the limitations and standards for seven pollutants from certain provisions of the CWT guideline and corrects an inadvertent error in another limitation in the codified version of the current rule. The effect of these changes is to reduce the cost of the CWT regulations promulgated in December 2000. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

For the same reason, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The rule would not uniquely affect small governments because small and large governments are affected in the same way. Thus, today's rule is not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

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

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Today's rule would amend effluent limitations and pretreatment standards which impose requirements that apply to facilities when they discharge wastewater or introduce wastewater to a POTW. It deletes or revises the limitations and standards for seven pollutants from certain provisions of the CWT guideline and corrects an inadvertent error in another limitation in the codified version of the current rule. EPA has determined that there are no CWT facilities owned and/or operated by State or local governments that would be subject to today's rule. Further, the rule would only incidentally affect State and local governments in their capacity as implementers of CWA NPDES permitting programs and approved pretreatment programs. Thus, Executive Order 13132 does not apply to this rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on the proposed rule from State and local officials. EPA received no comments from State and local officials.

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

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

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. The rule deletes or revises the limitations and standards for seven pollutants from certain provisions of the current rule and corrects an inadvertent printing error in another section. EPA has not identified any CWT facilities covered by today's final rule that are owned and/or operated by Indian tribal governments. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicited comment on the proposed rule from tribal officials. EPA received no comments from tribal officials.

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

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

and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to Executive Order 13045 because it is not economically significant as defined under Executive Order 12866. Further, this regulation does not concern an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children.

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

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

I. National Technology Transfer and Advancement Act

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

This action does not involve technical standards. Therefore, EPA did not consider the use of any new 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. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective on December 22, 2003 for the reasons explained in Section X.

List of Subjects in 40 CFR Part 437

Environmental protection, Waste treatment and disposal, Water pollution control.

Dated: December 16, 2003.

Michael O. Leavitt,

Administrator.

■ For reasons set out in the preamble, 40 CFR chapter I is amended as follows:

PART 437—THE CENTRALIZED WASTE TREATMENT POINT SOURCE CATEGORY

■ 1. The authority citation for part 437 is revised to read as follows:

Authority: 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361.

§ 437.11 [Amended]

■ 2. Section 437.11(a) is amended by removing the entry for ''Selenium'' in the BPT Limitations table, under the heading ''Metal Parameters''.

§ 437.13 [Amended]

■ 3. Section 437.13(a) is amended by removing ''selenium,''.

§ 437.15 [Amended]

■ 4. Section 437.15(a) is amended by removing ''selenium,''.

§ 437.16 [Amended]

■ 5. Section 437.16(a) is amended by removing ''selenium,''.

§ 437.21 [Amended]

■ 6. Section 437.21 is amended by removing the following entries in the BPT Limitations table, under the heading ''Metal Parameters'':

a. Antimony.
b. Barium.
c. Molybdenum.
d. Titanium.

§ 437.23 [Amended]

■ 7. Section 437.23 is amended by removing the following words:

a. ''antimony,''.
b. ''barium,''.
c. ''molybdenum,''.
d. ''titanium,''.

§ 437.24 [Amended]

■ 8. Section 437.24 is amended by removing the following words:

a. ''antimony,''.
b. ''barium,''.
c. ''molybdenum,''.
d. ''titanium,''.

§ 437.25 [Amended]

■ 9. Section 437.25 is amended by removing the following entries in the Pretreatment Standards (PSES) table, under the heading ''Metal Parameters'':

a. Antimony.
b. Barium.
c. Molybdenum.

§ 437.26 [Amended]

■ 10. Section 437.26 is amended by removing the following words:

a. ''antimony,''.
b. ''barium,''.
c. ''molybdenum,''.

§ 437.31 [Amended]

■ 11. Section 437.31 is amended as follows:

■ a. In the BPT Limitations table by removing the following entries under the heading ''Metal Parameters'':

i. Antimony.
ii. Molybdenum.

b. In the BPT Limitations table by removing the following entries under the heading ''Organic Parameters'':

i. Aniline.
ii. 2,3-Dichloroaniline.

§ 437.33 [Amended]

■ 12. Section 437.33 is amended by removing the following words:

a. ''antimony,''.
b. ''molybdenum,''.
c. ''aniline,''.
d. ''2,3,-dichloroaniline,''.

§ 437.34 [Amended]

■ 13. Section 437.34 is amended by removing the following words:

a. ''antimony,''.
b. ''molybdenum,''.
c. ''aniline,''.
d. ''2,3,-dichloroaniline,''.

§ 437.35 [Amended]

■ 14. Section 437.35 is amended by removing the following words:

a. ''molybdenum,''.
b. ''2,3,-dichloroaniline,''.

§ 437.36 [Amended]

■ 15. Section 437.36 is amended by removing the following words:

a. ''molybdenum,''.
b. ''2,3,-dichloroaniline,''.

§ 437.42 [Amended]

■ 16. Sections 437.42 is amended as follows:

■ a. In paragraph (b)(1) by removing the following entries in the BPT Limitations table, under the heading ''Metal Parameters'':

i. Barium.
ii. Molybdenum.
iii. Selenium.

■ b. In paragraph (b)(1) by removing the following entries in the BPT Limitations table, under the heading ''Organic Parameters'':

i. Aniline.

ii. 2,3-Dichloroaniline.

■ c. In paragraph (b)(1) by revising the entry for ''Antimony'' in the BPT Limitations table under the heading ''Metal Parameters'' to read as follows:

§ 437.42 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

(b) * * *

(1) * * *

BPT LIMITATIONS

Regulated parameter	Maximum daily [1]	Maximum monthly avg.[1]
* * * * *		
Metal Parameters		
Antimony	0.249	0.206
* * * * *		

[1] mg/L (ppm).

* * * * *

■ d. In paragraph (b)(1) by revising the entry for ''Titanium'' in the BPT Limitations table under the heading ''Metal Parameters'' to read as follows:

§ 437.42 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

(b) * * *

(1) * * *

BPT LIMITATIONS

Regulated parameter	Maximum daily [1]	Maximum monthly avg.[1]
* * * * *		
Metal Parameters		
* * * * *		
Titanium	0.0947	0.0618
* * * * *		

[1] mg/L (ppm).

* * * * *

■ e. In paragraph (c)(1) by removing the following entries in the BPT Limitations table, under the heading ''Metal Parameters'':

i. Barium.

ii. Molybdenum.

iii. Selenium.

■ f. In paragraph (c)(1) by revising the entry for ''Antimony'' in the BPT Limitations table under the heading ''Metal Parameters'' to read as follows:

§ 437.42 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

(c) * * *

(1) * * *

BPT LIMITATIONS

Regulated parameter	Maximum daily [1]	Maximum monthly avg.[1]
* * * * *		
Metal Parameters		
Antimony	0.249	0.206
* * * * *		

[1] mg/L (ppm).

* * * * *

■ g. In paragraph (c)(1) by revising the entry for ''Titanium'' in the BPT Limitations table under the heading ''Metal Parameters'' to read as follows:

§ 437.42 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

(c) * * *

(1) * * *

BPT LIMITATIONS

Regulated parameter	Maximum daily [1]	Maximum monthly avg.[1]
* * * * *		
Metal Parameters		
* * * * *		
Titanium	0.0947	0.0618
* * * * *		

[1] mg/L (ppm).

* * * * *

■ h. Paragraph (d)(1) is amended by:

■ i. Revising the entry for ''BOD_5'' in the BPT Limitations table under the heading ''Conventional Parameters'' as follows:

§ 437.42 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

(d) * * *

(1) * * *

BPT LIMITATIONS

Regulated parameter	Maximum daily [1]	Maximum monthly avg. [1]
Conventional Parameters		
BOD_5	163	53.0
* * * * *		

[1] mg/L (ppm).

* * * * *

■ ii. Removing the following entries in the BPT Limitations table under the heading ''Metal Parameters'':

A. Molybdenum.

B. Selenium.

■ iii. Removing the following entries in the BPT Limitations table under the heading ''Organic Parameters'':

A. Aniline.

B. 2,3-Dichloroaniline.

■ i. Paragraph (e) is amended by removing the following entries in the BPT Limitations table under the heading ''Metal Parameters'':

i. Antimony.

ii. Barium.

iii. Molybdenum.

iv. Titanium.

■ j. Paragraph (e) is amended by removing the following entries in the BPT Limitations table, under the heading ''Organic Parameters'':

i. Aniline.

ii. 2,3-Dichloroaniline.

§ 437.44 [Amended]

■ 17. Sections 437.44 is amended as follows:

■ a. In paragraph (b)(1) by removing the following entries in the table, under the heading ''Metal Parameters'':

i. Barium.

ii. Molybdenum.

iii. Selenium.

■ b. In paragraph (b)(1) by removing the following entries in the table, under the heading ''Organic Parameters'':

i. Aniline.

ii. 2,3-Dichloroaniline.

■ c. In paragraph (c)(1) by removing the following entries in the table, under the heading ''Metal Parameters'':

i. Barium.

ii. Molybdenum.

iii. Selenium.

■ d. In paragraph (d)(1) by removing the following entries in the BAT Limitations table under the heading ''Metal Parameters'':

i. Molybdenum.

ii. Selenium.

■ e. In paragraph (d)(1) by removing the entry for ''Aniline'' in the BAT

Limitations table under the heading ''Organic Parameters'':

■ f. In paragraph (e) by removing the following entries in the BAT Limitations table under the heading ''Metal Parameters'':

i. Antimony.
ii. Barium.
iii. Molybdenum.
iv. Titanium.

■ g. In paragraph (e) by removing the following entries in the BAT Limitations table under the heading ''Organic Parameters'':

i. Aniline.
ii. 2,3-Dichloroaniline.

§ 437.45 [Amended]

■ 18. Sections 437.45 is amended as follows:

■ a. In paragraph (b)(1) by removing the following entries in the Performance Standards table, under the heading ''Metal Parameters'':

i. Barium.
ii. Molybdenum.

■ b. In paragraph (b)(1) by removing the following entries in the Performance Standards table, under the heading ''Organic Parameters'':

i. Aniline.
ii. 2,3-Dichloroaniline.

■ c. In paragraph (c)(1) by removing the following entries in the Performance Standards table, under the heading ''Metal Parameters'':

i. Barium.
ii. Molybdenum.

■ d. In paragraph (d)(1) by removing the entry for ''Molybdenum'' in the Performance Standards table, under the heading ''Metal Parameters.''

■ e. In paragraph (d)(1) by removing the following entries in the Performance Standards table, under the heading ''Organic Parameters'':

i. Aniline.
ii. 2,3-Dichloroaniline.

■ f. In paragraph (e) by removing the following entries in the Performance Standards table under the heading ''Metal Parameters'':

i. Antimony.
ii. Barium.
iii. Molybdenum.
iv. Titanium.

■ g. In paragraph (e) by removing the following entries in the Performance Standards table, under the heading ''Organic Parameters'':

i. Aniline.
ii. 2,3-Dichloroaniline.

§ 437.46 [Amended]

■ 19. Sections 437.46 is amended as follows:

■ a. In paragraph (b)(1) by removing the following entries in the Pretreatment Standards (PSES) table, under the heading ''Metal Parameters'':

i. Barium.
ii. Molybdenum.
iii. Selenium.

■ b. In paragraph (b)(1) by revising the entry for ''Antimony'' in the Pretreatment Standards (PSES) table under the heading ''Metal Parameters'' to read as follows:

§ 437.46 Pretreatment Standards for Existing Sources (PSES).

* * * * *

(b) * * *

(1) * * *

PRETREATMENT STANDARDS (PSES)

Regulated parameter	Maximum daily [1]	Maximum monthly avg.[1]
* * * * *		
Metal Parameters		
Antimony	0.249	0.206
* * * * *		

[1] mg/L (ppm)

* * * * *

■ c. In paragraph (b)(1) by removing the entry for ''2,3-Dichloroaniline'' in the Pretreatment Standards (PSES) table, under the heading ''Organic Parameters.''

■ d. In paragraph (c)(1) by removing the following entries in the Pretreatment Standards (PSES) table, under the heading ''Metal Parameters'':

i. Barium.
ii. Molybdenum.
iii. Selenuim.

■ e. In paragraph (c)(1) by revising the entry for ''Antimony'' in the Pretreatment Standards (PSES) table under the heading ''Metal Parameters'' to read as follows:

§ 437.46 Pretreatment Standards for Existing Sources (PSES).

* * * * *

(c) * * *

(1) * * *

PRETREATMENT STANDARDS (PSES)

Regulated parameter	Maximum daily [1]	Maximum monthly avg.[1]
* * * * *		
Metal Parameters		
Antimony	0.249	0.206
* * * * *		

[1] mg/L (ppm).

* * * * *

■ f. In paragraph (d)(1) by removing the following entries in the Pretreatment Standards (PSES) table under the heading ''Metal Parameters'':

i. Molybdenum.
ii. Selenium.

■ g. In paragraph (d)(1) by removing the entry for ''2,3-Dichloroaniline'' in the Pretreatment Standards (PSES) table under the heading ''Organic Parameters.''

■ h. In paragraph (e) by removing the following entries in the Pretreatment Standards (PSES) table under the heading ''Metal Parameters'':

i. Antimony.
ii. Barium.
iii. Molybdenum.

■ i. In paragraph (e) by removing the entry for ''2,3-Dichloroaniline'' in the Pretreatment Standards (PSES) table under the heading ''Organic Parameters.''

§ 437.47 [Amended]

■ 20. Section 437.47 is amended as follows:

■ a. In paragraph (b)(1) by removing the following entries in the Pretreatment Standards (PSNS) table, under the heading ''Metal Parameters'':

i. Barium.
ii. Molybdenum.
iii. Selenium.

■ b. In paragraph (b)(1) by revising the entry for ''Antimony'' in the Pretreatment Standards (PSNS) table under the heading ''Metal Parameters'' to read as follows:

§ 437.47 Pretreatment Standards for New Sources (PSNS).

* * * * *

(b) * * *

(1) * * *

PRETREATMENT STANDARDS (PSNS)

Regulated parameter	Maximum daily [1]	Maximum monthy avg.[1]
* * * * *		
Metal Parameters		
Antimony	0.249	0.206
* * * * *		

[1] mg/L (ppm).

* * * * *

■ c. In paragraph (b)(1) by removing the entry for ''2,3-Dichloroaniline'' in the Pretreatment Standards (PSNS) table, under the heading ''Organic Parameters.''

■ d. In paragraph (c)(1) by removing the following entries in the Pretreatment Standards (PSNS) table, under the heading ''Metal Parameters'':

i. Barium.

ii. Molybdenum.

iii. Selenium.

■ e. In paragraph (c)(1) by revising the entry for ''Antimony'' in the Pretreatment Standards (PSNS) table under the heading ''Metal Parameters'' to read as follows:

§ 437.47 Pretreatment Standards for New Sources (PSNS).

* * * * *

(c) * * *

(1) * * *

PRETREATMENT STANDARDS (PSNS)

Regulated parameter	Maximum daily [1]	Maximum monthy avg.[1]
* * * * *		
Metal Parameters		
Antimony	0.249	0.206
* * * * *		

[1] mg/L (ppm).

* * * * *

■ f. In paragraph (d)(1) by removing the following entries in the Pretreatment Standards (PSNS) table under the heading ''Metal Parameters'':

i. Molybdenum.

ii. Selenium.

■ g. In paragraph (d)(1) by removing the entry for ''2,3-Dichloroaniline'' in the Pretreatment Standards (PSNS) table under the heading ''Organic Parameters.''

■ h. In paragraph (e) by removing the following entries in the Pretreatment Standards (PSNS) table under the heading ''Metal Parameters'':

i. Antimony.

ii. Barium.

iii. Molybdenum.

■ i. In paragraph (e) by removing the entry for ''2,3-Dichloroaniline'' in the Pretreatment Standards (PSNS) table under the heading ''Organic Parameters.''

[FR Doc. 03–31346 Filed 12–19–03; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300–3, 301–50, 301–52, 301–70, and 301–73

[FTR Amendment 2003–07; FTR Case 2003–303]

RIN 3090–AH83

Federal Travel Regulation; eTravel Service (eTS)

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: This final rule is issued to amend the Federal Travel Regulation's (FTR) required use of a travel management service to the required use of the Governmentwide eTravel Service. This final rule revises the term and definition of ''Travel Management System (TMS)'' to ''Travel Management Service.'' This final rule amends FTR requirements governing employees' use of their agencies' Travel Management Services (TMS) and the eTravel Service (eTS). This final rule also requires agencies to submit migration plans and schedules to the eTravel Program Management Office (PMO) no later than March 31, 2004, implement the eTS no later than December 31, 2004, and complete migration to eTS for full agency-wide use by September 30, 2006 (unless an exception, as defined within this regulation has been granted). This final rule specifies that award of a task order to a vendor under the eTS Master Contract constitutes eTS implementation. These changes will improve management efficiency and increase cost effectiveness.

DATES: *Effective Date:* January 21, 2004.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 208–7312, for information pertaining to status or publication schedules. For clarification of content, contact Umeki Thorne, Office of Governmentwide Policy, Travel Management Policy, at (703) 872–8590. Please cite FTR case 2003–303, FTR Amendment 2003–07.

SUPPLEMENTARY INFORMATION:

A. Background

The President's Management Agenda (PMA) for fiscal year 2002 identified five Governmentwide goals to improve Federal management and deliver results. This resulted in the establishment of a Governmentwide task force known as QuickSilver to address performance gaps in existing Government systems as they relate to E-Government, and to improve internal efficiency and effectiveness throughout the Federal Government. Accordingly, in support of the PMA, the Government is procuring the eTravel Service (eTS) from Government contract suppliers to replace agencies' current Travel Management Systems (TMS) (see section 301–1.1 of the FTR for the definition of ''agency''). This final rule amends the FTR by requiring, with specified exceptions, the use of the common Governmentwide, end-to-end eTS. This regulation does not apply to the Department of Defense or the Government of the District of Columbia.

This final rule continues to be written in the ''plain language'' style of regulation writing as a continuation of the General Services Administration's (GSA) effort to make the FTR easier to understand and use. Questions are in the first person, and answers are in the second person. GSA uses a ''we'' and ''you'' question when referring to an agency, and an ''I'' and ''you'' question when referring to the employee. However, the rules stated in either section apply to both the employee and agency.

A proposed rule with request for comments was published in the **Federal Register** on June 30, 2003 (68 FR 38661). During the 30-day comment period, GSA received feedback from ten Federal agencies and one individual. GSA has carefully reviewed each comment, and based on those comments, this final rule modifies the proposed rule. An explanation of changes and/or further responses to questions received are discussed as follows.

Section 300–3.1 Glossary of Terms

One agency asked for a definition of ''in-house system'' and suggested that GSA rearrange the wording within the definition of ''travel management service'' to make it clear that an ''in-house system'' is not a part of a commercial method of arranging travel. GSA addresses this comment by stating that an ''in-house (travel) system'' is where some or all of an agency's travel processes (*e.g.*, travel reservation and ticketing services) are provided by the agency's employees. GSA has also rearranged the wording within the definition of ''travel management service'' to distinguish between an agency's ''in-house system'' and an agency's commercial method of arranging travel.

Section 301–50.3 Must I Use the eTravel Service To Arrange My Travel?

Scope of eTravel Service. This section defines the scope of the eTS, as well as the required date of agencies' full

deployment. One Federal agency pointed out that the policy requirements in this section, which stated that this regulation applies to all Executive branch agencies, conflicted with the statement in the Summary of the proposed rule, which stated that the eTS will require all agencies subject to the Federal Travel Regulation (FTR) to begin migration to the eTS as soon as possible. GSA appreciates and agrees with this comment. As a result, GSA has revised the section to clarify that this rule applies to all agencies as defined in section 301–1.1, with the exception of the Department of Defense and the Government of the District of Columbia.

One agency stated that because agencies may phase in the eTS at different times for its various organizational components, the requirement should be that an employee must use the eTS when the agency makes the service available to the employee. GSA agrees with this comment. The regulation's intent is that employees will begin using eTS when the service becomes available within an agency, unless an exception applies under section 301–50.4, 301–73.102 or 301–73.104, and the agency will make it available no later than September 30, 2006. As a result, section 301–50.3 has been modified.

Section 301–50.4 May I Be Granted an Exception to the Required Use of the eTravel Service?

The section heading in the proposed rule, ''Who in my agency has the authority to waive the required use of a Travel Management Service or the eTravel Service,'' has been revised to read, ''May I be granted an exception to the required use of the eTravel Service?''

Section 301–50.5 What Is My Liability If I Do Not Use My Agency's TMS or the eTravel Service and an Exception Has Not Been Approved?

Section 301–50.6 Are There Any Limits on the Travel Arrangements I May Make?

One agency stated that sections 301–50.5 and 301–50.6 should be reversed. GSA is not persuaded that this change is needed, and the order of these sections remains unchanged.

Section 301–50.6 Are There Any Limits on the Travel Arrangements I May Make?

Limitations On The Use of Travel Management Services. This section imposes certain requirements and limitations on arranging for travel services. One agency stated that GSA should clarify that there are other regulations, contract provisions, *etc.,* with which both travelers and TMS providers must comply when making common carrier, lodging, or car rental reservations. GSA has considered this change and has added a sentence to this section to acknowledge that there may be additional limits on the travel arrangements that a traveler makes.

Section 301–52.3 Am I Required To File a Travel Claim in a Specific Format and Must the Claim Be Signed?

This section describes the process for filing a travel claim. One agency questioned whether this section applies to infrequent Government travelers, Government employees traveling for an agency/bureau other than the employing agency, and invitational travelers. GSA's answer is yes. The use of eTS applies to all travelers subject to the FTR, with the exception of employees of the Department of Defense and the Government of the District of Columbia. However, an agency head or his/her designee may grant individual case-by-case exceptions to the use of eTS in accordance with sections 301–73.102 and 301–73.104 of this regulation. In addition, if a traveler is unable to use a portion of the eTS, (*e.g.*, reservation services), the traveler is not exempt from the requirement to use the remaining eTS components.

Section 301–73.2 What Are Our Responsibilities as Participants in the Federal Travel Management Program?

This section defines what an agency must do under the Federal travel management program. One agency asked how would an agency support eTS in an ''efficient'' and ''cost effective'' manner and determine that support is ''efficient'' and ''cost effective'' other than through normal contracting procedures. GSA's response is that an agency can determine if its current TMS is cost effective by comparing its current service costs and benefits to the cost of services and benefits provided by the eTS contract. This will be accomplished through a competitive task order evaluation among the eTS contractors.

Section 301–73.100 Must We Require Employees To Use the eTravel Service?

This section sets the dates by which agencies must implement the eTS. eTS implementation is when an agency places a task order with an eTS vendor. It was unclear to one agency what GSA meant by the parenthetical ''if applicable'' in the note to this section. GSA agrees that the words ''if applicable'' may have been confusing to the reader and has therefore removed the use of these words throughout this regulation.

Two agencies requested more clarification in regard to the statement ''Agency-wide use of the eTS accommodating FedTrip through September 30, 2004, and agency-contracted TMC support * * *''. GSA provides the following clarification: The Department of Transportation's Governmentwide contract with FedTrip will expire on September 30, 2004. Until that time, the eTS will accommodate agencies' use of FedTrip. Upon expiration of the FedTrip contract, the eTS-provided on-line booking engine(s) (OBEs) will become the designated OBE(s) for all agencies as defined in section 301–1.1 of this regulation, except for the Government of the District of Columbia and the Department of Defense. In addition, the note to this section has been revised to clarify that agencies may continue to use non-eTS government-contracted TMC services.

Section 307–73.101 How Must We Prepare To Implement the eTravel Service?

This section outlines the steps agencies should take to prepare for eTS migration. One agency stated that budgetary and personnel allocations should not be part of the FTR and that the eTS final rule should establish goals or targets for implementing eTS, but not direct agencies on budgetary or personnel matters. GSA agrees that normally the FTR would not address how an agency should arrange its travel related budget or personnel requirements. In this instance, however, GSA believes it is very important for agencies to prepare for the eTS migration/implementation by establishing their budget and personnel resources. GSA did, however, remove the provisions as a requirement under paragraph (c) and established it as a ''Note'' to provide guidance to agencies.

301–73.102 May We Grant an Employee an Exception From the Use of the eTravel Service?

301–73.104 May Further Exceptions to the Required Use of the eTravel Service Be Approved?

Section 301–73.102 governs agency approval of exceptions to the use of the eTS on an individual case-by-case basis; section 301–73.104 governs approval of exceptions on an agency-wide basis, or a sub-component thereof. Two agencies stated that the exceptions in the proposed rule were too limited and that an agency might have need for exceptions other than those listed. GSA

has considered these comments and modified section 301–73.102 to broaden the circumstances under which an agency head may approve exceptions on an individual case-by-case basis. GSA has also modified section 301–73.104 to broaden circumstances under which GSA may grant an exception to a Department (or component thereof) or an Independent agency.

General Comments

eTravel Service (eTS) and Travel Management Service. One agency commented that the statement ''eTS will replace Executive agencies' current Travel Management System'' clearly conflicts with other portions of the regulation that are intended to give agencies choices in obtaining travel agent services (*i.e.*, Government-contracted TMCs) outside of the eTS, while another agency stated that if the definition of a TMS were expanded, agencies would have flexibility to move to a system that might not require the intervention of a travel agency. GSA's response is that an agency may choose to incorporate a non eTS-provided TMC into eTS or use the eTS provided TMC services. However, the intent of eTS is not to replace an agency's Government-contracted TMC, but to deliver a unified, simplified service that delivers a cost effective travel experience, supports excellent travel management, and results in superior customer satisfaction. The eTS contractors must accommodate agency-contracted TMCs. GSA has revised the notes to sections 301–73.100 and 301–73.106 to better reflect this intent.

Adoption/Delay of Implementation. One agency asked if their agency should develop its own eTS or wait for the Governmentwide eTS. GSA's response is that use of the Governmentwide eTS is a requirement for all agencies subject to the FTR, with the exception of the Department of Defense and the Government of the District of Columbia. GSA has cautioned agencies against investing in new systems that will be agency-specific and non-transferable to the Governmentwide eTS.

One agency stated that GSA should change the agency's full deployment date of eTS from September 30, 2006 to December 31, 2007, and implementation from December 31, 2004 to December 31, 2005, while another agency stated that the required use of eTS should be delayed, or waivers granted, until eTS is tested and costs are known and benefits are shown. GSA's response is that migrating to eTS will improve internal efficiency and effectiveness throughout the Federal Government. In support of the President's Management Agenda for fiscal year 2002, representatives from twenty-seven agencies serving on the QuickSilver Task Force identified web-based travel management services as a high impact initiative. These benefits have been validated through business case analysis published under OMB 300/Exhibit 53 which outlines the funding for each agency to use for migration and full deployment to eTS. This information may be obtained through your agency's Chief Information Officer. Delayed migration to the eTS would unnecessarily delay cost savings and service benefits to agencies; for that reason, GSA is committed to its scheduled migration/full deployment dates.

eTS and DTS. One individual asked if the eTS will replace the DTS. GSA's response is no. Although the eTS is available for use by the Department of Defense (DOD), DOD has developed the DTS for its use.

Small Agencies/(eTS and International Travel/Training on eTS). One agency asked how eTS will incorporate small commissions/agencies, handle international travel, and if training will be provided on the program's application. The eTS will support all agencies, large and small. As a commercially hosted service, eTS is well-positioned to serve small agencies with a minimum investment and no IT overhead. If a small commission/agency receives travel management services (electronic authorizations and/or vouchers) from a larger cross-servicing agency, GSA recommends the small agency to work with the large agency to understand the large agency's plan and timeline for migrating to eTS. A small agency may determine there is value in continuing a relationship with the servicing agency, or it may migrate to eTS independently of the large agency.

Processing international travel through the eTS will be the same as processing domestic travel. Travelers will have access to an online booking engine with the ability to view and book international reservations (air, hotel, rental, car, etc.) without calling a travel agent. The eTS also includes traditional travel agency services should a traveler require the assistance of a travel agent for more complex international (or domestic) trips. (**Note:** An agency may continue to use its own TMC in conjunction with eTS, or it may use the TMC provided by its eTS vendor.)

The eTS vendors are required to provide training on the standard migration services. Additionally, each vendor may provide supplemental training services at the agency's option.

Migration to eTS. One agency asked what GSA means by the term ''migration.'' GSA defines ''migration'' as when an agency is actively moving from its current travel management service to the eTS. Migration begins when an agency submits its migration plan to the eTravel PMO and ends when an agency has fully deployed the eTS.

One agency stated that it would submit its migration plan and schedule within three months, once the eTS vendors are selected and they know what steps need to be taken. As long as this agency submits its migration plan and schedule to the eTravel PMO no later than March 31, 2004, it will be in compliance with this regulation. Migration plans are the roadmap for agencies to migrate to eTS. The migration plan represents tasks and key decisions each agency must map out in order to make an informed and intelligent decision regarding its eTS migration.

One agency asked whether all bureaus within an agency have to begin migration to eTS for an agency to receive credit for beginning migration. GSA's response is yes. An agency's migration to the eTS begins when it submits to the eTravel PMO the agency's plan to migrate all bureaus/activities to eTS. Agencies are strongly encouraged to submit a task order that will include the handling of all activities under its organization (*i.e.*, a task order signed by the designated authority at a Department (for cabinet-level agencies) or the head of an Independent Agency that will apply to all its sub-organizations under its Department or Independent agency).

One agency asked what the eTS PMO will do if an agency does not have funds to migrate to the eTS. The eTS PMO has been working with the Office of Management and Budget (OMB) and Federal financial officers to identify funds for migration to the eTS during fiscal year 2004/2005 budget cycles. The OMB has indicated that its resource management officers are working with agencies to allocate funding for all E-Government Initiatives launched in support of the President's Management Agenda published in FY 2002. The note in section 301–73.101 of this regulation provides guidance to agencies on the importance of allocating budgets and establishing personnel resources to support the migration to eTS.

Funds. One agency stated that agencies may incur expenses to end or modify contracts with TMCs in order to migrate to eTS. That agency asked if the eTS PMO will subsidize or account for such costs. GSA's response is, expenses incurred as a result of contractual actions related to orders for travel management services are the

responsibility of the ordering agency. This applies for orders placed under GSA contract vehicles, as well as orders under other agency contracts. When an agency prepares its migration plan, it should identify the types of constraints it may encounter and take steps to mitigate any risk by coordinating eTS migration schedules to address risk mitigation strategies, such as the expiration of contract option periods. We note that this FTR amendment does permit an agency to continue using its existing TMC in conjunction with eTS.

One agency asked, if GSA will publish eTS metrics and baseline costs per transaction so that agencies have a benchmark to determine if it would be impractical from a cost perspective to migrate to eTS. GSA's response is yes. The eTS PMO will provide a contractor-pricing schedule that will identify transactional costs for reservations, online voucher services costs and charges for other services to assist agencies in comparing their current systems to eTS.

One agency stated that GSA should identify and publish the cost it plans to charge agencies/bureaus for the eTS. The eTS PMO will provide the Industrial Funding Fee (IFF) and contractor price schedules.

FPLP. One agency stated that its employees have found that they can stay at an FPLP lodging facility at a greatly reduced fee if they do not identify themselves as a Federal traveler, and that rooms can be obtained at rates at a significantly lower rate than the Government published rate. When selecting a commercial lodging facility, first consideration must be given to the commercial lodging facilities contracted by GSA under the FPLP that meet the fire safety requirements, where available, unless certain conditions exist under section 301–50.6 of this regulation. However, when a traveler can obtain a lower rate at an FPLP lodging facility, the employee is encouraged to do so. This is consistent with the long-standing policy that employees should exercise the same standards of care when incurring expenses on official business that a prudent person would exercise if traveling on personal business. During a sluggish economy, hotels are deeply discounting rooms forecasted not to sell within a short window of time. However, in a better economy, hotels need not reduce rates, and may increase them. When companies and Government agencies negotiate long term discounted lodging rates for their preferred lodging programs, these rates are based on a year-long commitment not subject to changes in the economy, and these rates provide overall better value to travelers.

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

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 300–3, 301–50, 301–52, 301–70, and 301–73

Government employees, Travel and transportation expenses.

Dated: December 8, 2003.

Stephen A. Perry,

Administrator of General Services.

■ For the reasons set out in this preamble, 41 CFR parts 300–3, 301–50, 301–52, 301–70, and 301–73 are amended as set forth below:

PART 300–3—GLOSSARY OF TERMS

■ 1. The authority citation for 41 CFR part 300–3 is revised to read as follows:

Authority: 5 U.S.C. 5707; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; 40 U.S.C. 121(c); 49 U.S.C. 40118; E.O. 11609, 3 CFR, 1971–1975 Comp., p.586.

■ 2. Amend § 300–3.1 by removing the term and definition ''Travel Management System (TMS)''; and adding in alphabetical order the terms and definitions, ''eTravel Service (eTS)'' and ''Travel Management Service (TMS)'' to read as follows:

§ 300–3.1 What do the following terms mean?

* * * * *

eTravel Service (eTS)—The Government-contracted, end-to-end travel management service that automates and consolidates the Federal travel process in a self-service Web-centric environment, covering all aspects of official travel, including travel planning, authorization, reservations, ticketing, expense reimbursement, and travel management reporting. The eTS provides the services of a Federal travel management program as specified in § 301–73.1(a), (b), and (e) of this title.

* * * * *

Travel Management Service (TMS)—A service for booking common carrier (*e.g.*, air, rail, and bus confirmations and seat assignments), lodging accommodations, and car rental services; fulfilling (*i.e.* ticketing) reservations; providing basic management information on those activities; and meeting other requirements as specified in § 301–73.106 of this title. A TMS may include a travel management center (TMC), Commercial Ticket Office (CTO), an electronically available system, other commercial methods of arranging travel, or an in-house system.

* * * * *

PART 301–50—ARRANGING FOR TRAVEL SERVICES

■ 3. Revise part 301–50 to read as follows:

Sec.

301–50.1 To whom do the pronouns ''I'', ''you'', and their variants throughout this part refer?
301–50.2 How must I arrange my travel?
301–50.3 Must I use the eTravel Service to arrange my travel?
301–50.4 May I be granted an exception to the required use of the eTravel Service?
301–50.5 What is my liability if I do not use my agency's TMS or the eTravel Service, and an exception has not been approved?
301–50.6 Are there any limits on travel arrangements I may make?

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c).

§ 301–50.1 To whom do the pronouns ''I'', ''you'', and their variants throughout this part refer?

In this part, the pronouns ''I'', ''you'', and their variants refer to the employee.

§ 301–50.2 How must I arrange my travel?

You must arrange your travel as designated by your agency and in accordance with this part.

§ 301–50.3 Must I use the eTravel Service to arrange my travel?

Yes, if you are an employee of an agency as defined in § 301–1.1 of this chapter, you must use the eTravel

Service when your agency makes it available to you. Until then, you must use your agency's existing Travel Management System (TMS) to make your travel arrangements. If you are an employee of the Department of Defense (DoD) or of the Government of the District of Columbia, you must arrange your travel in accordance with your agency's TMS.

§ 301–50.4 May I be granted an exception to the required use of the eTravel Service?

Your agency head or designee(s) may grant case-by-case exceptions to the use of eTS when it—

(a) Causes an unreasonable burden on your agency mission accomplishment(s) (*e.g.*, emergency travel (and eTS is not accessible), invitational travel, necessity of disability accommodations or special needs (in accordance with part 301–13 of this chapter));

(b) Compromises a national security interest; or

(c) May endanger the life of the traveler (*e.g.*, an individual traveling under the Federal witness protection program, or threatened law enforcement/investigative personnel traveling in accordance with part 301–31 of this chapter).

§ 301–50.5 What is my liability if I do not use my agency's TMS or the eTravel Service, and an exception has not been approved?

If you do not have an approved exception under §§ 301–50.4 or 301–73.104 of this chapter, you are responsible for any additional costs resulting from the failure to use the TMS or eTravel Service, including service fees, cancellation penalties, or other additional costs (*e.g.,* higher airfares, rental car charges, or hotel rates). In addition, your agency may take appropriate disciplinary action.

§ 301–50.6 Are there any limits on travel arrangements I may make?

Yes, there are limits on travel arrangements you may make for common carrier, commercial lodging, and car rental accommodations. Such limitations include, but are not limited to the following:

(a) *Common carrier accommodations.* (1) If your agency is a mandatory user of the General Services Administration's city-pair contracts for air passenger transportation services, you must use the contract carrier, unless you have an approved exception (see §§ 301–10.107 and 301–10.108 of this chapter);

(2) You may use premium-class accommodations only under §§ 301–10.121 through 301–10.124, 301–10.162, and 301–10.183 of this chapter; and

(3) You must always use a U.S. Flag Air Carrier unless your travel circumstances meet one of the exceptions in §§ 301–10.131 through 301–10.143 of this chapter.

(b) *Lodging accommodations.* (1) You should always stay in a ''fire safe'' facility. This is a facility that meets the fire safety requirements of the Hotel and Motel Fire Safety Act of 1990, as amended (see 5 U.S.C. 5707a).

(2) When selecting a commercial lodging facility, first consideration must be given to the commercial lodging facilities contracted by GSA under the Federal Premier Lodging Program (FPLP) (a list of FPLP facilities may be found on the Internet at *http://www.gsa.gov*), all of which meet fire safety requirements, unless one or more of the following conditions exist:

(i) An FPLP facility is not available at the location you need (*e.g.*, there are no FPLP facilities under contract within a reasonable proximity of your temporary duty station, or there are no vacancies at the FPLP facilities at that location). (Your agency's TMS or eTravel Service (eTS) must provide you with a list of alternative facilities that meet the fire safety requirements of the Act).

(ii) Your agency has other contractual arrangements with commercial lodging facilities that meet the FEMA fire safety requirements at a lower cost than FPLP properties.

(iii) Your agency determines on an individual case-by-case basis that it is not practical to use FPLP facilities to meet mission requirements.

(iv) You are attending a conference with prearranged lodging accommodations and are required to book lodging directly with the lodging facility.

(v) Your travel is OCONUS.

(c) *Car rental accommodations.* When authorized to use a rental vehicle under § 301–10.450 of this chapter, you must rent a vehicle from a vendor that participates in the Military Traffic Management Command (MTMC) U.S. Government Car Rental Agreement, unless you are OCONUS and no agreement is in place for your TDY location. MTMC has negotiated rental car agreements that include automatic unlimited mileage, collision damage insurance, and ceiling rates.

PART 301–52—CLAIMING REIMBURSEMENT

■ 4. Revise the authority citation for 41 CFR part 301–52 to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); Sec. 2., Pub. L. 105–264, 112 Stat. 2350 (5 U.S.C. 5701 note).

■ 5. Revise § 301–52.3 to read as follows:

§ 301–52.3 Am I required to file a travel claim in a specific format and must the claim be signed?

As soon as your agency migrates to the eTravel Service (eTS), you must use the eTS to file all your travel claims. (Agencies are required to migrate to the eTS no later than September 30, 2006.) Until that time, you must file your travel claim in the format prescribed by your agency. If the prescribed travel claim is hardcopy, the claim must be signed in ink. Any alterations or erasures to your hardcopy travel claim must be initialed. If your agency has electronic processing, use your electronic signature where required.

PART 301–70—INTERNAL POLICY AND PROCEDURE REQUIREMENTS

■ 6. Revise the authority citation for 41 CFR part 301–70 to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); Sec 2, Pub. L. 105–264, 112 Stat. 2350 (5 U.S.C. 5701 note.)

■ 7. Revise § 301–70.1 to read as follows:

§ 301–70.1 How must we administer the authorization and payment of travel expenses?

When administering the authorization and payment of travel expenses, you—

(a) Must limit the authorization and payment of travel expenses to travel that is necessary to accomplish your mission in the most economical and effective manner, under rules stated throughout this chapter;

(b) Should give consideration to budget constraints, adherence to travel policies, and reasonableness of expenses;

(c) Should always consider alternatives, including teleconferencing, prior to authorizing travel; and

(d) Must require employees to use the eTS to process travel authorizations and claims for travel expenses once you migrate to the eTS, but no later than September 30, 2006, unless an exception has been granted under §§ 301–73.102 or 301–73.104 of this chapter.

PART 301–73—TRAVEL PROGRAMS

■ 8. Revise the authority citation for 41 CFR part 301–73 to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c).

■ 9. Amend Part 301–73 by revising subparts A and B to read as follows:

PART 301–73— TRAVEL PROGRAMS

Subpart—General Rules

Sec.

301–73.1 What does the Federal travel management program include?

301–73.2 What are our responsibilities as participants in the Federal travel management program?

Subpart B—eTravel Service and Travel Management Service

301–73.100 Must we require employees to use the eTravel Service?
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Subpart A—General Rules

§ 301–73.1 What does the Federal travel management program include?

The Federal travel management program includes—

(a) A travel authorization and claim system that implements the related requirements of the Federal Travel Regulation. (*See* §§ 301–2.1 and 301–52.3 and part 301–71 of this chapter for those requirements);

(b) A TMS that provides reservation and ticketing support and management reports on reservation and ticketing activities. (*See* § 301–73.106 for specific services that should be provided by a TMS);

(c) A Travel payment system for paying travel service providers in accordance to §§ 301–73.300 and 301–73.301 of this chapter;

(d) Contracts and similar arrangements, with transportation and lodging providers (*e.g.* Government-contract air carriers, rental car companies, trains, hotels (*e.g.*, Federal Premier Lodging Program (FPLP) properties), etc.) that give preferential rates and other benefits to Federal travelers on official business; and

(e) A Travel Management Reporting System that covers financial and other travel characteristics required by the biennial Travel Survey (*see* §§ 300–70.1 through 300–70.4 of this title).

Note to § 301–73.1: The eTravel Service (eTS) fulfills the requirements of paragraphs (a), (b), and (e) of this section.

§ 301–73.2 What are our responsibilities as participants in the Federal travel management program?

As a participant in the Federal travel management program, you must—

(a) Designate an authorized representative to administer the program including leading your agency's migration of eTS;

(b) Ensure that you have internal policies and procedures in place to govern use of the program including a plan and timeline to implement eTS no later than December 31, 2004, with agency-wide migration to eTS completed no later than September 30, 2006;

(c) Establish a plan that will measure direct and indirect cost savings and management efficiencies through the use of eTS once deployed. This plan must include your migration plan and schedule which must be submitted by March 31, 2004 to the eTravel Program Management Office (PMO) (*see* § 301–73.101);

(d) Require employees to use eTS in lieu of your TMS as soon as it becomes available in your agency (unless an exception has been granted in accordance with §§ 301–73.102 or 301–73.104), but no later than September 30, 2006; and

(e) Ensure that any agency-contracted travel agency services (TMS) complement and support eTS in an efficient and cost effective manner.

Subpart B—eTravel Service and Travel Management Service

§ 301–73.100 Must we require employees to use the eTravel Service?

Yes, unless you have an exception to the use of the eTS (*see* §§ 301–73.102 and 301–73.104), you must have fully deployed the eTS across your agency and require employees to use the eTS for all temporary duty travel no later than September 30, 2006. Agencies must submit their eTS migration plans and schedules by March 31, 2004 to the eTravel PMO, (*see* § 301–73.101). You must implement the eTS no later than December 31, 2004, and require employees to use the eTS as soon as it becomes available in your agency. The Department of Defense and the Government of the District of Columbia are not subject to this requirement.

Notes to § 301–73.100: (1) You have the option to use the contracted travel agent service(s) of your choice (through the eTS or other contract vehicles). You have the responsibility for ensuring agency-contracted travel agent services complement and support the eTS in an efficient and cost effective manner. (2) Award of a task order to a vendor on the eTS Master Contract constitutes eTS implementation. Agency-wide use of the eTS for all travel management processes and travel claim submission constitutes complete migration.

§ 301–73.101 How must we prepare to implement the eTravel Service?

You must prepare to implement the eTS as expeditiously as possible by—

(a) Developing a migration plan and schedule to deploy eTS across your agency as early as possible with full deployment required no later than September 30, 2006; and

(b) Submitting your eTS migration plan and schedule by March 31, 2004 to the U.S. General Services Administration, Attention: eTravel PMO.

Note to § 301–73.101: Your agency should work with the Office of Management and Budget to allocate budget and personnel resources to support eTS migration and data exchange. Your agency is responsible for providing the funds required to establish interfaces between the eTS standard data output and applicable business systems (*e.g.*, financial, human resources, *etc.*).

§ 301–73.102 May we grant a traveler an exception from the use of the eTravel Service?

Your agency head or his/her designee may grant individual case-by-case exceptions to the use of eTS when such use—

(a) Causes an unreasonable burden on mission accomplishment(s) (*e.g.*, emergency travel (and eTS is not accessible), invitational travel, necessity of disability accommodations or special needs in accordance with part 301-13 of this chapter);

(b) Compromises a national security interest;

(c) May endanger the life of the traveler (*e.g.*, an individual traveling under the Federal witness protection program or threatened law enforcement/investigative personnel traveling in accordance with part 301–31 of this chapter); or

(d) Is consistent with any contractual terms applicable to your agency (*i.e.*, you must insure that any exceptions do not cause a breach of contract).

§ 301–73.103 What must we do when we approve an exception to use of the eTravel Service?

The head of your agency or his/her designee must approve an exception to the use of the eTS under § 301–73.102 in writing or through electronic means.

§ 301–73.104 May further exceptions to the required use of the eTravel Service be approved?

(a) The Administrator of General Services or his/her designee may grant an agency-wide exception (or exempt a component thereof) from the required use of eTS when requested by the head of a Department (cabinet-level agency)

or head of an Independent agency when—

(1) The agency has presented a business case analysis to the General Services Administration that proves that it has an alternative TMS to the eTS that is in the best interest of the Government and the taxpayer (*i.e.*, the agency has evaluated the economic and service values offered by the eTS contractor(s) compared to those offered by the agency's current Travel Management System (TMS) and has determined that the agency's current TMS is a better value);

(2) The agency has security, secrecy, or protection of information issues that cannot be mitigated through security provided by the eTS contractors;

(3) The agency lacks the technology necessary to access eTS; or

(4) The agency has critical and unique technology or business requirements that cannot be accommodated by the eTS contractors at all or at an acceptable and reasonable price (*e.g.*, majority of travel is group-travel).

(b) As a condition of receiving an exception, the agency must agree to conduct annual business case reviews of its TMS and must provide to the eTravel PMO data elements required by the eTravel PMO in a format prescribed by the eTravel PMO.

(c) Requests for exceptions should be sent to the Administrator, General Services Administration, 1800 F Street, NW., Washington, DC 20405 with full justification and/or analysis addressing paragraphs (a)(1), (a)(2), (a)(3), or (a)(4) of this section.

§ 301–73.105 What are the consequences of an employee not using the eTravel Service or the TMS?

If an employee does not use the eTS (when available) or your agency's designated TMS, he/she is responsible for any additional costs (see § 301–50.5 of this chapter) resulting from the failure to use the eTS or your TMS. In addition, you may take appropriate disciplinary actions.

§ 301–73.106 What are the basic services that should be covered by a TMS?

The TMS must, at a minimum—

(a) Include a Travel Management Center (TMC), commercial ticket office (CTO), an in-house system, an electronically available system, or other method(s) of arranging travel, which has the ability to provide the following as appropriate to the agency's travel needs:

(1) Booking and fulfillment of common carrier arrangements (*e.g.*, flight confirmation and seat assignment, compliance with the Fly America Act, Governmentwide travel policies, contract city-pair fares, electronic ticketing, ticket delivery, *etc.*).

(2) Lodging information (*e.g.*, room availability, reservations and confirmation, compliance with Hotel/Motel Fire Safety Act, availability of Federal Premier Lodging Program properties, per diem rate availability, *etc.*).

(3) Car rental and rail information (*e.g.*, availability of Military Traffic Management Command (MTMC) Government agreement rates where applicable, confirmation of reservations, *etc.*).

(b) Provide basic management information, such as—

(1) Number of reservations by type of service (common carrier, lodging, and car rental);

(2) Extent to which reservations are in compliance with policy and reasons for exceptions;

(3) Origin and destination points of common carrier usage;

(4) Destination points for lodging accommodations;

(5) Number of lodging nights in approved accommodations;

(6) City or location where car rentals are obtained; and

(7) Other tasks, *e.g.*, reconciliation of charges on centrally billed accounts and processing ticket refunds.

Note to 301–73.106: The eTS fulfills the basic services of a TMS. You have the option to use the contracted travel agent service(s) of your choice through eTS or other contract vehicles. You have the responsibility to ensure that agency-contracted-for travel agent services complement and support the eTS in an efficient and cost effective manner. (See § 301–73.2).

[FR Doc. 03–31225 Filed 12–19–03; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 020409081–3154–02; I.D. 032103B]

RIN 0648–AQ72

Fisheries of the Northeastern United States; Magnuson-Stevens Fishery Conservation and Management Act Provisions; Northeast (NE) Multispecies Fishery

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

ACTION: Notice of continuation of regulations.

SUMMARY: The regulations contained in the emergency rule published on June 27, 2003, in order to reduce overfishing and continue conservation measures, are continued for an additional 180 days, after which subsequent Secretarial action may be taken to ensure that sufficient measures to reduce overfishing remain in place, or until Amendment 13 to the NE Multispecies Fishery Management Plan (FMP) is implemented (on or about May 1, 2004), whichever occurs first. Amendment 13 will implement rebuilding plans for several groundfish stocks and address capacity issues in the fishery. This notice is necessary to comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) regarding the continuation of emergency measures.

DATES: The final emergency rule published June 27, 2003, at 68 FR 38234, which became effective July 28, 2003, continues in effect until superseded by a future rule action to be published in the **Federal Register**.

ADDRESSES: Copies of the small entity compliance guide prepared for the June 27, 2003, final emergency rule are available from Patricia A. Kurkul, Regional Administrator, NE Regional Office, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298. The letter is also accessible via the Internet at *http://www.nero.noaa.gov*. Copies of the June 27, 2003, final emergency rule, including the Environmental Assessment/ Regulatory Impact Review/ Final Regulatory Flexibility Analysis (EA/RIR/FRFA), and public comments and responses are available upon request from the Regional Administrator. The EA/RIR/FRFA is also accessible via the Internet at *http://www.nero.nmfs.gov*.

FOR FURTHER INFORMATION CONTACT: Susan Chinn, Fishery Management Specialist, (978) 281–9218, fax (978) 281–9135, e-mail *Susan.Chinn@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2002, NMFS published an interim final rule (67 FR 50292) that implemented interim measures intended to reduce overfishing on species managed under the FMP. The August 1, 2002, interim final rule was in response to a Remedial Order issued on May 23, 2002, by the U.S. District Court for the District of Columbia (Court). The interim rule completed

implementation of restrictions specified in a Settlement Agreement, which was ordered to be implemented by the Court.

Based on the May 23, 2002, Court Order, the management measures implemented by the August 1, 2002, interim rule and its extension, must remain in effect until implementation of Amendment 13 to the FMP, which is scheduled to be in effect no later than May 1, 2004. On January 22, 2003, NMFS published a Notice of Continuation of Regulations in the **Federal Register** (68 FR 2919) to inform the public of the continuance of the interim regulations for a second 180–day period. Under the Magnuson-Stevens Act, however, the authority to implement interim regulations is limited to two consecutive 180–day periods. The second 180–day period ended on July 27, 2003.

Because the schedule for implementation of Amendment 13 was extended until May 1, 2004, emergency Secretarial action was necessary to continue the current management measures from July 28, 2003, until the implementation of Amendment 13 (on or about May 2004). Due to the need to continue the regulations until May 1, 2004, a proposed emergency rule, soliciting public comment, was published on April 24, 2003 (68 FR 20096), and subsequently corrected on May 9, 2003 (68 FR 24914), followed by a final emergency rule (68 FR 38234), published on June 27, 2003, implementing emergency measures intended to reduce overfishing on species managed under the FMP and to continue most interim conservation measures specified in the Settlement Agreement until Amendment 13 is implemented. These measures included a freeze on days-at-sea (DAS) at the highest annual level used from fishing years 1996–2000 and a 20–percent cut from that level; a freeze on the issuance of new open access Hand-gear permits; gear restrictions for certain gear types, including gillnets, hook-gear and trawl nets; modifications and additions to the closure areas; and restrictions on yellowtail flounder catch. In addition, in response to public comment on the proposed rule, the final emergency rule implemented measures pertaining to haddock, including reducing the haddock minimum size limit for private recreational and party/charter vessels to 21 inches (52.5 cm), and relaxing the haddock trip limit (also known as bag limit) for charter/party and open access Handgear permit vessels.

Pursuant to section 305(c) of the Magnuson-Stevens Act, the June 27, 2003, emergency rule may remain in effect for 180 days and may be extended through publication in the **Federal Register**, for one additional period of 180 days, provided the public has had an opportunity to comment on the emergency rule. The public was given such opportunity to comment in the form of a proposed rule before the final emergency rule was published. NMFS has determined that it is necessary to continue this emergency rule to reduce overfishing and to comply with the Court Order. Because the management measures implemented by the June 27, 2003, final emergency rule were written in such a way as to be effective indefinitely, no formal regulatory action is necessary. Instead, to comply with section 305(c) of the Magnuson-Stevens Act, it is necessary only to publish in the **Federal Register** a Notice of Continuation of Regulations to inform the public that NMFS has decided to continue these regulations. The impacts of continuing the Settlement Agreement measures, with some modifications, were analyzed in the Environmental Assessment completed for the June 27, 2003, final emergency rule.

The June 27, 2003, final emergency rule was determined to be significant for purposes of Executive Order 12866.

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

Dated: December 16, 2003.

Rebecca Lent,

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

[FR Doc. 03–31484 Filed 12–17–03; 2:56 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 031015257–3308–02 ; I.D. 101603A]

RIN 0648–AQ79

Fisheries of the Northeastern United States; 2004 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs

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

ACTION: Final Rule - 2004 fishing quotas for Atlantic surfclams, ocean quahogs, and Maine mahogany ocean quahogs.

SUMMARY: NMFS is required pursuant to 50 CFR 648.71 to specify annual catch quotas for the Atlantic surfclam and ocean quahog fisheries. In order to meet this regulatory requirement, NMFS issues this rule to set final quotas for the Atlantic surfclam, ocean quahog, and Maine mahogany ocean quahog fisheries for 2004. These regulations specify allowable harvest levels of Atlantic surfclams and ocean quahogs from the Exclusive Economic Zone and an allowable harvest level of Maine mahogany ocean quahogs from Atlantic waters north of 43 50' N. lat. in 2004.

DATES: Effective from January 1, 2004, through December 31, 2004.

ADDRESSES: Copies of the surfclam and ocean quahog quota specifications document for 2004, including the Environmental Assessment, Regulatory Impact Review, Initial Regulatory Flexibility Analysis (EA/RIR/IRFA), and the Essential Fish Habitat Assessment, and other supporting documents, are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904–6790. The Final Regulatory Flexibility Analysis (FRFA) consists of the IRFA, public comments and responses contained in this final rule, and the summary of impacts and alternatives contained in this final rule. Copies of the small entity compliance guide are available from Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930–2298. A copy of the EA/RIR/IRFA is accessible via the Internet at *http:/www.nero.gov/ro/doc/nr.htm*.

FOR FURTHER INFORMATION CONTACT: Susan W. Chinn, Fishery Management Specialist, 978–281–9218, *susan.chinn@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surfclam and Ocean Quahog Fisheries (FMP) requires that NMFS, in consultation with the Mid-Atlantic Fishery Management Council (Council), specify quotas for surfclams and ocean quahogs on an annual basis from a range that represents the optimum yield (OY) for each fishery. It is the policy of the Council that the levels selected allow sustainable fishing to continue at that level for at least 10 years for surfclams and 30 years for ocean quahogs. In addition to this constraint, the Council policy also considers the economic impacts of the quotas. Regulations implementing Amendment 10 to the FMP, published on May 19, 1998 (63 FR 27481), added Maine mahogany ocean quahogs (locally known as mahogany quahogs) to the management unit and provided that a small artisanal fishery for ocean quahogs in the waters north of 43° 50′ N. lat. has an annual quota with

an initial amount of 100,000 Maine bu (35,240 hectoliters (hL)) within a range of 17,000 to 100,000 Maine bu (5,991 hL to 35,240 hL). As specified in Amendment 10, the Maine mahogany ocean quahog quota is in addition to the quota specified for the ocean quahog fishery.

Detailed background information regarding the development of these quotas was provided in the preamble to the proposed rule published at 68 FR 60324, October 22, 2003, and is not repeated here. The comment period for that rule ended on November 21, 2003. One comment was received during the comment period.

The final quotas for the 2004 Atlantic surfclam, ocean quahog, and Maine mahogany ocean quahog fisheries, which are unchanged from those in the proposed rule, are shown in the table below. The status quo level of 2003 for the surf clam fishery will be increased by 4.6 percent (from 3.25 to 3.4 million bu) and the ocean quahog quota will be increased by 11.1 percent (from 4.5 to 5.0 million bu). Finally, this rule makes no changes to the Marine ocean quahog quota from the 2003 level of 100,000 Maine bushels.

FINAL 2004 SURFCLAM/OCEAN QUAHOG QUOTAS

Fishery	2004 final quotas (bu)	2004 final quotas (hL)
[1]Surfclam	3,400,000	1,810,000
[1]Ocean quahog	5,000,000	2,662,000
[2]Maine mahogany ocean quahog	100,000	35,240

[1] 1 bushel = 1.88 cubic ft. = 53.24 liters
[2] 1 bushel = 1.2445 cubic ft. = 35.24 liters

Comments and Responses

The deadline for receiving comments on the proposed rule was November 21, 2003. One comment was received on the proposed rule during the comment period.

Comment: The commenter expressed concern that the determination of OYs is biased by industry and politics and that they are set too high; asserted that NMFS fails to protect the stocks; and voiced general support for establishing marine protected areas and reducing any quotas by at least 50 percent. The commenter also objected to NMFS not accepting comments via e-mail on this action.

Response: This rule implements measures designed to provide for improved utilization of the Federal commercial surfclam and ocean quahog resource, and to improve efficiency of this fishery. The OYs used to determine the quotas for each fishery are based on the best scientific information available, and have been vetted through the SARC, NOAA's Northeast Fisheries Science Center (Center), and peer reviewers, without dispute. None of the stocks are overfished, and overfishing is not occurring. The areas most affected by the surfclam and ocean quahog industry operations are high-energy, sandy areas that are only temporarily impacted by fishing operations under this FMP; as such, there is no immediate need for MPAs as a result of this fishery. Finally, the recommended quotas will allow sustainable fishing to continue at these quota levels for at least 10 years for surfclams and 30 years for ocean quahogs.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

A delay in the effective date of this rule would cause a disruption in the ordinary commerce of the surfclam and ocean quahog fisheries. Individual Transferable Quota (ITQ) shareholders each receive a portion of the overall quota for these two species. An allocation holder receives an amount of cage tags equivalent to his/her share of the overall quota. Fishing for surfclams and ocean quahogs begins on January 1, regardless of the publication of the annual quota. Historically, allocations have been transferred either permanently or temporarily to meet changing economic circumstances in the fishery right from the commencement of these fisheries. For example, vessel owners who enter into a supply contract with a processor may experience vessel breakdowns that thwart performance of their contractual obligations. In this situation, it is imperative that the vessel owner have the ability to request that NMFS transfer temporarily part of his/her allocation to another harvester who is willing to fulfill the terms of the supply contract in time for the start of the 2004 fishing year. Further, and of more immediate concern is that five banks currently hold twenty-nine allocations between the surfclam and ocean quahog fisheries. These allocations are held by the banks as security for loans made by the banks to fishermen in these two fisheries. This entails the permanent transfer of the individual allocation to the bank as collateral for the pendency of the loan. The banks request NMFS on an annual basis to transfer the cage tags associated with the allocation back to the borrower. This transaction is characterized as a temporary transfer of the allocation pursuant to the regulations. This temporary transfer of allocation enables the borrower to begin fishing at the beginning of the fishing year in order to generate income with which to discharge the loan. NMFS has received several such requests from the banks holding allocations for the 2004 fishing year. More requests are expected in the near future. Without a quota in effect, NMFS cannot make a transfer of part or the entirety of an allocation either permanently or temporarily. This inability on the part of NMFS to make such transfers effective would preclude the intended recipients of such transfers from fishing, thereby engendering a negative economic impact on the surfclam and ocean quahog fisheries. Therefore, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30–day delayed effectiveness period for the implementation of the 2004 surfclam, ocean quahog, and Maine mahogany quahog quotas.

A description of the reasons why this action is being taken by the Agency and the objectives of this final rule are explained in the preambles of the proposed rule and this final rule. This action does not contain any collection-of-information, reporting, or recordkeeping requirements. It does not duplicate, overlap, or conflict with any other Federal rules. This action is taken under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and regulations at 50 CFR part 648. There are no compliance costs associated with this final rule.

Included in this final rule is the Final Regulatory Flexibility Analysis (FRFA) prepared pursuant to 5 U.S.C. 604(a). The FRFA incorporates the IRFA, the comments and responses to the proposed rule, and the economic analyses completed in support of this action. A copy of the IRFA is available from the Council (*see* **ADDRESSES**).

The preamble to the proposed rule included a detailed summary of the analyses contained in the IRFA, and that discussion is not repeated here.

Final Regulatory Flexibility Analysis

Statement of Objective and Need

A description of the reasons why this action is being taken, and the objectives of and legal basis for this final rule are explained in the preambles to the proposed rule and this final rule and are not repeated here.

Summary of Significant Issues Raised in Public Comments

One comment was received during the comment period on the proposed rule, although it did not pertain to the

economic impacts of this rule. No changes to the proposed rule were required to be made as a result of public comments. For a summary of the comment received, refer to the section above titled ''Comments and Responses.''

Description and Estimate of Number of Small Entities to which Rule Will Apply

A description and estimate of the number of small entities to which the rule will apply is provided in the IRFA and IRFA summary contained in the Classification section of the proposed rule and is only summarized here.

All of the affected businesses (fishing vessels) are considered small entities under the standards described by the Small Business Administration because they have annual returns (revenues) that do not exceed $3.5 million annually. This rule could affect any vessel holding an active Federal permit for either species. However, the commercial use of the permit is limited to vessels fishing under an individual fishing quota or fishing in the Maine mahogany fishery. In 2002, a total of 54 vessels reported harvesting surfclams or ocean quahogs from Federal waters under an Individual Transferable Quota (ITQ) system. There were 35 vessels in 2002 that fished under the federal limited access Maine mahogany quahog permit for Maine ocean quahogs.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This rule would not impose any new reporting, recordkeeping, or other compliance requirements. Therefore, the costs of compliance would remain unchanged.

Description of the Steps Taken to Minimize Economic Impact on Small Entities

Economic impacts on small entities have been minimized within the constraints of the FMP. Specification of commercial quotas is constrained by the conservation objectives of the FMP, and implemented at 50 CFR part 648 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). It is not possible to further mitigate economic impacts on small entities because the Council selected the alternative with the most positive economic impacts relative to the other alternatives determined to achieve the biological objectives.

This rule establishes a 4.6–percent increase in the surfclam quota, an 11.1–percent increase in the ocean quahog quota, and no change in the 2004 quota for Maine mahogany ocean quahogs from their 2003 quotas. Since 2002 harvest levels of 3.133 and 3.871 million bu (1.668 and 2.061 million hL) for surfclams and ocean quahogs, respectively, were below the 2004 proposed quotas, NMFS and the Council believe that the final 2004 quotas may yield a surplus quota available to vessels participating in all these fisheries. This is especially likely to occur in the ocean quahog fishery. In the case of a surplus quota, vessels would not be constrained from harvesting additional product, thus allowing them to increase their revenues.

The Council identified four surfclam quota alternatives in addition to the selected quota of 3.400 million bu (1.810 million hL), including 1.850, 3.135, 3.250, and 3.325 million bu (0.985, 1.669, 1.730 and 1.771 million hL). The Council and NMFS determined that the only alternative that would significantly negatively impact revenues to vessels is the 1.850–million bu (0.985–million hL) alternative for surfclams. The 3.135–million bu (1.669–million hL) and status quo alternative would be restrictive and have a slight to moderate impact on revenues. The 3.325–million bu (1.771–million hL) and 3.400 million bu (1.810 million hL) alternatives would yield increases relative to the actual 2002 landings, so increased revenues would be likely to occur. The industry believes it can utilize the additional product from the 4.6–percent increase in landings and thus have a beneficial impact for the Nation.

The Council analyzed four ocean quahog quota alternatives in addition to the selected quota of 5.000–million bu (2.662–million hL), including 4.000, 4.250, 4.500, and 6.000 million bu (2.129, 2.263, 2.396, and 3.195 million hL). Adoption of a 4.000–million bu (2.129–million hL) or a 4.250–million bu (2.263–million hL) quota would represent a 12–percent or a 10–percent decrease, respectively, from the 2003 quota level and would result in the fewest economic benefits available to the ocean quahog fishery. Given the current biological status of the quahog resource, the Council does not believe that a quota reduction is warranted at this time. Adoption of the 4.500–million bu (2.396–million hL) quota would most likely have a limited impact on small entities, since it results in no change from status quo. The 5.000–million bu (2.662–million hL) quota allows for an 11.1–percent increase in quota from 4.500 million bu (2.396 million hL), and a 29–percent increase to the 2002 ocean quahog landings. Adopting the maximum allowable quota of 6.000 million bu (3.195 million hL) for ocean quahogs would represent a 33–percent increase in allowable harvest and a 55–percent increase in landings from 2002, assuming all the quota were harvested. However, the industry does not have a market available to absorb such a large increase in landings and may not have the vessel capacity necessary to harvest a quota this large. Since all alternatives, including the selected quota, would yield increases relative to the actual 2002 landings, increased revenues would be likely to occur, albeit at various percentage differences.

The quota for Maine mahogany ocean quahogs is specified at a maximum 100,000 bu (35,240 hL). The FMP specifies that upward adjustments to the quota would require a scientific survey and stock assessment of the Maine mahogany ocean quahog resource. However, no survey or assessment has been conducted. The Council considered two alternative quotas for the Maine mahogany ocean quahog fishery, in addition to the preferred alternative of 100,000 bu (35,240 hL), including 50,000 bu and 84,700 bu (17,620 and 29,847 hL). Any quota the Council would have recommended below the 1999 landing level of 93,938 Maine bu (33,104 hL) would most likely have resulted in a decrease in revenues to individual vessels.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the action a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide (the guide) was prepared. Copies of the guide will be sent to all holders of commercial Federal Atlantic surfclam and ocean quahog fishery permits. The guide will also be available on the Internet at *http://www.nero.noaa.gov*. Copies of the guide can also be obtained from the Regional Administrator (*see* **ADDRESSES**).

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

Dated: December 16, 2003.

Rebecca Lent,

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

[FR Doc. 03–31487 Filed 12–19–03; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991207325–0063–02; I.D. 100699A]

Fisheries of the Exclusive Economic Zone off Alaska; North Pacific Halibut and Sablefish IFQ Cost Recovery Program

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

ACTION: Notice of standard prices and fee percentage for North Pacific halibut and sablefish Individual Fishing Quota (IFQ) cost recovery program.

SUMMARY: The National Marine Fisheries Service publishes IFQ standard prices and notification of adjustment of the IFQ fee percentage for the IFQ Cost Recovery Program in the halibut and sablefish fisheries of the North Pacific. This action is required by regulations and is intended to provide holders of halibut and sablefish IFQ permits information to calculate the payments required for IFQ cost recovery fees due by January 31, 2004.

DATES: Effective December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Jennifer Hayes, Fee Coordinator, 907–586–7344.

SUPPLEMENTARY INFORMATION:

Background

NMFS, Alaska Region, administers the halibut and sablefish IFQ programs in the North Pacific. The IFQ Programs are limited access systems authorized by section 303(b) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Northern Pacific Halibut Act of 1982. Fishing under the IFQ Programs began in March 1995. Regulations implementing the IFQ Program are set forth at 50 CFR part 679.

In 1996, the Magnuson-Stevens Act was amended (by Pub. L. 104–297) to require the Secretary of Commerce to, among other things, ''collect a fee to recover the actual costs directly related to the management and enforcement of any . . . individual fishing quota program'' (section 304(d)(2)(A)). Section 304(d)(2) of the Magnuson-Stevens Act specifies an upper limit on these fees, when the fees must be collected, and where the fees must be deposited. Section 303(d)(4) of the Magnuson-Stevens Act allows NMFS to reserve up to 25 percent of the fees collected for use in an IFQ loan program to aid in financing the purchase of IFQ or quota share (QS) by entry-level and small-vessel fishermen.

On March 20, 2000, NMFS published regulations implementing the IFQ Cost Recovery Program (65 FR 14919), which are set forth at 50 CFR 679.45. Under the regulations, an IFQ permit holder incurs a cost recovery fee liability for every pound of IFQ halibut and IFQ sablefish that is landed on his or her IFQ permit(s). The IFQ permit holder is responsible for self-collecting the fee liability for all IFQ halibut and IFQ sablefish landings on his or her permit(s). The IFQ permit holder is also responsible for submitting a fee liability payment to NMFS on or before the due date of January 31 following the year in which the IFQ landings were made. The dollar amount of the fee due is determined by multiplying the annual IFQ fee percentage (3 percent or less) by the ex-vessel value of each IFQ landing made on a permit and summing the totals of each permit (if more than one).

Fee Percentage

Three percent of the ex-vessel value of IFQ halibut and IFQ sablefish harvested is the maximum fee amount allowed by section 304(d)(2)(B) of the Magnuson-Stevens Act. Regulations at § 679.45(d) allow the Administrator, Alaska Region, NMFS (Regional Administrator) to reduce the fee percentage if actual management and enforcement costs could be recovered through a lesser percentage. In this event, the Regional Administrator will publish a notification of any adjustment of the IFQ fee percentage in the **Federal Register** pursuant to § 679.45(d)(4).

For 2003, the Regional Administrator has determined that a fee of 1.4 percent is necessary to recover the actual management and enforcement costs. Therefore, the Regional Administrator is adjusting the cost recovery fee applicable to year 2003 IFQ landings from 3.0 percent to 1.4 percent.

Standard Prices

The fee liability is based on the sum of all payments of monetary worth made to fishermen for the sale of the fish during the year. This includes any retro-payments (e.g., bonuses, delayed partial payments, post-season payments) made to the IFQ permit holder for previously landed IFQ halibut or sablefish.

For purposes of calculating IFQ cost recovery fees, NMFS distinguishes between two types of ex-vessel value: ''actual ex-vessel value'' and ''standard ex-vessel value.'' ''Actual ex-vessel value'' is the amount of all compensation, monetary or non-monetary, that an IFQ permit holder received as payment for his or her IFQ fish sold. ''Standard ex-vessel value'' is the default value on which to base fee liability calculations. However, IFQ permit holders have the option of using ''IFQ actual ex-vessel value'' if they can satisfactorily document those values.

Regulations at § 679.45(c)(2)(i) require the Regional Administrator to publish IFQ standard prices during the last quarter of each calendar year. These standard prices are used, along with estimates of IFQ halibut and IFQ sablefish landings, to calculate standard values. The standard prices are described in U.S. dollars per IFQ equivalent pound for IFQ halibut and IFQ sablefish landings made during the year. IFQ equivalent pound(s) means the weight amount, recorded in pounds, for an IFQ landing and calculated as round weight for sablefish and headed and gutted (''net'') weight for halibut. NMFS calculates the standard prices to reflect, as closely as possible, by month and port or port-group, the variations in the actual ex-vessel values of IFQ halibut and IFQ sablefish landings. The standard prices for IFQ halibut and IFQ sablefish are listed in the following table. Data from ports are combined as necessary to protect confidentiality of data submissions.

REGISTERED BUYER STANDARD EX-VESSEL PRICESBY LANDING LOCATION FOR 2003 IFQ SEASON

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARDEX-VESSEL PRICE	SABLEFISH STANDARD EX-VESSEL PRICE
CORDOVA	March 31		
	April 30	$2.72	$2.34

REGISTERED BUYER STANDARD EX-VESSEL PRICESBY LANDING LOCATION FOR 2003 IFQ SEASON—Continued

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARDEX-VESSEL PRICE	SABLEFISH STANDARD EX-VESSEL PRICE
	May 31	$2.68	$2.36
	June 30	$2.87	
	July 31	$2.97	
	August 31	$3.14	
	September 30		
	October 31		
	November 30		
DUTCH HARBOR	March 31		
	April 30	$2.70	
	May 31	$2.58	$2.09
	June 30	$2.67	$2.21
	July 31	$2.80	$2.16
	August 31	$2.89	$2.15
	September 30	$2.84	$2.16
	October 31	$2.84	$2.16
	November 30	$2.84	$2.16
HOMER	March 31	$2.95	
	April 30	$2.84	
	May 31	$2.88	
	June 30	$2.94	
	July 31	$2.48	$2.37
	August 31	$3.19	
	September 30	$3.25	
	October 31	$3.25	
	November 30	$3.25	
KETCHIKAN	March 31		
	April 30		
	May 31		
	June 30		
	July 31		
	August 31		
	September 30	$3.07	
	October 31	$3.07	
	November 30	$3.07	
KODIAK	March 31	$2.76	$2.37
	April 30	$2.68	$2.34
	May 31	$2.55	$2.27
	June 30	$2.67	$2.32
	July 31	$2.84	
	August 31	$3.01	$2.35
	September 30	$3.06	$2.33
	October 31	$3.06	$2.33
	November 30	$3.06	$2.33
PETERSBURG	March 31		
	April 30	$2.82	
	May 31	$2.74	
	June 30	$2.89	
	July 31	$2.94	
	August 31	$3.06	
	September 30	$3.09	
	October 31	$3.09	
	November 30	$3.09	
SEWARD	March 31	$2.68	$1.96
	April 30	$2.77	$2.38
	May 31	$2.65	$2.29
	June 30	$2.82	$2.43
	July 31	$2.78	
	August 31		
	September 30		
	October 31		
	November 30		
SITKA	March 31		
	April 30		
	May 31		
	June 30		
	July 31	$2.96	
	August 31	$3.03	
	September 30	$3.07	
	October 31	$3.07	

REGISTERED BUYER STANDARD EX-VESSEL PRICESBY LANDING LOCATION FOR 2003 IFQ SEASON—Continued

LANDING LOCATION	PERIOD ENDING	HALIBUT STANDARDEX-VESSEL PRICE	SABLEFISH STANDARD EX-VESSEL PRICE
	November 30	$3.07	
[1]BERING SEA	March 31	$2.62	$1.99
	April 30	$2.61	$1.95
	May 31	$2.56	$2.41
	June 30	$2.64	$2.39
	July 31	$2.81	$2.42
	August 31	$2.89	$2.29
	September 30	$2.95	$2.25
	October 31	$2.95	$2.25
	November 30	$2.95	$2.25
[2]CENTRAL GULF	March 31	$2.80	$2.20
	April 30	$2.76	$2.33
	May 31	$2.67	$2.31
	June 30	$2.90	$2.38
	July 31	$2.78	$2.14
	August 31	$3.08	$2.35
	September 30	$3.17	$2.32
	October 31	$3.17	$2.32
	November 30	$3.17	$2.32
[3]SOUTHEAST	March 31	$2.93	$2.35
	April 30	$2.92	$2.34
	May 31	$2.80	$2.39
	June 30	$2.95	$2.40
	July 31	$2.99	$2.41
	August 31	$3.08	$2.41
	September 30	$3.11	$2.56
	October 31	$3.11	$2.56
	November 30	$3.11	$2.56
[4]ALL	March 31	$2.83	$2.26
	April 30	$2.82	$2.32
	May 31	$2.68	$2.33
	June 30	$2.84	$2.39
	July 31	$2.83	$2.28
	August 31	$3.01	$2.36
	September 30	$3.10	$2.42
	October 31	$3.10	$2.42
	November 30	$3.10	$2.42

[1] *Landing locations Within Port Group—Bering Sea*: Adak, Akutan, Akutan Bay, Atka, Bristol Bay, Chefornak, Dillingham, Captains Bay, Dutch Harbor, Egegik, Ikatan Bay, Hooper Bay, King Cove, King Salmon, Kipnuk, Mekoryuk, Naknek, Nome, Quinhagak, Savoonga, St. George, St. Lawrence, St. Paul, Togiak, Toksook Bay, Tununak, Beaver Inlet, Ugadaga Bay, Unalaska.

[2] *Landing Locations Within Port Group—Central Gulf of Alaska*: Anchor Point, Anchorage, Chignik, Cordova, Eagle River, False Pass, West Anchor Cove, Girdwood, Chinitna Bay, Halibut Cove, Homer, Kasilof, Kenai, Kenai River, Alitak, Kodiak, Port Bailey, Nikiski, Ninilchik, Old Harbor, Palmer, Sand Point, Seldovia, Resurrection Bay, Seward, Valdez, Whittier.

[3] *Landing Locations Within Port Group—Southeast Alaska*: Angoon, Baranof Warm Springs, Craig, Edna Bay, Elfin Cove, Excursion Inlet, Gustavus, Haines, Hollis, Hoonah, Hyder, Auke Bay, Douglas, Tee Harbor, Juneau, Kake, Ketchikan, Klawock, Metlakatla, Pelican, Petersburg, Portage Bay, Port Alexander, Port Graham, Port Protection, Point Baker, Sitka, Skagway, Tenakee Springs, Thorne Bay, Wrangell, Yakutat.

[4] *Landing Locations Within Port Group— All*: For Alaska: All landing locations included in 1, 2, and 3. For California: Eureka, Fort Bragg, Other California. For Oregon: Astoria, Aurora, Lincoln City, Newport, Warrenton, Other Oregon. For Washington: Anacortes, Bellevue, Bellingham, Nagai Island, Edmonds, Everett, Granite Falls, Ilwaco, La Conner, Port Angeles, Port Orchard, Port Townsend, Ranier, Fox Island, Mercer Island, Seattle, Standwood, Other Washington. For Canada: Port Hardy, Port Edward, Prince Rupert, Vancouver, Haines Junction, Other Canada.

Dated: December 16, 2003.

Bruce C. Morehead,

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

[FR Doc. 03–31486 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 68, No. 245
Monday, December 22, 2003

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 60

[Doc. No. LS–04–04]

RIN 0581–AC26

Mandatory Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; extension of comment period; correction.

SUMMARY: On October 30, 2003, the Agricultural Marketing Service (AMS) published a proposed rule (68 FR 61944) for the mandatory country of origin labeling program as mandated by the Farm Security and Rural Investment Act of 2002 (Farm Bill) and the 2002 Supplemental Appropriations Act (Appropriations Act), which amended the Agricultural Marketing Act of 1946 (Act) to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. AMS is extending the comment period to February 27, 2004, at the request of industry trade associations to provide interested parties with additional time to file comments. In addition, AMS is making corrections to the ''Analysis of Benefits and Costs'' section of the preliminary cost-benefit assessment of the proposed rule in order to correct minor transcription errors. The estimated recordkeeping and implementation costs as well as the estimated overall impact to the economy as a result of the proposed rule remain unchanged.

DATES: Comments must be submitted on or before February 27, 2004, to be assured of consideration.

ADDRESSES: Send written comments to: Country of Origin Labeling Program, Room 2092–S, Agricultural Marketing Service (AMS), USDA, STOP 0249, 1400 Independence Avenue, SW., Washington, DC 20250–0249, or by facsimile to 202–720–3499, or by e-mail to *cool@usda.gov.* Comments received will be posted to the AMS Web site at: *http://www.ams.usda.gov/cool/.* Comments sent to the above location that specifically pertain to the information collection and recordkeeping requirements should also be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street, NW., Room 725, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Robert Keeney, Deputy Administrator, Fruit and Vegetable Programs, AMS, USDA, by telephone on 202–720–4722, or via e-mail at: *robert.keeney@usda.gov;* or William Sessions, Associate Deputy Administrator, Livestock and Seed Program, AMS, USDA, by telephone on (202) 720–5705, or via e-mail at: *william.sessions@usda.gov.*

SUPPLEMENTARY INFORMATION: The Farm Bill and the Appropriations Act amended the Act to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. The law also requires the Department of Agriculture to issue regulations to implement a mandatory COOL program not later than September 30, 2004.

On October 30, 2003, AMS published a proposed rule in the **Federal Register** (68 FR 61944) for the mandatory country of origin labeling program. The comment period was originally scheduled to end on December 29, 2003. However, industry trade organizations have requested additional time to study the proposed regulation to develop more meaningful comments. Because the proposed rule will significantly impact a large number of entities, AMS has determined that there is sufficient justification for extending the comment period 60 days until February 27, 2004.

In accordance with Executive Order 12866, as part of the rulemaking process AMS examined the economic impact of the proposed rule for the mandatory COOL program, which was published in the October 30, 2003, **Federal Register** (68 FR 61944). Due to transcription errors, several numerical values were reported incorrectly in the section of the economic impact assessment that addressed effects of the proposed rule on the economy. The transcription errors occurred on pages 61970 and 61971 of the October 30, 2003, **Federal Register** notice, Docket Number LS–03–04. The last sentence beginning at the bottom of the first column of page 61970 was published as follows:

''The results of our analysis indicate that U.S. production of all the covered commodities combined will decline from 0.15 percent to 0.92 percent and that the overall price level for these commodities (a weighted average index of the prices received by suppliers for their commodities) will increase by 0.06 percent to 0.64 percent.''

The originally published sentence should be replaced with the following sentence, which replaces three incorrectly reported numerical values:

''The results of our analysis indicate that U.S. production of all the covered commodities combined will decline from 0.12 percent to 0.30 percent and that the overall price level for these commodities (a weighted average index of the prices received by suppliers for their commodities) will increase by 0.06 percent to 0.25 percent.''

On page 61971, four numbers were reported incorrectly in Table 9—Estimated Impact of Proposed Rule on U.S. Production, Prices, and Trade of Impacted Sectors. As initially published, percentage changes in the volume of exports of hogs, beef and lamb, pork, and fish under the Low Incremental Cost scenario were incorrectly reported. Initially published and corrected values for the affected cells of Table 9 are as follows:

Corrected numerical values for Table 9.—Estimated impact of proposed rule on U.S. production, prices and trade of impacted sectors

	Exports percent change from the base year	
	As initially published	Replace with
Low Incremental Cost:		
Hogs	−0.05	−0.09
Beef and Lamb	−0.05	−0.13
Pork	−0.09	−0.16
Fish	−0.12	−0.27

It should be noted that Table 10—Estimated Changes in U.S. Production, Prices, and Trade for Affected

Commodities, which translates the percentage changes shown in Table 9 into unit values, is correct as initially published on page 61972.

The transcription errors relate to incorrectly reported outcomes of the analysis and in no way impact the analysis itself. The estimated costs to the U.S. economy after a decade of adjustment remain unchanged from the range of $138 million to $596 million in reduced consumers' purchasing power. Moreover, the estimated recordkeeping and implementation costs remain unchanged.

Authority: 7 U.S.C. 1621 *et seq.*

Dated: December 17, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–31492 Filed 12–17–03; 4:03 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–255–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes, and C–9 (military) airplanes, that would have superseded an existing AD that currently requires repetitive ultrasonic or magnetic particle inspections to detect cracking of the engine pylon aft upper spar straps (caps); and if necessary, replacement of the strap with a new strap, or modification of the engine pylon rear spar straps, which constitutes terminating action for the repetitive inspections. The proposed AD also would have required new, improved repetitive ultrasonic inspections, and corrective actions if necessary. The proposed AD also would have required, among other items, a terminating action for the repetitive inspection requirements. This new action revises the proposed rule by adding airplanes to the applicability. The actions specified by this new proposed AD are intended to detect and correct such fatigue cracking, which could result in major damage to the adjacent structure of the pylon aft upper spar cap, and consequent reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by January 16, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–255–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. 99–NM–255–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 Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). 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: Wahib Mina, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5324; 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 99–NM–255–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. 99–NM–255–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes, and C–9 (military) airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on May 10, 2000 (65 FR 30025). That NPRM proposed to supersede AD 78–01–16, amendment 39–3117 (43 FR 1300, January 9, 1978), which is applicable to certain McDonnell Douglas Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes, and C–9 (military) airplanes. That NPRM would have continued to require repetitive ultrasonic or magnetic particle inspections to detect cracking of the

engine pylon aft upper spar straps (caps); and if necessary, replacement of the strap with a new strap, or modification of the engine pylon rear spar straps, which constitutes terminating action for the repetitive inspections. That NPRM would have added new, improved repetitive ultrasonic inspections, and corrective actions, if necessary. That NPRM also would have required, among other items, a terminating action for the repetitive inspection requirements. That NPRM was prompted by additional reports of fatigue cracking in the subject area of these airplanes. Such fatigue cracking, if not corrected, could result in major damage to the adjacent structure of the pylon aft spar upper cap, and consequent reduced structural integrity of the airplane.

Actions Since Issuance of Previous Proposal

Since the issuance of that NPRM, the manufacturer has advised the FAA that the identified unsafe condition may also occur on additional airplanes with a certain configuration of the left and right pylon aft upper caps.

Explanation of New Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin (ASB) DC9–54A031, Revision 09, dated September 3, 2002. That ASB describes procedures for new repetitive ultrasonic or magnetic particle inspections of the engine pylon aft upper spar straps (caps) to detect cracking; and corrective actions if necessary. The corrective actions include reapplication of a sealant; modification of the rear spar upper strap (cap); and replacement of the bearing of the spar strap (cap) with a new annular groove bearing if necessary. Revision 09 contains information that is essentially the same as Revision 08, which was referenced in the previous NPRM as one of the applicable sources of service information. However, Revision 09 specifically references Boeing Service Bulletin DC9–54–031, Revision 05, dated April 25, 2003, as an additional source of service information.

We have also reviewed and approved Boeing Service Bulletin DC9–54–031, Revision 05, dated April 25, 2003. The service bulletin describes procedures for modification of the rear spar upper strap (cap), which would eliminate the need for the repetitive inspections specified in Boeing ASB DC9–54A031, Revision 09, dated September 3, 2002, discussed above. The modification includes installation of access doors on the pylon rear spars, if applicable; replacement of the strap on the pylon upper rear spar cap with a new strap having an annular groove bearing installed using new close tolerance attaching parts; and modification of the pylon-to-vibration isolator link. That service bulletin also adds airplanes to the effectivity of the service bulletin.

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

Comments Received

Due consideration has been given to the comments received in response to the NPRM:

Request To Revise and Update Service Information

One commenter requests that Revision 4 of ''McDonnell Douglas Service Bulletin 54–031'' be revised to specify the bearing part number (P/N) in conjunction with the pylon spar strap P/N.

Since the issuance of the original NPRM, we have reviewed and approved Revision 05, dated April 25, 2003, of Boeing Service Bulletin DC9–54–031, which specifies the bearing P/N. We have referenced Revision 05 of that service bulletin in this supplemental NPRM as a source of service information.

Request for Clarification of Terminating Action

One commenter, an airline operator, states that multiple paragraphs in the original NPRM specify that modification per Revision 4 of ''McDonnell Douglas Service Bulletin 54–031'' constitutes terminating action of the repetitive requirements of the AD. The commenter notes, however, that AD 78–01–16, amendment 39–3117, requires replacement of the pylon strap with a heavy gauge lug and does not require use of the annular groove bearing. The commenter states that this contradicts Revision 4 of the service bulletin and paragraph (m) of the original NPRM, which specify installation of the annular groove bearing. The commenter requests clarification.

We acknowledge that clarification is necessary. We are aware that some operators of the subject airplanes have accomplished the actions specified in Revision 4 of McDonnell Douglas DC–9 Service Bulletin 54–31 or have had production equivalent installations of the spar strap (cap) with a pin-staked bearing. For those airplanes having a spar strap (cap) with a pin-staked bearing, paragraph (l) of this supplemental NPRM would require inspections for cracking, and modification if necessary, per Revision 05 of Boeing Service Bulletin DC9–54–031, dated April 25, 2003.

Request To Clarify Modification as a Terminating Action

That same commenter requests clarification of whether accomplishment of the modification using a pin-staked bearing, as described in Revision 4 of McDonnell Douglas DC–9 Service Bulletin 54–31, requires re-implementation of inspections of pylon straps until such time as the annular groove bearing is installed.

We agree that clarification is needed. As explained in the previous comment section, those airplanes having a spar strap (cap) with a pin-staked bearing would require inspections for cracking, and modification if necessary, in accordance with Revision 05 of Boeing Service Bulletin DC9–54–031, dated April 25, 2003. We have revised paragraph (l) of this supplemental NPRM to specify that the actions are to be accomplished per Revision 05, which describes installation of the annular groove bearing.

Request To Clarify Compliance Times for the Modification

Another commenter, also an airline operator, notes that paragraph (h) of the NPRM specifies compliance times for airplanes that have not had the modification to the spar cap accomplished and that have not had the spar cap replaced. The commenter further notes that paragraph (i) of the NPRM specifies compliance times for aircraft that have not had the modification of the spar cap accomplished but have had the spar cap replaced. The commenter points out that neither of those configurations apply to its fleet, since the spar cap has been modified on its fleet. The commenter assumes that if the spar caps have been previously modified, the NPRM would not be applicable to those airplanes. The commenter states that the reader of the NPRM should not have to make an assumption regarding applicability, and requests that the FAA clarify that the modified spar caps are not subject to the requirements of the NPRM.

We agree that clarification is needed. Paragraph (l) of this supplemental NPRM would require that, for airplanes (specified in Revision 05 of DC–9 Service Bulletin 54–031 as ''Group 12'' airplanes) on which the spar strap (cap) with a pin staked bearing per DC–9 Service Bulletin 54–31 has been installed or that have a production equivalent installed, it is necessary to

perform an inspection of the pylon upper rear spar strap (cap) for bearing migration and correct staking and follow-on modification, if necessary, per Revision 05 of DC–9 Service Bulletin 54–031.

We also have further clarified paragraphs (k) and (l) of this supplemental NPRM to specify that if any cracking is detected, modification of the rear spar upper strap (cap) is required per Revision 05. We further specify in paragraph (n) of this supplemental NPRM that accomplishment of that modification per Revision 05 constitutes terminating action for the repetitive inspection requirements of the AD. As explained in the ''Explanation of New Service Information'' section of this supplemental NPRM, Boeing has also issued Alert Service Bulletin DC9–54A031, Revision 09, dated September 3, 2002, to reference accomplishment of the actions specified in Revision 05 of Service Bulletin DC9–54–031.

Request To Clarify the Intent of Paragraph (f) and (n) of the NPRM

One commenter questions whether paragraph (f)(2)(ii) of the NPRM is acceptable as terminating action for the requirements of the AD. The commenter requests that, if paragraph (f)(2)(ii) of the NPRM is acceptable as terminating action for the requirements of the AD, that such provision be added to paragraph (o) of the NPRM. (Paragraph (o) of the NPRM states that accomplishment of the modification required by paragraph (l) or (n) of the NPRM constitutes compliance with AD 96–10–11, amendment 39–9618 (61 FR 24675, May 16, 1996) and AD 72–09–01, amendment 39–2844 (42 FR 11235, February 28 1977).) For that same reason, the commenter also requests that a statement be added to paragraph (f)(2)(ii) of the NPRM indicating that, if the requirements of paragraph (f)(2)(ii) of the NPRM are accomplished, no further action is required by the AD. The commenter states that clarifying paragraph (f)(2)(ii) of the NPRM would eliminate any confusion as to whether further rework is required for previously modified airplanes. Additionally, the commenter states that paragraph (n) of the NPRM does not clearly specify that it does not apply to airplanes on which the modification specified in paragraph (f)(2)(ii) of the NPRM has been accomplished.

The FAA agrees that clarification of the intent of paragraphs (f) and (n) of the NPRM is necessary. The modification specified in paragraph (f)(2)(ii) of the NPRM does not specify or include certain actions that are described in Revision 05 of Boeing Service Bulletin DC9–54–031, which was described previously in this supplemental NPRM. We have determined that the actions specified in Revision 05 must be accomplished in order to terminate the actions specified in this supplemental NPRM. We have revised paragraph (f)(2)(ii) of this supplemental NPRM to clearly specify that accomplishment of the modification specified in that paragraph only terminates the inspections specified in paragraph (f)(2)(i) of this supplemental NPRM. For those reasons, no change in this regard is necessary to paragraph (o) of the supplemental NPRM. Additionally, we have revised paragraph (n) of this supplemental NPRM to clarify that all airplanes must accomplish the modification specified in paragraph (n) of this supplemental NPRM, regardless of whether or not the modification specified in paragraph (f)(2)(ii) of this supplemental NPRM has been accomplished previously.

Explanation of Change to Applicability

We have revised the applicability of the original NPRM to identify model designations as published in the most recent type certificate data sheet for the affected models. This change also is reflected in the Cost Impact section of this supplemental NPRM. In addition, the Cost Impact section has been updated to reflect the correct number of affected airplanes in the worldwide and U. S. fleet.

Conclusion

Since these changes expand the scope of the original NPRM, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Changes to 14 CFR Part 39/Effect on the Proposed AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD (*i.e.*, paragraph (p)(1) of this supplemental NPRM). Note 6 of the original NPRM, which discusses AMOCs approved previously, has been incorporated into paragraph (p)(2) of this supplemental NPRM. Accordingly, Note 1, Note 5, and paragraph (g) of the original NPRM have been removed from this supplemental NPRM.

Change in Labor Rate Estimate

The FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, we find it appropriate to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, has been revised to reflect the increase in the specified hourly labor rate.

Cost Impact

There are approximately 577 Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 350 airplanes of U.S. registry would be affected by this proposed AD.

The ultrasonic inspection that is currently required by AD 78–01–16, and retained in this proposed AD, takes approximately 3 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of this currently required action on U.S. operators is estimated to be $195 per airplane, per inspection cycle.

The new ultrasonic inspection that is proposed in this AD action would take approximately 4 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the new ultrasonic inspection proposed by this AD on U.S. operators is estimated to be $260 per airplane, per inspection cycle.

The new modification of the rear spar upper strap (cap) that is proposed in this AD action would take between approximately 349 and 412 work hours to accomplish (depending on the configuration of the affected airplane), at an average labor rate of $65 per work hour. The cost of required parts would be between approximately $1,865 and $7,947 per airplane. Based on these figures, the cost impact of the new modification proposed by this AD on U.S. operators is estimated to be between $24,550 and $34,727 per airplane.

For certain airplanes, the repetitive visual inspections of the upper rear spar (cap) for bearing migration and correct pin staking would take approximately 20 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of that

inspection is estimated to be $1,300 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 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.

Should an operator elect to accomplish the optional magnetic particle inspection that would be provided by this AD action, it would take approximately 7 work hours to accomplish it, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of this action would be $455 per airplane, per inspection cycle.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–3117 (43 FR 1300, January 9, 1978), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 99–NM–255–AD. Supersedes AD 78–01–16, Amendment 39–3117.

Applicability: Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes, as listed in Boeing Service Bulletin DC9–54–031, Revision 05, dated April 25, 2003; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking, which could result in major damage to the adjacent structure of the pylon aft spar upper cap, and consequent reduced structural integrity of the airplane; accomplish the following:

Restatement of Certain Requirements of AD 78–01–16, Amendment 39–3117

Compliance Times

(a) For airplanes that have accumulated 35,000 or more total landings as of February 13, 1978 (the effective date of AD 78–01–16): Within 600 landings after February 13, 1978, unless already accomplished within the last 1,800 landings, and thereafter at intervals not to exceed 2,400 landings, accomplish the actions specified in paragraph (f) of this AD.

(b) For airplanes that have accumulated between 30,000 and 34,999 total landings inclusive, as of February 13, 1978: Within 900 landings after February 13, 1978, unless already accomplished within the last 1,500 landings, and thereafter at intervals not to exceed 2,400 landings, accomplish the actions specified in paragraph (f) of this AD.

(c) For airplanes that have accumulated between 25,000 and 29,999 total landings inclusive, as of February 13, 1978: Within 1,200 landings after February 13, 1978, unless already accomplished within the last 1,200 landings, and thereafter at intervals not to exceed 2,400 landings, accomplish the actions specified in paragraph (f) of this AD.

(d) For airplanes that have accumulated between 15,000 and 24,999 total landings inclusive, as of February 13, 1978: Within 2,000 landings after February 13, 1978, unless already accomplished within the last 400 landings, and thereafter at intervals not to exceed 2,400 landings, accomplish the actions specified in paragraph (f) of this AD.

(e) For airplanes that have accumulated less than 15,000 total landings as of February 13, 1978: Within 2,000 landings after the accumulation of 15,000 total landings, and thereafter at intervals not to exceed 2,400 landings, accomplish the actions specified in paragraph (f) of this AD.

Repetitive Inspections and Corrective Actions

(f) For airplanes having fuselage numbers 1 through 851 inclusive: At the times specified in paragraphs (a) through (e) of this AD, except as provided by paragraph (l) of this AD, perform an ultrasonic inspection of the engine pylon aft upper spar straps (caps), part number (P/N) 9958154–5/–6 or P/N 9958154–37/–38, to detect cracking; in accordance with paragraph 2.B of McDonnell Douglas DC–9 Service Bulletin A54–31, Revision 1, dated December 22, 1976; or in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA.

(1) If there is evidence of cracking, the magnetic particle inspection specified in paragraph 2.C of the service bulletin may be used to confirm the evidence of cracking.

(2) If any cracking is detected, prior to further flight, accomplish either paragraph (f)(2)(i) or (f)(2)(ii) of this AD in accordance with the service bulletin.

(i) Replace the strap with a new strap, P/N 9958154–5/–6 or P/N 9958154–37/–38, and repeat the inspection thereafter at intervals not to exceed 15,000 landings. Or,

(ii) Modify the engine pylon rear spar straps (caps) in accordance with McDonnell Douglas DC–9 Service Bulletin 54–31, dated August 24, 1976. Accomplishment of the modification constitutes terminating action for the repetitive inspection requirements specified only in paragraph (f)(2)(i) of this AD.

Note 1: Modification of the engine pylon rear spar straps (caps) accomplished prior to the effective date of this AD in accordance with McDonnell Douglas DC–9 Alert Service Bulletin A54–31, Revision 2, dated December 22, 1977; Revision 3, dated June 20, 1986; Revision 4, dated March 26, 1987; Revision 5, dated March 25, 1991; or Revision 6, dated November 23, 1992; is considered acceptable for compliance with the requirements of paragraph (f)(2)(ii) of this AD.

Note 2: Ultrasonic or magnetic particle inspection of the engine pylon aft upper spar straps (caps) accomplished prior to the effective date of this AD in accordance with McDonnell Douglas DC–9 Alert Service Bulletin A54–31, Revision 2, dated December 22, 1977; Revision 3, dated June 20, 1986; Revision 4, dated March 26, 1987; Revision 5, dated March 25, 1991; or Revision 6, dated November 23, 1992; is considered acceptable for compliance with the inspection requirements of paragraph (f) of this AD, as applicable.

New Requirements of This AD

Ultrasonic Inspections

(g) For airplanes on which the modification/replacement specified in paragraph (n) of this AD has not been accomplished, and on which the spar strap replacement specified in paragraph (f)(2)(i) of this AD has not been accomplished: Except as provided by paragraph (m) of this AD, perform an ultrasonic inspection of the engine pylon aft upper spar straps (caps) to detect cracking, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin DC9–54A031, Revision 09, September 3, 2002; at the time specified in

paragraph (g)(1), (g)(2), (g)(3), or (g)(4) of this AD, as applicable. Accomplishment of the ultrasonic inspection constitutes terminating action for the repetitive inspection requirements of paragraphs (a) through (f), including paragraph (f)(2)(i) of this AD.

(1) For airplanes that have accumulated less than 25,000 total landings as of the effective date of this AD: After the accumulation of 15,000 total landings but before the accumulation of 25,000 total landings, or within 2,000 landings or 6 months after the effective date of this AD, whichever occurs latest.

(2) For airplanes that have accumulated 25,000 to 29,999 total landings as of the effective date of this AD: Within 1,200 landings or 6 months after the effective date of this AD, whichever occurs later.

(3) For airplanes that have accumulated 30,000 to 34,999 total landings as of the effective date of this AD: Within 900 landings or 6 months after the effective date of this AD, whichever occurs later.

(4) For airplanes that have accumulated 35,000 or more total landings as of the effective date of this AD: Within 600 landings or 6 months after the effective date of this AD, whichever occurs later.

(h) For airplanes on which the modification/replacement specified in paragraph (n) of this AD has not been accomplished, and on which the spar strap replacement specified in paragraph (f)(2)(i) of this AD has been accomplished: Except as provided by paragraph (m) of this AD, perform an ultrasonic inspection of the engine pylon aft upper spar straps (caps) to detect cracking, in accordance with Boeing Alert Service Bulletin DC9–54A031, Revision 09, dated September 3, 2003; at the time specified in paragraph (h)(1), (h)(2), (h)(3), or (h)(4) of this AD, as applicable. Accomplishment of the ultrasonic inspection constitutes terminating action for the repetitive inspection requirements of paragraphs (a) through (f) of this AD.

(1) For airplanes that have accumulated less than 25,000 total landings since installation of the new spar strap (cap): After the accumulation of 15,000 landings since installation of the new spar strap (cap) but before the accumulation of 25,000 landings since installation of the new spar strap (cap), or within 2,000 landings or 6 months after the effective date of this AD, whichever occurs latest.

(2) For airplanes that have accumulated between 25,000 and 29,999 landings since installation of the new spar strap (cap): Within 1,200 landings or 6 months after the effective date of this AD, whichever occurs later.

(3) For airplanes that have accumulated between 30,000 and 34,999 landings since installation of the new spar strap (cap): Within 900 landings or 6 months after the effective date of this AD, whichever occurs later.

(4) For airplanes that have accumulated 35,000 or more landings since installation of the new spar strap (cap): Within 600 landings or 6 months after the effective date of this AD, whichever occurs later.

Note 3: Ultrasonic or magnetic particle inspection of the engine pylon aft upper spar straps (caps) accomplished prior to the effective date of this AD per McDonnell Douglas DC–9 Alert Service Bulletin DC9–54A031, Revision 07, dated August 26, 1999; or Revision 08, dated January 31, 2000; is considered acceptable for compliance with the requirements of paragraph (g) or (h) of this AD, as applicable.

If No Cracking Is Detected—Repetitive Inspections

(i) If no cracking is detected during the ultrasonic inspection required by paragraph (g) or (h) of this AD, before further flight, reapply sealant that was removed to accomplish those inspections, per Boeing Alert Service Bulletin DC9–54A031, Revision 09, dated September 3, 2002. Thereafter, repeat the inspection specified in paragraph (g) or (h) of this AD, as applicable, at intervals not to exceed 2,400 landings until the modification of the rear spar upper strap (cap) specified in paragraph (n) of this AD has been accomplished.

If Cracking Is Suspected

(j) If any evidence of cracking is suspected during any inspection required by paragraph (g) or (h) of this AD, before further flight, confirm the existence of cracking by accomplishing the actions specified in paragraph (m) of this AD.

If Cracking Is Detected

(k) If any cracking is detected during any inspection required by paragraph (g) or (h) of this AD, before further flight, modify the rear spar upper strap (cap) in accordance with paragraph (n) of this AD. Accomplishment of the modification constitutes terminating action for the requirements of paragraphs (g) and (h) of this AD.

Inspection for Migration of Bearings

(l) For airplanes identified as Group 12 airplanes in Boeing Service Bulletin DC9–54–031, Revision 05, April 25, 2003, on which the modification specified in paragraph (n) of this AD has not been accomplished: Perform a general visual inspection for migration of the bearings and the correct pin staking, per the service bulletin at the time specified in paragraph (g) or (h) of this AD, as applicable.

Note 4: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(1) If none of the bearings have migrated and the pin staking is correct, repeat the general visual inspection at intervals not to exceed 2,400 landings until the straps are modified per Boeing Service Bulletin DC9–54–031, Revision 05, April 25, 2003.

(2) If any bearing has migrated or the pin staking is incorrect, before further flight, accomplish the modification specified in paragraph (n) of this AD. Accomplishment of that modification constitutes terminating action for the repetitive inspection requirements of this AD.

Acceptable Method of Compliance

(m) At the times specified in the applicable paragraph of this AD, it is permissible to perform a magnetic particle inspection of the engine pylon aft upper spar strap (cap) for cracks in lieu of accomplishing the ultrasonic inspection required by paragraph (g) or (h) of this AD; in accordance with Boeing Alert Service Bulletin DC9–54A031, Revision 09, dated September 3, 2002.

(1) If no cracking is detected, before further flight, replace the bearing on the spar strap (cap) with a new annular groove bearing, in accordance with the service bulletin. Thereafter, repeat the inspection specified in paragraph (g) or (h) of this AD, as applicable, at intervals not to exceed 2,400 landings until the modification of the rear spar upper strap (cap) specified in paragraph (n) of this AD has been accomplished.

(2) If any cracking is detected, before further flight, accomplish the modification of the rear upper spar strap (cap) required by paragraph (n) of this AD.

Terminating Modification

(n) For all airplanes: Prior to the accumulation of 100,000 total landings, or within 6 months after the effective date of this AD, whichever occurs later, modify the rear spar upper strap (cap) in accordance with Boeing Service Bulletin DC9–54–031, Revision 05, dated April 25, 2003. Accomplishment of the modification described in Revision 05 of that service bulletin constitutes terminating action for the repetitive inspection requirements of this AD.

Compliance With Certain Other Airworthiness Directives

(o) Accomplishment of the modification required by paragraph (n) of this AD constitutes compliance with the following:

(1) The actions specified in McDonnell Douglas Service Bulletin 54–27, Revision 4, dated April 2, 1990, that are required by AD 96–10–11, amendment 39–9618 (which references ''DC–9/MD80 Aging Aircraft Service Action Requirements Document'' (SARD), McDonnell Douglas Report MDC K1572, Revision B, dated January 15, 1993, as the appropriate source of service information for accomplishment of the modification); and,

(2) The requirements of AD 72–09–01, amendment 39–2844 (which references McDonnell Douglas Service Bulletin 54–31, dated August 24, 1976; and McDonnell Douglas Service Bulletin 54–27, Revision 4, dated April 2, 1990; as appropriate sources of service information for accomplishment of the modification).

Alternative Methods of Compliance

(p)(1) In accordance with 14 CFR 39.19, the Manager, Los Angeles (ACO), FAA, is authorized to approve alternative methods of compliance for this AD.

(2) Alternative methods of compliance, approved previously in accordance with AD

78–01–06, amendment 39–3117, are approved as alternative methods of compliance with the corresponding provisions of this AD.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Los Angeles ACO, to make such findings.

Issued in Renton, Washington, on December 12, 2003.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–31440 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–04–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes; A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes; A300 C4–605R Variant F Airplanes; and A310 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 all Airbus Model A300 B2 and A300 B4 series airplanes; A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes; A300 C4–605R Variant F airplanes; and A310 series airplanes. This proposal would require, for certain airplanes, identifying the part number of the landing gear selector valves. For all airplanes, this proposal would require repetitive maintenance tasks or operational tests of the landing gear selector valves, and replacing discrepant valves with certain new valves. This action is necessary to prevent failure of the landing gear selector valves, which could result in residual pressure on the retraction chamber side of the electro-hydraulic selector, and consequent uncommanded retraction of the landing gear when the airplane is on the ground. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by January 21, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–04–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. 2002–NM–04–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 Industrie, 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: Tom Groves, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1503; 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–04–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–04–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 all Airbus Model A300 B2 and A300 B4 series airplanes; A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes; A300 C4–605R Variant F airplanes; and A310 series airplanes. The DGAC advises that a review of in-service experience, data, and failure consequences of the landing gear selector valve on these airplanes has indicated that a landing gear selector valve that is operated beyond its certified operational life of 32,000 total flight cycles could fail. Failed selector valves, if not corrected, could result in residual pressure on the retraction chamber side of the electro-hydraulic selector, and consequent uncommanded retraction of the landing gear when the airplane is on the ground.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A300–32–0438, Revision 01, dated November 20, 2001 (for Model A300 B2 and A300 B4 series airplanes); A300–32–6082, Revision 01, dated November 20, 2001 (for Model A300–600 series airplanes and Model A300 C4–605R Variant F airplanes); and A310–32–2118, Revision 01, dated November 20, 2001 (for Model A310 series airplanes).

Service Bulletin A300–32–0438 describes procedures for determining the part number of the landing gear

selector valve; replacing discrepant valves with new valves having a specified part number; and performing repetitive operational test maintenance tasks (for airplanes not modified per Airbus Modification 3083), or performing repetitive operational tests of the selector valves and replacing failed valves with new valves (for modified airplanes).

Service Bulletins A300–32–6082 and A310–32–2118 describe procedures for repetitive operational tests of the selector valve, and for replacing failed valves with new valves.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 2001–603(B), dated December 12, 2001, to ensure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the 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 and in accordance with the applicable service bulletins described previously, except as discussed below.

Difference Between Proposed AD and the Service Bulletins

Although the service bulletins describe procedures for reporting inspection results, this proposed AD would not require those actions.

Cost Impact

The following table provides the estimated costs to do the actions specified in this proposed AD.

Model	Action	Work hours	Average hourly labor rate (dollars)	Cost per airplane (dollars)	Number of U.S. airplanes	Fleet cost (dollars)
A300 B2	Part number identification	1	65	65	32	2,080
A300 B4	MPD task	1	65	65, per task cycle	32	2,080, per task cycle
	Operational test	1	65	65, per test cycle	32	2,080, per test cycle
A300–600	Operational test	1	65	65, per test cycle	89	5,785, per test cycle
A300 C4–605R Variant F A310	Operational test	1	65	65, per test cycle	47	3,055, per test 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 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–04–AD.

Applicability: All Model A300 B2 and A300 B4 series airplanes; A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes; A300 C4–605R Variant F airplanes; and A310 series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the landing gear selector valves, which could result in residual pressure on the retraction chamber side of the electro-hydraulic selector, and consequent uncommanded retraction of the landing gear when the airplane is on the ground, accomplish the following:

Part Number Identification

(a) For Model A300 B2 and A300 B4 series airplanes: Before the accumulation of 32,000 total flight cycles on the landing gear selector valves, or within 600 flight hours after the effective date of this AD, whichever occurs later, do the actions required by paragraphs (a)(1) and (a)(2) of this AD.

(1) Inspect to determine whether any selector valve having part number (P/N) A25199–0–2 is installed.

(2) Replace any selector valve having P/N A25199–0–2 with a new selector valve having P/N A25199–0–3, in accordance with

Airbus Service Bulletin A300–32–0438, Revision 01, dated November 20, 2001.

Operational Test

(b) For airplanes installed with selector valves having P/N A25199–0–3 only: Before the accumulation of 32,000 total flight cycles on the landing gear selector valves, or within 600 flight hours after the effective date of this AD, whichever occurs later, perform an operational test of the selector valves. Do the test in accordance with the Accomplishment Instructions of Airbus Service Bulletins A300–32–0438 (for Model A300 B2 and A300 B4 series airplanes), A300–32–6082 (for Model A300–600 series airplanes and Model A300 C4–605R Variant F airplanes), and A310–32–2118 (for Model A310 series airplanes); all Revision 01, dated November 20, 2001; as applicable. Before further flight, replace any valve that fails the operational test with a new valve having P/N A25199–0–3, in accordance with the applicable service bulletin.

Follow-on and Corrective Actions

(c) For Model A300 B2 and A300 B4 series airplanes that have not been modified in accordance with Airbus Modification 3083 (Airbus Service Bulletin A300–32–0269): Within 3,000 flight hours after the accumulation of 32,000 total flight cycles on the valve, or within 3,000 flight hours after performing the operational test required by paragraph (b) of this AD, whichever occurs later, do task 323112–0503–2 of the Airbus A300 Maintenance Planning Document (MPD). Repeat the MPD task thereafter at intervals not to exceed 3,000 flight hours.

(d) For Model A300 B2 and A300 B4 series airplanes that have been modified in accordance with Airbus Modification 3083 (Airbus Service Bulletin A300–32–0269), and for Model A300–600 and A310 series airplanes and Model A300 C4–605R Variant F airplanes: Repeat the operational test specified in paragraph (b) of this AD at the later of the times specified by paragraphs (d)(1) and (d)(2) of this AD. Thereafter, repeat the test at intervals not to exceed 18 months or 2,800 flight cycles, whichever occurs first.

(1) Within 18 months or 2,800 flight cycles, whichever occurs first, after the accumulation of 32,000 total flight cycles on the valve.

(2) Within 18 months or 2,800 flight cycles, whichever occurs first, after performing the initial operational test required by paragraph (b) of this AD.

Alternative Methods of Compliance

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

Note 1: The subject of this AD is addressed in French airworthiness directive 2001–603(B), dated December 12, 2001.

Issued in Renton, Washington, on December 12, 2003.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–31442 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–89–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757 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 all Boeing Model 757 series airplanes. For certain affected airplanes, this proposal would require repetitive testing of the secondary brakes of the horizontal stabilizer trim actuator (HSTA). For all affected airplanes, this proposal would require repetitive overhauls of the primary brake, ballscrew assembly, and differential assembly of the HSTA, which would constitute terminating action for the repetitive testing of the secondary brake. This action is necessary to prevent grease contamination on the primary HSTA brake and consequent loss of the primary brake function, which, in combination with the loss of the secondary HSTA brake function, could result in loss of control of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by February 5, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–89–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2003–NM–89–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 917–6468; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2003–NM–89–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–89–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that the primary brake of a horizontal stabilizer trim actuator (HSTA) removed from a Boeing Model 757–200 series airplane did not perform at the expected level during a pre-overhaul test at a repair facility. The HSTA brake system is made up of one primary brake and two secondary brakes; these brakes are used to hold the stabilizer against air loads. The secondary brakes provide a backup function to the primary brake.

Investigation revealed that the diminished brake performance was caused by grease from the thrust bearings, which was found on the primary brake surface. Since the first report of grease contamination, the FAA has also received reports of grease contamination on the HSTA primary brake(s) during overhaul on several Model 757–200 series airplanes. In addition, the FAA has received reports that all ballscrew assemblies on HSTAs that have been recently overhauled showed corrosion or wear; and that corrosion or cracking was found during HSTA overhaul in some differential assemblies.

Grease contamination on the primary HSTA brake, if not corrected, could result in the loss of the primary brake function, which, in combination with the loss of the secondary HSTA brake function, could result in loss of control of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin, 757–27A0142, Revision 2, dated October 23, 2003 (for Model 757–200, –200CG, and –200PF series airplanes), which describes procedures for repetitive testing of the secondary HSTA brakes, and repetitive overhauls of the primary brake, ballscrew assembly, and differential assembly of the HSTA. The service bulletin recommends compliance times for the overhaul that range between two years and five years depending upon the total hours accumulated on the HSTA since delivery or since the most recent overhaul of the primary brake, ballscrew assembly, and differential assembly.

The FAA has also reviewed and approved Boeing Alert Service Bulletin 757–27A0143, Revision 1, dated October 23, 2003 (for Model 757–300 series airplanes), which describes procedures for repetitive overhauls of the primary brake, ballscrew assembly, and differential assembly of the HSTA.

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Difference Between the Proposed Rule and Service Bulletin 757–27A0142

The manufacturer has noted that Boeing Alert Service Bulletin, 757–27A0142, Revision 2, dated October 23, 2003 contains an inadvertent misstatement of compliance times in paragraph D. of Table 1.E., ''Compliance.'' The statement ''Test the HSTA secondary brake when the HSTA reaches 24,000 hours (4C) (this is currently a scheduled maintenance task),'' should state: ''For HSTAs that have accumulated 15,000 to 23,999 hours, test the HSTA secondary brake when the HSTA reaches 24,000 hours (4C) (this is currently a scheduled maintenance task), or within 500 hours after the effective date of this AD, whichever occurs later.'' Paragraph D. of the table should also include, as the second bulleted item, the following statement: ''For HSTAs that have accumulated 24,000 to 29,999 hours, test the HSTA secondary brake within 500 hours.''

Clarification Between Proposed Rule and Service Bulletins

Both service bulletins state that no more work is necessary on airplanes changed per previous releases of the service bulletins. We find this statement to be incorrect because it contradicts the procedures specified in those service bulletins. Both service bulletins added new procedures for overhaul of the ballscrew assembly and differential assembly of the HSTA that were not specified in the previous releases. Therefore, more work is necessary on airplanes changed per previous releases of the service bulletins.

Further, Boeing Service Bulletin 757–27A0142 states that the total hours accumulated on the HSTA should be calculated ''since delivery (of the airplane).'' However, paragraph (d) of this proposed AD would require compliance ''prior to the accumulation of the applicable number of flight hours since the date of issuance of the original Airworthiness Certificate or the date of issuance of the Export Certificate of Airworthiness, whichever occurs first.'' This decision is based on our determination that different operators may interpret ''since delivery'' differently. We find that our proposed terminology is generally understood within the industry and records will always exist that establish these dates with certainty.

Cost Impact

There are approximately 1,085 airplanes of the affected design in the worldwide fleet. The FAA estimates that 754 airplanes of U.S. registry would be affected by this proposed AD; 722 of the affected airplanes of U.S. registry are Model 757–200, –200PF, and –200CB series airplanes, and 32 are Model 757–300 series airplanes.

For the affected Model 757–200 and Model 757–300 series airplanes, the FAA estimates that it would take approximately 96 work hours per airplane to accomplish the proposed overhaul, and that the average labor rate is $65 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $4,704,960, or $6,240 per airplane, per overhaul cycle.

For the affected Model 757–200 series airplanes, the FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed test of the HSTA secondary brake, and that the average labor rate is $65 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $46,930, or $65 per airplane, per secondary brake test.

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:

Boeing: Docket 2003–NM–89–AD.

Applicability: All Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent grease contamination on the primary HSTA brake and consequent loss of the primary brake function, which, in combination with the loss of the secondary HSTA brake function, could result in loss of control of the airplane, accomplish the following:

For Model 757–200, –200CB, and –200PF Series Airplanes: Repetitive Overhauls and Tests

(a) For Model 757–200, –200CB, and –200PF series airplanes: Except as provided by paragraph (c), (d), and (e) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–27A0142, Revision 2, dated October 23, 2003; including the compliance time ''since the most recent overhaul of the primary brake, the ballscrew assembly, and the differential assembly''; do the actions specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Test the secondary brakes of the HSTA per Part 2 of the Accomplishment Instructions of the service bulletin. If any secondary brake fails, before further flight, replace with a serviceable brake or overhaul per Part 2 of the Accomplishment Instructions of the service bulletin.

(2) Overhaul the primary brake, ballscrew assembly, and differential assembly of the horizontal stabilizer trim actuator (HSTA) per Part 1 of the Accomplishment Instructions of the service bulletin. Accomplishment of the overhaul constitutes terminating action for the repetitive tests of the secondary brake required by paragraph (a)(1) of this AD.

(b) Repeat the overhaul of the primary brake, ballscrew assembly, and differential assembly of the HSTA at intervals not to exceed 30,000 flight hour intervals, per the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0142, Revision 2, dated October 23, 2003.

(c) Where the service bulletin specified in paragraph (a) of this AD specifies a date from which the initial compliance time interval starts as being the date of the initial release of the service bulletin, this AD requires compliance within the applicable initial compliance time after the effective date of this AD.

(d) Where the service bulletin specified in paragraph (a) of this AD states ''total hours since delivery,'' this AD requires compliance prior to the accumulation of the applicable number of flight hours since the date of issuance of the original Airworthiness Certificate or the date of issuance of the Export Certificate of Airworthiness, whichever occurs first.

(e) Where paragraph D. of the table in paragraph 1.E., ''Compliance,'' of the service bulletin specified in paragraph (a) of this AD states: ''Test the HSTA secondary brake when the HSTA reaches 24,000 hours (4C) (this is currently a scheduled maintenance task)''; this AD requires testing secondary brakes that have accumulated between 15,000 and 23,999 flight hours when the HSTA reaches 24,000 flight hours or within 500 flight hours after the effective date of this AD, whichever occurs later. For HSTAs that have accumulated between 24,000 and 29,999 flight hours, this AD requires testing the secondary brake within 500 flight hours after the effective date of this AD. All testing should be done in accordance with the service bulletin.

For Model 757–300 Series Airplanes: Repetitive Overhauls

(f) For Model 757–300 series airplanes: Prior to the accumulation of 30,000 total flight hours, overhaul the primary brake, ballscrew assembly, and differential assembly of the HSTA per the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0143, Revision 1, dated October 23, 2003. Repeat the overhaul thereafter at intervals not to exceed 30,000 flight hours.

Overhauls Accomplished Per Previous Issues of Service Bulletins

(g) Overhauls of the primary brake and tests of the secondary brakes accomplished before the effective date of this AD per Boeing Alert Service Bulletin 757–27A0142, dated February 13, 2003, or, Revision 1, dated April 10, 2003; and overhauls of the primary brake accomplished before the effective date of this AD per Boeing Alert Service Bulletin 757–27A0143, dated February 13, 2003; are considered acceptable for compliance with the overhaul of the primary brake only and tests of the secondary brakes specified in this AD.

Alternative Methods of Compliance

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

Issued in Renton, Washington, on December 12, 2003.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–31443 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–350–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777 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 Boeing Model 777 series airplanes. This proposal would require an inspection to determine the part number of the filter/regulator on the fire extinguishing system installed in the lower cargo compartment of the airplane, and replacement of the filter/regulator with a new filter/regulator, if necessary. This action is necessary to prevent leakage of fire extinguishing agent through the filter/regulator of the cargo fire extinguishing system, which could result in the inability of the fire extinguishing system to suppress a fire in the cargo compartment of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by February 5, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–

350–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. 2002–NM–350–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Marcia G. Smith, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 917–6484; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–350–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–350–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that, during a certification flight test on a Boeing Model 777–300 series airplane, the Halon 1301 fire extinguishing agent flowed through the metered portion of the cargo fire extinguishing system in less than the predicted time. When the cargo fire extinguishing system was checked for leakage, it was determined that the filter/regulator was the source of the leakage. Further investigation found that the original design called for an inadequate heat treatment of the filter/regulator housing which, during production, resulted in an out-of-tolerance O-ring seat. This out-of-tolerance condition could cause the filter/regulator to leak and to fall out of calibration during operation.

Leakage of fire extinguishing agent through the filter/regulator of the cargo fire extinguishing system, if not corrected, could result in the inability of the fire extinguishing system to suppress a fire in the cargo compartment of the airplane.

The cargo fire extinguishing system on certain Model 777–200 series airplanes are identical to those on the affected 777–300 series airplanes. Therefore, both of these models may be subject to the same unsafe condition.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 777–26–0028, dated November 2, 2000, which contains procedures for replacing the filter/regulator with a new filter/regulator. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Boeing Service Bulletin 777–26–0028 also refers to the following Water Kidde Service Bulletins as additional sources of service information for accomplishment of the proposed replacement: 473494–26–405, Revision 1, dated November 1, 2000; 473494–26–422, dated April 13, 2000; 473857–26–406, Revision 1, dated November 1, 2000; 473857–1–26–423, dated April 13, 2000; 473995–1–26–424, dated April 13, 2000; and 473995–26–408, Revision 2, dated November 1, 2000.

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 bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Although the service bulletin does not require an inspection to determine the part number of the filter/regulator on the fire extinguishing system installed in the cargo compartment, the proposed AD would require such an inspection so that operators can determine if it is necessary to replace the filter/regulator.

Operators should note that, although the service bulletin does not recommend a compliance time for the proposed inspection and replacement, if necessary, the FAA has determined that an interval of within 60 months after the effective date of this AD addresses the unsafe condition in a timely manner. In developing an appropriate compliance time for this proposed AD, the FAA considered the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the inspection and replacement, if necessary (two hours). In light of all of these factors, the FAA finds a 60-month compliance time for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Operators should also note that the service bulletin assumes that the actions described in Boeing Service Bulletin 777–26–0020, dated May 13, 1999; and in Boeing Service Bulletin 777–26–0024, dated May 13, 1999; have been accomplished previously, or will be accomplished concurrently with the replacement required by the proposed

AD. However, this AD does not mandate that those actions be accomplished before or concurrent with the requirements of this proposed AD. These two service bulletins give instructions for an optional upgrade of the lower cargo compartment's fire suppression system capability to 240 minutes. The airplane operators requested instructions for this optional upgrade, and the manufacturer provided the instructions to them through the service bulletins. All affected airplanes, whether they incorporate the optional upgrade or not, are still required to comply with the requirements of this proposed AD.

Cost Impact

There are approximately 289 airplanes of the affected design in the worldwide fleet. The FAA estimates that 83 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is $65 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $5,395, or $65 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 2002–NM–350–AD.

Applicability: Model 777–200 and 777–300 series airplanes, line numbers 002 through 290 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent leakage of fire extinguishing agent through the filter/regulator of the cargo fire extinguishing system, which could result in the inability of the fire extinguishing system to suppress a fire in the cargo compartment of the airplane, accomplish the following:

Note 1: The Accomplishment Instructions of Boeing Service Bulletin 777–26–0028, dated November 2, 2000, also refer to the following Water Kidde Service Bulletins as additional sources of service information for accomplishment of the replacement: 473494–26–405, Revision 1, dated November 1, 2000; 473494–26–422, dated April 13, 2000; 473857–26–406, Revision 1, dated November 1, 2000; 473857–1–26–423, dated April 13, 2000; 473995–1–26–424, dated April 13, 2000; and 473995–26–408, Revision 2, dated November 1, 2000.

Inspection and Replacement, If Necessary

(a) Within 60 months after the effective date of this AD: Inspect the lower cargo fire extinguishing filter/regulator to determine the part number (P/N). Instead of inspecting the part, a review of airplane maintenance records is acceptable if the P/N of the part can be positively determined from that review.

(1) If no filter regulator P/N 473494–1 (with or without a suffix A), P/N 473857–1 (with or without a suffix A), or P/N 473995–1 (with or without a suffix A) is found, no further action is required by this paragraph.

(2) If any filter/regulator having P/N 473494–1 (with or without a suffix A), P/N 473857–1 (with or without a suffix A), or P/N 473995–1 (with or without a suffix A) is found, within 60 months after the effective date of this AD, replace the filter/regulator with a new filter/regulator, per the Accomplishment Instructions of Boeing Service Bulletin 777–26–0028, dated November 2, 2000.

Parts Installation

(b) As of the effective date of this AD, no person may install on any airplane a filter/regulator with any of the following Walter Kidde Aerospace P/Ns: P/N 473494–1 (with or without a suffix A), P/N 473857–1 (with or without a suffix A), or P/N 473995–1 (with or without a suffix A).

Alternative Methods of Compliance

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

Issued in Renton, Washington, on December 12, 2003.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–31444 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–404–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 and –200CB Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 757–200 series airplanes, that currently requires modifications to the attachment installation of the forward lavatory. This action would add airplanes to the applicability of the existing AD. The actions specified by the proposed AD are intended to prevent failure of the attachment installation of the forward lavatory during an emergency landing, which could result in injury to the crew and passengers. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by February 5, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–404–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. 2000–NM–404–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: David Crotty, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6422; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–404–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. 2000–NM–404–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On April 19, 1999, the FAA issued AD 99–09–13, amendment 39–11146 (64 FR 20146, April 26, 1999), applicable to certain Boeing Model 757–200 series airplanes, to require modifications to the attachment installation of the forward lavatory. That action was prompted by a stress analysis report indicating that the forward lavatory could break free from the upper and/or lower attachments during an emergency landing. The requirements of that AD are intended to prevent failure of the attachment installation of the forward lavatory during an emergency landing, which could result in injury to the crew and passengers.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the manufacturer has issued Boeing Special Attention Service Bulletin 757–25–0181, Revision 1, dated November 21, 2000. The modifications described in this revision are the same as that described in the original service bulletin, which was referenced in AD 99–09–13 as the appropriate source of service information for accomplishing the required actions in that AD. However, Revision 1 of the service bulletin adds additional passenger airplanes to the effectivity listing that are subject to the identified unsafe condition.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Special Attention Service Bulletin 757–25–0181, Revision 1, dated November 21, 2000, which describes procedures for installation of a doubler to the upper attachment installation of the forward lavatory on passenger airplanes. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 99–09–13 to continue to require modifications to the attachment installation of the forward lavatory. The proposed AD also would expand the applicability of the existing AD to include additional airplanes. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Cost Impact

There are approximately 694 airplanes of the affected design in the worldwide fleet. The FAA estimates that 355 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 4 work hours per airplane to accomplish the proposed modification, at an average labor rate of $65 per work hour. Required parts would cost approximately $100 per airplane. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be $127,800, or $360 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The 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. The manufacturer may cover the cost of replacement parts associated with this proposed AD, subject to warranty conditions. Manufacturer warranty remedies may also be available for labor costs associated with this proposed AD.

As a result, the costs attributable to the proposed AD may be less than stated above.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11146 (64 FR 20146, April 26, 1999) and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 2000–NM–404–AD. Supersedes AD 99–09–13, Amendment 39–11146.

Applicability: Model 757–200 and –200CB series airplanes; as listed in Boeing Special Attention Service Bulletin 757–25–0181, Revision 1, dated November 21, 2000; and as listed in Boeing Alert Service Bulletin 757–25A0187, dated September 18, 1997; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the attachment installation of the forward lavatory during an emergency landing, which could result in injury to the crew and passengers, accomplish the following:

Restatement of Requirements of AD 99–09–13

(a) For passenger airplanes identified in Boeing Service Bulletin 757–25–0181, dated June 26, 1997: Within 24 months or 3,000 flight cycles after June 1, 1999 (the effective date of AD 99–09–13, amendment 39–11146), whichever occurs first, install a doubler to the upper attachment installation of the forward lavatory, in accordance with Boeing Service Bulletin 757–25–0181, dated June 26, 1997.

(b) For freighter airplanes identified in Boeing Alert Service Bulletin 757–25A0187, dated September 18, 1997: Within 24 months or 3,000 flight cycles after June 1, 1999, whichever occurs first, install floor panel inserts, a retention fitting assembly, and a doubler assembly to the lower attachment installation of the forward lavatory, in accordance with Boeing Alert Service Bulletin 757–25A0187, dated September 18, 1997.

New Requirements of This AD

(c) For passenger airplanes identified in Boeing Special Attention Service Bulletin 757–25–0181, Revision 1, dated November 21, 2000, other than those identified in paragraph (a) of this AD: Within 24 months after the effective date of this AD, install a doubler to the upper attachment installation of the forward lavatory, in accordance with the Work Instructions of Boeing Special Attention Service Bulletin 757–25–0181, Revision 1, dated November 21, 2000.

Parts Installation

(d) As of the effective date of this AD, no person shall install a floor panel, part number 141N5410–12 or 141N5410–28, on any airplane.

Note 1: Floor panels having part numbers 141N5410–12 and 141N5410–28 are only installed on freighter airplanes and are not used on passenger airplanes.

Installations Accomplished Per Previous Issues of Service Bulletin

(e) Installations accomplished before the effective date of this AD per the original issue of Boeing Special Attention Service Bulletin 757–25–0181, dated June 26, 1997, are considered acceptable for compliance with the actions specified in paragraph (c) of this AD.

Alternative Methods of Compliance

(f)(1) In accordance with 14 CFR 39.19, the Manager, Seattle Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

(2) Alternative methods of compliance, approved previously per AD 99–09–13, amendment 39–11146, that provide for the installation of an oversize doubler to the upper attachment installation of the forward lavatory, are approved as alternative methods of compliance with this AD.

Issued in Renton, Washington, on December 12, 2003.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–31445 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–16282; Airspace Docket No. 03–AEA–06]

Proposed Amendment to Class E Airspace; Philadelphia, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Philadelphia, PA. The development of Standard Instrument Approach Procedures (SIAP) based on area navigation (RNAV) to serve flights into Spitfire Aerodrome (7N7) under Instrument Flight Rules (IFR) has made this proposal necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before January 21, 2004.

ADDRESSES: Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2003–16282/ Airspace Docket No. 03–AEA–06 at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2003–16282/Airspace Docket No. 03–AEA–06.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://dms.dot.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Documents Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E Airspace area at Philadelphia, PA. The development of SIAPs to serve flights operating IFR into Spitfire Aerodrome make this action necessary. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAPs. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Philadelphia, PA (Revised)

Philadelphia International Airport
(lat.39°52′19″N., long.75°14′28″W.)
Chester County G.O. Carlson Airport, PA
(lat.39°58′44″N., long.75°51′56″W.)
New Castle County Airport, DE
(lat.39°40′43″N., long.75°36′24″W.)
Summit Airpark, DE
(lat.39°31′13″N., long.75°43′14″W.)
Millville Municipal Airport, NJ
(lat.39°22′05″N., long.75°04′25″W.)

That airspace extending upward from 700 feet above the surface within a 31-mile radius of Philadelphia International Airport extending clockwise from a 225° bearing to a 307° bearing from the airport and within a 37-mile radius of Philadelphia International Airport extending from a 307° bearing to a 053° bearing from the airport and within a 33-mile radius of Philadelphia International Airport extending from a 053° bearing to a 173° bearing from the airport and within a 16-mile radius of Philadelphia International Airport extending from a 173° bearing from the airport to a 225° bearing from the airport and within a 7-mile radius of Chester County G.O. Carlson Airport and within a 6.7-mile radius of New Castle County Airport and within a 8-mile radius of Summit Airpark and within a 6.5-mile radius of Millville Municipal Airport, excluding the airspace that coincides with the Wrightstown, NJ; Pittstown, NJ; Reading, PA; and Allentown, PA Class E airspace areas.

* * * * *

Issued in Jamaica, New York, on October 28, 2003.

John G. McCartney,

Assistant Manager, Air Traffic Division, Eastern Region.

[FR Doc. 03–31417 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–13–M

PEACE CORPS

22 CFR Part 302

Organization

AGENCY: Peace Corps.

ACTION: Proposed rule.

SUMMARY: The Peace Corps is proposing to remove regulations which set out information regarding the Peace Corps' organization. The regulations are outdated and unnecessary. Information on the Peace Corps' organization is already published and updated annually in the *United States Government Manual,* a special **Federal Register** publication.

DATES: Comments must be received by January 21, 2004.

ADDRESSES: Comments should be submitted to Suzanne B. Glasow, Associate General Counsel, Office of the General Counsel, 8th Floor, 1111 20th Street, NW., Washington, DC 20526.

FOR FURTHER INFORMATION CONTACT: Tyler S. Posey, General Counsel, (202) 692–2150.

SUPPLEMENTARY INFORMATION: The Peace Corps is proposing to remove 22 CFR part 302 from the Code of Federal Regulations because it is outdated and unnecessary. Information on Peace Corps' organization is annually updated and published in the **Federal Register's** ''United States Government Manual.'' *See* FOIA Update, Summer 1992 (Office of Information and Privacy, Department of Justice).

Matters of Regulatory Procedure. Executive Order 12866. The Peace Corps has determined that this proposed rule does not constitute a ''significant regulatory action'' for the purposes of Executive Order 12866.

Regulatory Flexibility Act. Pursuant to section 605(b) of the Regulatory Flexibility Act, the Peace Corps certifies that this rule will not 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.*). Accordingly, no regulatory flexibility analysis is required.

List of Subjects 22 CFR Part 302

Organization and functions; government agencies.

For the reasons set forth in the preamble and under the authority of 22 U.S.C. 2503(b), the Peace Corps proposes to amend title 22 of the CFR by removing part 302.

Dated: December 16, 2003.

Tyler S. Posey,

General Counsel.

[FR Doc. 03–31396 Filed 12–19–03; 8:45 am]

BILLING CODE 6015–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1813 Through 1817

RIN 2700–AC83

Re-Issuance of NASA FAR Supplement Parts 1813 Through 1817

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the NASA FAR Supplement (NFS) by removing from the Code of Federal Regulations (CFR) those portions of the NFS containing information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors. This change is consistent with the guidance and policy in FAR part 1 regarding what comprises the Federal Acquisition Regulations System and requires publication for public comment. The NFS document will continue to contain both information requiring codification in the CFR and internal Agency guidance in a single document that is available on the Internet. This change will reduce the administrative burden and time associated with maintaining the NFS by only publishing in the **Federal Register** for codification in the CFR material that is subject to public comment.

DATES: Comments should be submitted on or before February 20, 2004, to be considered in formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546 or via the Internet at *Celeste.M.Dalton@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358–1645; e-mail: *Celeste.M.Dalton@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Currently the NASA FAR Supplement (NFS) contains information to implement or supplement the FAR. This information contains NASA's policies, procedures, contract clauses, solicitation provisions, and forms that govern the contracting process or otherwise control the relationship between NASA and contractors or prospective contractors. The NFS also contains information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors. Regardless of the nature of the information, as a policy, NASA has submitted to the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) and published in the **Federal Register** all changes to the NFS. FAR 1.101 states in part that the ''Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement or supplement the FAR. The FAR System does not include internal agency guidance of the type described in 1.301(a)(2).'' FAR 1.301(a)(2) states in part ''an agency head may issue or authorize the issuance of internal agency guidance at any organizational level (*e.g.*, designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements).'' Further, FAR 1.303 states that issuances under FAR 1.301(a)(2) need not be published in the **Federal Register**. Based on the foregoing, NASA is not required to publish and codify internal Agency guidance.

This proposed rule will modify the existing practice by only publishing those regulations which may have a significant effect beyond the internal operating procedures of the Agency or have a significant cost or administrative impact on contractors or offerors.

The NFS will continue to integrate into a single document both regulations subject to public comments and internal Agency guidance and procedures that do not require public comment. Those portions of the NFS that require public comment will continue to be amended by publishing changes in the **Federal Register.** NFS regulations that require public comment are issued as chapter 18 of title 48 CFR. Changes to portions of the regulations contained in the CFR, along with changes to internal guidance and procedures, will be incorporated into the NASA-maintained Internet version of the NFS through Procurement Notices (PNs). The single official NASA-maintained version of the NFS will remain available on the Internet. NASA personnel must comply with all regulatory and internal guidance and procedures contained in the NFS.

This change will result in savings in terms of the number of rules subject to publication in the **Federal Register** and provide greater responsiveness to internal administrative changes.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because this rule would only remove from the CFR information that is considered internal Agency administrative procedures and guidance. The information removed from the CFR will continue to be made available to the public via the Internet.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which 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 1813 Through 1817

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 48 CFR parts 1813 through 1817 are proposed to be amended as follows:

1. The authority citation for 48 CFR parts 1813 through 1817, continues to read as follows:

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

PART 1813—SIMPLIFIED ACQUSITION PROCEDURES

2. Amend Part 1813 by removing Subpart 1813.1 and sections 1813.301, 1813.301–70, 1813.301–71, 1813.301–72, 1813.701–73, 1813.302, 1813.302–1, 1813.302–70, 1813.303, 1813.303–3, and 1813.307.

PART 1814—SEALED BIDDING

3. Amend Part 1814 by removing sections 1814.201, 1814.201–5, and Subpart 1814.4.

PART 1815—CONTRACTING BY NEGOTIATION

4. Amend Part 1815 by —

(a) Removing sections 1815.201, 1815.203, 1815.203–70, 1815.203–71, 1815.204, 1815.204–2, 1815.204–5, 1815.204–70;

(b) In the first sentence of paragraph (b) of section 1815.208 removing ''(see 1872.705–1 paragraph VII)'';

(c) Removing sections 1815.300, 1815.300–70, 1815.303, 1815.304, 1815.304–70, 1815.305, 1815.305–71, 1815.306(d)(3), 1815.307, 1815.308, 1815.370, 1815.403–1, 1815.403–3, 1815.403–4, 1815.404, 1815.404–2, 1815.404–4, 1815.404–470, 1815.404–471–1, 1815.404–471–2, 1815.404–471–3, 1815.404–471–4, 1815.404–471–5, 1815.404–471–6, 1815.406, 1815.406–1, 1815.406–170, 1815.406–171, 1815.406–172, 1815.406–3;

(d) Removing ''in 1816.603'' in the last sentence of section 1815.504; removing sections 1815.506, 1815.506–70;

(e) In section 1815.604, redesignating paragraph (a) as (a)(6); and

(f) Removing sections 1815.606(b) and 1815.7002.

PART 1816—TYPES OF CONTRACTS

5. Amend Part 1816 by —

(a) Removing Subpart 1816.1, sections 1816.203, 1816.203–4, 1816.306, 1816.307(b) and (d), 1816.504, 1816.505, 1816.505–70, and Subpart 1816.6;

(b) In section 1816.307, redesignating paragraphs (a) and (g) as (a)(1) and (g)(1) respectively; and

(c) In section 1816.402, deleting the period at the end of the introductory sentence and adding a colon in its place; and

(d) In paragraph (e) of section 1816.402–270, deleting the period at the end of the introductory sentence and adding a colon in its place.

PART 1817—SPECIAL CONTRACTING METHODS

6. Amend Part 1817 by removing Subpart 1817.1, sections 1817.203, 1817.204, 1817.206, 1817.207, Subparts 1817.4, 1817.5, 1817.70, 1817.72, 1817.7301, 1817.7301–1, 1817–7301–2, 1817.7301–3, 1817.7301–4,1817.7301–5; and in section 1817.7302 removing ''described in 1817.7301–5'' in the first sentence of paragraphs (a) and (b).

[FR Doc. 03–31408 Filed 12–19–03; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1819 and 1822 Through 1825

RIN 2700–AC84

Re-Issuance of NASA FAR Supplement Subchapter D

AGENCY: National Aeronautics And Space Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the NASA FAR Supplement (NFS) by removing from the Code of Federal Regulations (CFR) those portions of the NFS containing information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors. This change is consistent with the guidance and policy in FAR part 1 regarding what comprises the Federal Acquisition Regulations System and requires publication for public comment. The NFS document will continue to contain both information requiring codification in the CFR and internal Agency guidance in a single document that is available on the Internet. This change will reduce the administrative burden and time associated with maintaining the NFS by only publishing in the **Federal Register** for codification in the CFR material that is subject to public comment.

DATES: Comments should be submitted on or before February 20, 2004, to be considered in formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546 or via the Internet at *Celeste.M.Dalton@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358–1645; e-mail: *Celeste.M.Dalton@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Currently the NASA FAR Supplement (NFS) contains information to implement or supplement the FAR. This information contains NASA's policies, procedures, contract clauses, solicitation provisions, and forms that govern the contracting process or otherwise control the relationship between NASA and contractors or prospective contractors. The NFS also contains information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors. Regardless of the nature of the information, as a policy, NASA has submitted to the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) and published in the **Federal Register** all changes to the NFS. FAR 1.101 states in part that the ''Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement or supplement the FAR. The FAR System does not include internal agency guidance of the type described in 1.301(a)(2).'' FAR 1.301(a)(2) states in part ''an agency head may issue or authorize the issuance of internal agency guidance at any organizational level (*e.g.*, designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements).'' Further, FAR 1.303 states that issuances under FAR 1.301(a)(2) need not be published in the **Federal Register**. Based on the foregoing, NASA is not required to publish and codify internal Agency guidance.

This proposed rule will modify the existing practice by only publishing those regulations which may have a significant effect beyond the internal operating procedures of the Agency or have a significant cost or administrative impact on contractors or offerors.

The NFS will continue to integrate into a single document both regulations subject to public comments and internal Agency guidance and procedures that do not require public comment. Those portions of the NFS that require public comment will continue to be amended by publishing changes in the **Federal Register**. NFS regulations that require public comment are issued as chapter 18 of title 48 CFR. Changes to portions of the regulations contained in the CFR, along with changes to internal guidance and procedures, will be incorporated into the NASA-maintained Internet version of the NFS through Procurement Notices (PNs). The single official NASA-maintained version of the NFS will remain available on the Internet. NASA personnel must comply with all regulatory and internal guidance and procedures contained in the NFS.

This change will result in savings in terms of the number of rules subject to publication in the **Federal Register** and provide greater responsiveness to internal administrative changes.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because this rule would only remove from the CFR information that is considered internal Agency administrative procedures and guidance. The information removed from the CFR will continue to be made available to the public via the Internet.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which 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 1819 and 1822 Through 1825

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 48 CFR parts 1819, and 1822 through 1825 are amended as follows:

1. The authority citation for 48 CFR parts 1819, and 1822 through 1825, continues to read as follows:

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

PART 1819—SMALL BUSINESS PROGRAMS

2. Amend part 1819 by removing paragraphs (c), (d), and (f) in section 1819.201, subparts 1819.5, 1819.6, sections 1819.705–2, 1819.705–4, 1819.705–470, subpart 1819.8, sections 1819.7000, and 1819.7002.

PART 1822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

3. Amend part 1822 by—

(a) Removing sections 1822.000–70, 1822.101, 1822.101–1, 1822.101–3, 1822.101–4, 1822.101–70, 1822.103, 1822.103–4, subparts 1822.3, 1822.4, 1822.6, 1822.8, 1822.10, 1822.13, 1822.14, and 1822.15; and

(b) Revising section 1822.103–5 to read as follows:

1822.103–5 Contract clause.

Insert the clause at 52.222–1, Notice to the Government of Labor Disputes, in all solicitations and contracts that exceed the simplified acquisition threshold.

PART 1823—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

4. Amend part 1823 by—

(a) Removing sections 1823.203, 1823.270, and subparts 1823.3 and 1823.4;

(b) Amending section 1823.570 by deleting subsection header ''1823.570–1 Scope.'' and ''Section 1823.570 to 1823.570–4 set'' from the beginning of the text following the header, and adding ''This section sets'';

(c) Redesignating sections 1823.570–2 through 1823.570–4 as 1823.570–1 through 1823.570–3, respectively;

(d) In the first paragraph of the redesignated section 1823.570–1, remove ''1823.570–4'' and add ''1823.570–3'' in its place; and

(e) Removing subpart 1823.7 and section 1823.7102.

PART 1824—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

5. Amend part 1824 by removing subpart 1824.2.

PART 1825—FOREIGN ACQUISITION

6. Amend part 1825 by—

(a) In section 1825.103, removing paragraph (a)(i) and redesignating paragraphs (a)(ii) and (a)(iii) as (a)(i) and (a)(ii), respectively; and

(b) Removing section 1825.903, and subparts 1825.10 and 1825.70.

[FR Doc. 03–31407 Filed 12–19–03; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 57l

[Docket No. NHTSA–2003–16487 Notice 1]

Federal Motor Vehicle Safety Standards; Denial of Petition For Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition for rulemaking.

SUMMARY: Based on the agency's evaluation, NHTSA denies a petition for rulemaking from the Alliance of Automobile Manufacturers (AAM) to amend S4(d) and S4(f)(4) of Federal Motor Vehicle Safety Standard (FMVSS) No. 214, ''Side impact protection,'' which specifies the travel distance of the loading device in the quasi-static door crush test. NHTSA believes that the rulemaking is unnecessary because granting the proposed amendments would not result in a substantive change in the performance requirements of the standard nor change the way that both the manufacturers and the agency may test the vehicle.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590:

For non-Legal Issues: Mr. Philip Oh, Office of Crashworthiness Standards, NVS–112, telephone (202) 493–0195, facsimile (202) 493–2290, electronic mail: *philip.oh@nhtsa.dot.gov.*

For Legal Issues: Ms. Deirdre Fujita, Office of the Chief Counsel, NCC–112, telephone (202) 366–2992, facsimile (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background

Sections S3 and S4 of Federal Motor Vehicle Standard (FMVSS) No. 214, ''Side impact protection,'' establish quasi-static door crush resistance requirements and the associated test procedures. The current specifications require the door crush test device to displace over a full 457 millimeters (mm) (18 inches), the average force to be calculated at 152 mm (6 inches) and 305

mm (12 inches), and the peak crush resistance to be determined over the entire 457 mm (18 inches) of crush. Currently, the minimum requirement for the peak crush resistance is 3.5 times the curb weight of the vehicle or 53,397 Newtons (N) (12,000 lb.), whichever is less (2 times or 31,148 N (7,000 lb.) if the seats are removed).

AAM Petition

On August 27, 2002, AAM submitted a petition for rulemaking concerning the travel distance of the loading device in the quasi-static door crush test. The test procedure described in S4(d) of FMVSS No. 214 requires the loading device in the quasi-static door crush test to be displaced over a full 457 mm (18 inches) of travel. AAM asserts that for vehicles with stiffer side door structures designed for dynamic side impact protection, the requirement for the peak crush resistance is often attained well before 457 mm (18 inches) of travel. Therefore, if the requirement for the peak crush resistance is attained before the full 457 mm (18 inches) of travel, AAM contends that any further door crush test is unnecessary. In addition, AAM points out that NHTSA's Office of Vehicle Safety Compliance's (OVSC) test procedure already allows for the flexibility in its testing. The test procedure states that ''if after 12 inches of loading device travel, the peak crush resistance has been obtained, the test may be stopped if prior approval has been obtained from the OVSC Contracting Officer Technical Representative (COTR).''

AAM petitioned the agency to amend S4(d) by rewording the second sentence as: If the peak crush resistance of either S3.1.3 or S3.2.3 is not attained within 12 inches of loading device travel, continue the loading device application until the peak crush resistance is attained or until 18 inches of travel is reached, whichever comes first.'' Also, to be consistent with the proposed change to S4(d), AAM petitioned that S4(f)(4) also be amended as: ''The peak crush resistance is the largest force recorded over the entire distance traveled to comply with S4(d).'' AAM believes that these amendments would improve the objectivity and practicability of the standard and are consistent with motor vehicle safety.

Analysis

NHTSA agrees that vehicles with stiff side door structures often attain the peak resistance requirement before 457 mm (18 inches) of travel. However, the suggested amendments would not lead to a substantive change to the standard's performance requirements and do not warrant the agency resources that would be needed to undertake rulemaking on this matter. As stated in the standard, the door is to be crushed a full 457 mm (18 inches) to allow for the required peak crush resistance to be attained. To comply with the safety standard, manufacturers are required to ensure this performance requirement is met using the test procedure written in the regulatory text. However, the agency does not regulate the procedure used by manufacturers to ensure compliance of the vehicle. Manufacturers may choose to stop the test procedure at any point if they believe it is sufficient to ensure compliance to the requirements of the standard using the regulatory text test procedure.

As AAM noted, OVSC may stop the test if, after 305 mm (12 inches) of crush, the peak resistance requirement is met and prior approval from the COTR is obtained. OVSC may stop the test if they believe enough data has been gathered to determine compliance or non-compliance under the regulatory test procedure. For example, OVSC may elect to do this to preserve the remaining structure of the vehicle for other compliance test purposes. However, under the same test procedure, OVSC may instead elect to conduct the test over the full 457 mm (18 inches) for agency research or other purposes.

AAM argued that the peak force is often attained within 305 mm (12 inches) of loading device travel, and that continuation of side structure loading after the peak force is reached results in unrepresentative deformation and loading of the door components. AAM did not provide any data to substantiate this claim, nor does NHTSA have any. In any event, the agency does not see why the deformation of the vehicle subsequent to cessation of the test is relevant to the petitioner's requested amendment.

In accordance with 49 CFR part 552, this completes the agency's review of the petition for rulemaking. NHTSA believes that the suggested amendments would not change the performance requirements, nor change the way that both the manufacturers and the agency may test the vehicle. Thus, after considering the allocation of agency resources and agency priorities, NHTSA has decided that the rulemaking requested by the petitioner is not warranted. Accordingly, rulemaking on the petition is denied.

Authority: 49 U.S.C. 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: December 17, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 03–31490 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 121103D]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 22; Public Hearings

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

ACTION: Notice of public hearings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold public hearings to solicit comments on Draft Amendment 22 to the Reef Fish Fishery Management Plan of the Gulf of Mexico (Draft Amendment 22) that contains alternatives for red snapper to: Redefine the biological reference points of maximum sustainable yield (MSY) and optimum yield (OY); set status determination criteria including maximum fishing mortality threshold (MFMT) and minimum stock size threshold (MSST); establish a rebuilding schedule that is consistent with the Sustainable Fisheries Act of 1996 (SFA); and establish a standardized methodology to collect bycatch information.

DATES: The meetings will be held in January 2004. See **SUPPLEMENTARY INFORMATION** for specific dates and times. Comments on the amendment should be received by January 9, 2004.

ADDRESSES: Written comments should be sent to, and copies of the scoping document are available from, the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, Florida 33619.

FOR FURTHER INFORMATION CONTACT: Mr. Stu Kennedy, Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION: The Council will hold public hearings to solicit comments on Draft Amendment 22. Draft Amendment 22 contains alternatives for red snapper to: (1) redefine the biological reference points of MSY and OY; (2) set status

determination criteria including MFMT and MSST; (3) establish a rebuilding schedule that is consistent with the SFA; and (4) establish a standardized methodology to collect bycatch information.

The red snapper stock is in an overfished condition and subject to overfishing. Currently this stock is under a rebuilding program to restore the stock to 20 percent spawning potential ratio (SPR) by 2019. However, this plan is inconsistent with NMFS' National Standard Guidelines (NSG) for setting definitions of overfishing and the overfished condition of stocks that are consistent with SFA and for setting the maximum rebuilding time. Definitions of stock size, the overfished threshold, and yield must be biomass based, but overfishing definitions can be based on SPR. Therefore, before the rebuilding plan can be revised, overfished and overfishing targets and thresholds that are consistent with SFA and the NSG must be specified so that rebuilding goals are known.

For overfished stocks, a recovery plan must be developed to restore the stocks to the biomass level capable of producing MSY on a continuing basis (BMSY). This is more conservative than the current overfishing definition of 20 percent SPR, which is estimated to be the minimal level needed to prevent future declines in the stock. Rebuilding periods are to be as short as possible, but not to exceed 10 years unless the conditions dictate otherwise. For red snapper, even in the absence of fishing mortality, it would take more than 10 years to rebuild the stock. Therefore, NOAA Fisheries' NSG allows for a maximum recovery period in the absence of fishing mortality (12 years) plus the mean generation time (19.6 years), or 31.6 years for red snapper. A recovery plan adopted by the Council under the new guidelines in 2001 would have to reach its recovery target during the year 2032 or earlier. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that FMPs establish a standardized methodology to assess the amount and type of bycatch occurring in the fishery. An additional requirement of the Magnuson-Stevens Act is to identify and implement conservation measures that, to the extent practicable, minimize bycatch. These actions have not been addressed by the Council for the Gulf reef fish fishery and must be considered.

The public hearings will be held at the following locations and dates from 7 p.m. - 10 p.m.:

1. Monday, January 5, 2004, Laguna Madre Learning Center, Port Isabel High School, Highway 100, Port Isabel, TX 78578; telephone: 956–943–0052;

2. Monday, January 5, 2004 , Mississippi Department of Marine Resources, 1141 Bayview Drive, Biloxi, MS 39530; telephone: 228–374–5000;

3. Tuesday, January 6, 2004, Port Aransas Civic Center, 710 West Avenue A, Port Aransas, TX 78373; telephone: 361–749–4111;

4. Tuesday, January 6, 2004, Hilton Beachfront Garden Inn, 23092 Perdido Beach Boulevard, Orange Beach, AL 36561; telephone: 334–974–1600;

5. Wednesday, January 7, 2004, San Luis Resort, 5222 Seawall Boulevard, Galveston Island, TX 77551; telephone: 409–744–1500;

6. Wednesday, January 7, 2004, Destin Community Center, 101 Stahlman Avenue, Destin, FL 32541; telephone: 850–654–5184;

7. Thursday, January 8, 2004, New Orleans Airport Hilton, 901 Airline Drive, Kenner, LA 70062; telephone: 504–469–5000; and

8. Thursday, January 8, 2004, Holiday Inn, 15208 Gulf Boulevard, Madeira Beach, FL 33708; telephone: 727–392–2257.

Public comments on the draft amendment that are received in the Council office by 5 p.m., January 9, 2004, will be presented to the Council.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Trish Kennedy at the Council (see **ADDRESSES**) by December 29, 2003.

Dated: December 16, 2003.

Bruce C. Morehead,

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

[FR Doc. 03–31488 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 68, No. 245

Monday, December 22, 2003

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

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 63–2003]

Foreign-Trade Zone 119—Minneapolis, MN; Application for Subzone Expansion and Permanent Authority—Subzone 119B; Wirsbo Company Plant, Apple Valley, Minnesota (Polyethylene Tubing)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Metropolitan Area Foreign Trade Zone Commission (Minneapolis, Minnesota), grantee of FTZ 119, requesting authority to expand the boundary of Subzone 119B, at the Wirsbo Company plant in Apple Valley, Minnesota, and requesting that the authority for subzone status be extended on a permanent basis. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on December 12, 2003.

Subzone 119B was approved by the Board in 1993 with temporary authority granted for the manufacture of polyethylene tubing at Wirsbo's manufacturing plant (135,000 sq.ft./10.5 acres) in Apple Valley, Minnesota (Board Order 640, 58 FR 30143, 5–26–93). Activity at the facility (180 employees) includes product development, manufacturing, testing, warehousing, and distribution of cross-linked polyethylene (PEX) tubing for residential and commercial indoor/outdoor hydronic radiant heating systems. The plant produces up to 300 million feet of tubing under FTZ procedures annually.

The applicant is now requesting authority to expand the subzone boundaries to include an additional site located at 2300 West Highway 13, Burnsville (Dakota County), Minnesota, about nine miles northwest of the existing subzone site. The proposed Site 2 would include a 22-acre parcel containing a 413,000 square foot facility (125 employees) used for warehousing and distribution of production materials and finished tubing. The applicant also requests removal of the time restriction on FTZ manufacturing authority pursuant to Board Order 640, which authorized the manufacture of PEX tubing under FTZ procedures for an initial three-year period, subject to extension.

Foreign-sourced materials used in the manufacture of tubing (about 35 percent of total purchases) include: polyethylene (HDPE) resins (7.1% duty rate). The company also admits certain parts and materials used in constructing the radiant heating systems. Such warehouse distribution items include: thermostats, brass and copper fittings, aluminum pipe, polyethylene pipe, various polymers and resins in primary form, plastic foil, insulation, packaging materials, other articles of plastic and rubber, polyester tape, fittings, fasteners, mounting tracks, valves, transformers, fuses, relays, junction boxes, metal fittings, flow meters, regulators (duty rates: free—8.6%).

FTZ procedures exempt Wirsbo from Customs duty payments on the foreign resin used in export tubing production (1% of shipments). On its domestic shipments and exports to NAFTA markets, the company is able to choose the duty rate that applies to finished PEX tubing (3.1%) for the foreign-origin resin noted above. Duties would continue to be paid on the warehouse items entered from the subzone for U.S. distribution. The request indicates that the savings from FTZ procedures will continue to help improve the facilities' international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is February 20, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to March 8, 2004).

A copy of the application will be available for public inspection at the following location: Office of the Executive Secretary, Foreign-Trade Zones Board, Franklin Court Building—Room 4100W, U.S. Department of Commerce, 1099 14th Street, NW., Washington, DC 20005.

Dated: December 12, 2003.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 03–31476 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; In the Matter of: ABO (USA) INC., 2653 NW 20th Street, Miami, FL 33142, Respondent

Order

The Bureau of Industry and Security, United States Department of Commerce (''BIS'') having notified ABO (USA) Inc. (''ABO'') of its intention to initiate an administrative proceeding against ABO pursuant to § 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2003)) (''Regulations''), and section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. sections 2401–2420 (2000)) (''Act,''),[1] based on the proposed charging letter issued to ABO that alleged ABO committed two violations of the Regulations. Specifically, the charges are:

1. One Violation of 15 CFR 764.2(d)—Conspiracy—Conspiracy to Export Night Vision Scopes to Japan without the Required Licenses: Beginning in 1995 and continuing into 1997, ABO

[1] From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was issued on August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (''IEEPA''). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2003 (68 FR 47833, August 11, 2003)), has continued the Regulations in effect under IEEPA.

conspired and acted in concert with others, known and unknown, to violate the former regulations and Regulations. The goal of the conspiracy was to evade Department of Commerce export licensing requirements relating to night vision scopes and to export night vision scopes from the United States to Japan without the required Department of Commerce licenses. To accomplish the conspiracy, the conspirators, including ABO, took actions in furtherance of the conspiracy, including falsifying invoices and shipping documents and disassembling the night vision scopes before exporting them from the United States to Japan to avoid detection by U.S. authorities, including the Department of Commerce.

2. One Violation of 15 CFR 764.2(a)—Engaging in Prohibited Conduct—Export of Night Vision Scopes Without the Required Licenses. On or about February 28, 1997, ABO exported or caused to be exported items subject to the Regulations, specifically night vision scopes, models Night Ranger 150 and Night Ranger 250; from the United States to Japan without the required Department of Commerce license. An export license was required for the export of the Night Vision scopes, which were classified under ECCN 6A002.c on the Commerce Control List, from the United States to Japan by § 742.6 of the regulations.

BIS and ABO having entered into a Settlement Agreement pursuant to Section 766.18(a) of the regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, that a civil penalty of $20,000 is assessed against ABO, which shall be paid to the U.S. Department of Commerce within 30 days from the date of the entry of this Order. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (21 U.S.C. 3701–3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, ABO will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that for a period of two years from the date of this Order, ABO (USA) Inc., 2653 NW 20th Street, Miami, FL 33142, its successors or assigns, and when acting for or on behalf of ABO, its officers, representatives, agents or employees (''denied person'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States to any destination other than Canada, that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document relating to any destination other than Canada;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States to any destination other than Canada, that is subject to the regulations, or in any other activity subject to the regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States to any destination other than Canada, that is subject to the regulations, or in any other activity subject to the Regulations.

Fourth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport other than to Canada, to or on behalf of the denied person any item subject to the regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States to any destination other than Canada, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States to any destination other than Canada;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States to any destination other than Canada; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States to any destination other than Canada, and which is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States to any destination other than Canada. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fifth, that after notice and opportunity for comment as provided in § 766.23 of the Regulations, any person, firm, corporation, or business organization related to ABO by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Sixth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Seventh, that, as authorized by § 766.18(c) of the regulations, the $20,000 civil penalty set forth above shall be suspended in its entirety for one year fro the date of this Order, and shall thereafter be waived, provided that during the period of suspension, ABO has committed no violation of the Act or any regulation, order or license issued thereunder.

Eighth, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 15th day of December 2003.

Julie L. Myers,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 03–31411 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–813]

Final Court Decision and Amended Final Results of Antidumping Duty Administrative Review: Canned Pineapple Fruit From Thailand

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

ACTION: Notice of Final Court Decision and Amended Final Results of Antidumping Duty Administrative Review: Canned Pineapple Fruit from Thailand.

SUMMARY: On September 15, 2003, the United States Court of International Trade (CIT) affirmed the Department of Commerce's redetermination on remand of the final results of the fifth administrative review of the antidumping duty order on canned pineapple fruit from Thailand. *See Maui Pineapple Company, Ltd.* v. *United States*, Slip Op. 03–120 (September 15, 2003), Court No. 01–01017 (*Maui Pineapple*). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), on October 1, 2003, the Department of Commerce (the Department) notified the public that *Maui Pineapple* and the CIT's earlier opinion in this case were ''not in harmony'' with the Department's original results. *See Notice of Decision of the Court of International Trade: Canned Pineapple Fruit from Thailand*, 68 FR 56619 (October 1, 2003) (*Notice of Decision*). No party has appealed the CIT's decision within the 60-day time period provided and the Department is now issuing these amended final results reflecting the CIT's decision.

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: David Layton or Charles Riggle, Office 5, Group II, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0371 and (202) 482–0650, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 17, 2001, the Department published a notice of the final results of the fifth administrative review of canned pineapple fruit from Thailand. See Notice of Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review in Part: Canned Pineapple Fruit From Thailand, 66 FR 52744 (October 17, 2001) (Final Results). Maui Pineapple Company, Ltd. filed a lawsuit challenging these results and the CIT issued an Order and Opinion dated April 16, 2003 remanding two issues to the Department. *See Maui Pineapple Company, Ltd.* v. *United States*, 264 F.Supp.2d 1244 (CIT 2003) (September 15, 2003). Pursuant to the CIT's April 16, 2003 Order and Opinion, the Department filed its remand results on June 16, 2003. On September 15, 2003, the CIT affirmed the Department's final results of redetermination in Maui Pineapple. On October 1, 2003, the Department published the Notice of CIT Decision consistent with the Federal Circuit decision in Timken. The time period for appealing the CIT's decision has expired and no party has appealed the CIT's affirmation of the Departments final results of redetermination.

Amendment To Final Determinations

Pursuant to section 516A(e) of the Tariff Act of 1930, as amended, as there is now a final and conclusive court decision, we are now amending the final results of the antidumping duty administrative review to reflect a revised weighted average margin for Dole Food Company, Dole Packaged Foods and Dole Thailand (collectively, Dole). *See Final Results.* We determine that the following revised weighted-average margin exists for Dole for the period of July 1, 1999 through June 30, 2000 :

Manufacturer/Exporter	Margin (percent)
Dole	0.98

Accordingly, the Department will determine and the U.S. Customs and Border Protection (CBP) will assess appropriate antidumping duties on the relevant entries of subject merchandise covered by the review period listed above. The Department will issue appraisement instructions directly to the CBP within 15 days of the publication of this notice.

Dated: 15, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. E3–00606 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570–855]

Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China: Final Results and Partial Rescission of the 2001–2002 Administrative Review, and Final Results of the New Shipper Review.

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

ACTION: Notice of Final Results and Partial Rescission of the 2001–2002 Administrative Review, and Final Results of the New Shipper Review.

SUMMARY: We have determined that sales of certain non-frozen apple juice concentrate from the People's Republic of China were not made below normal value during the period June 1, 2001, through May 31, 2002. We are also rescinding the review, in part, in accordance with 19 CFR 351.213(d)(3).

Based on our review of comments received and a reexamination of surrogate value data, we have made certain changes in the margin calculations for all of the reviewed companies. The final weighted-average dumping margins for these firms are listed below in the section entitled ''*Final Results of Review*.'' Changsha Industrial Products & Minerals Import and Export Co., Ltd. did not respond to the Department's questionnaire and will receive the facts available rate. See ''*Use of Fact Otherwise Available*'' section, below. Based on these final results of review, we will instruct U.S. Customs and Border Protection to assess antidumping duties based on the difference between the export price and normal value on all appropriate entries.

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Audrey Twyman, Stephen Cho, or John Brinkmann, Group 1, Office I, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–3534, (202) 482–3798, and (202) 482–4126, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 7, 2003, the Department published the preliminary results of this review of certain non-frozen apple juice concentrate (≥AJC'') from the People's Republic of China (''PRC''). *See Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China: Preliminary Results of 2001–2002 Administrative Review and New Shipper Review, and Partial Rescission of Review*, 68 FR 40244 (July 7, 2003) (''*Preliminary Results*''). The period of review (''POR'') is June 1, 2001, through May 31, 2002. This review covers the following producers or exporters (referred to collectively as ''the respondents''): Shaanxi Haisheng Fresh Fruit Juice Co., Ltd. (''Haisheng''), SDIC Zhonglu Juice Group Co., Ltd. (''Zhonglu''), Yantai Oriental Juice Co.,

Ltd. (''Oriental''), Sanmenxia Lakeside Fruit Juice Co., Ltd. (''Lakeside''), and Changsha Industrial Products & Minerals Import and Export Co., Ltd. (''Changsha''). On July 26, 2002, Gansu Tongda Fruit Juice and Beverage Company (''Gansu Tongda'') agreed to align the new shipper review with the second administrative review; therefore, the concurrent new shipper review covers one producer/exporter: Gansu Tongda.

In September 2003, we conducted verification of the questionnaire responses submitted by Gansu Tongda. We issued a verification report on October 8, 2003.

We invited parties to comment on the *Preliminary Results* and the Verification Report. On October 20, 2003, we received a combined case brief from Haisheng, Zhonglu, Oriental, and Gansu Tongda. No rebuttal briefs were submitted. No hearing was held because respondents withdrew their request for a hearing in a letter dated October 23, 2003.

On October 22, 2003, the Department published in the **Federal Register** a *Notice of Extension of Time Limit for the Final Results of the Second Administrative Review and New Shipper Review*, 68 FR 60338.

The Department has conducted this administrative review and new shipper review in accordance with section 751 of the the Tariff Act of 1930, as amended (''the Act'').

Scope of Review

The product covered by this order is certain non-frozen apple juice concentrate (''NFAJC''). Certain NFAJC is defined as all non-frozen concentrated apple juice with a Brix scale of 40 or greater, whether or not containing added sugar or other sweetening matter, and whether or not fortified with vitamins or minerals. Excluded from the scope of this order are: frozen concentrated apple juice; non-frozen concentrated apple juice that has been fermented; and non-frozen concentrated apple juice to which spirits have been added.

The merchandise subject to this order is classified in the *Harmonized Tariff Schedule of the United States* (''HTSUS'') at subheadings 2106.90.52.00, and 2009.70.00.20 before January 1, 2002, and 2009.79.00.20 after January 1, 2002. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Rescission of Review in Part

As noted in the *Preliminary Results*, Shandong Foodstuffs Import and Export Corporation (''Shandong''), Shaanxi Gold Peter Natural Drink Co., Ltd. (''Gold Peter''), Qingdao Nannan Foods Co., Ltd. (''Nannan''), Shaanxi Machinery and Equipment Import and Export Corporation (''SAAME''), Shaanxi Hengxing Fruit Juice Co., Ltd. (''Hengxing''), Xian Asia Qin Fruit Co., Ltd. (''Xian Asia''), and Xian Yang Fuan Juice Co., Ltd. (''Xian Yang'') reported no shipments of subject merchandise to the United States during the POR. Entry data provided by U.S. Customs and Border Protection (''CBP'') confirm that there were no POR entries from Shandong, Gold Peter, Nannan, SAAME, Hengxing, Xian Asia, and Xian Yang of AJC. Therefore, consistent with the Department's regulations and practice, we are rescinding this review with respect to Shandong, Gold Peter, Nannan, SAAME, Hengxing, Xian Asia, and Xian Yang. (*See* 19 CFR 351.213(d)(3); *see, also, Silicon Metal from Brazil; Final Results of Antidumping Duty Administrative Review*, 61 FR 46763 (September 5, 1996).)

Use of Facts Otherwise Available

As discussed in detail in the *Preliminary Results*, we have determined that companies which did not respond to the Department's questionnaire in this proceeding should not receive separate rates and, thus, are viewed as part of the PRC-wide entity. Moreover, as noted in the *Preliminary Results*, we determine that, in accordance with sections 776(a) and (b) of the Act, the use of adverse facts available is appropriate for companies which did not respond to our requests for information. No party in this proceeding has commented on these issues since the publication of the *Preliminary Results*. Thus, for these final results, we have continued to assign the PRC-wide rate of 51.74 percent to Changsha Industrial Products & Minerals Import and Export Co. and other companies subject to the PRC-wide rate.

Analysis of Comments Received

All issues raised in the case brief 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 December 15, 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 Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at http://www.ia.ita.doc.gov/frn/summary/list.htm under the heading ''China PRC.'' The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our review of comments received, verification, and a reexamination of surrogate value data, we have made certain changes to the calculations for the final results. These changes are discussed in the following Comments in the Decision Memorandum or in the referenced final calculation memorandum:

All Companies

Overhead, SG&A, and Profit: We have revised the overhead, SG&A and profit ratios based on the full English translation of the Agros Holding Incorporated financial statement submitted by respondents in their August 18, 2003 ''2nd; Surrogate Value Submission'' at Exhibit 2. The revised overhead percentage is 7.11. The revised SG&A percentage is 50.24. The revised profit percentage is 4.46. *See* Comment 2 of the *Decision Memorandum*.

Domestic Brokerage and Handling: In the *Preliminary Results*, domestic brokerage and handling was based on a single brokerage and handling rate. For these final results the Department has calculated the surrogate brokerage and handling value by averaging this brokerage and handling rate with two additional freight forwarder quotes which were used by the Department in recent cases.

We have continued to remove Terminal Handling Charges from the calculation because we have information from both Maersk Sealand and UML Shipping Agency Ltd. indicating that Terminal Handling Charges were not in effect in the PRC until the first quarter of 2002.

The prices are from 1999. Therefore, we have inflated them to the POR. The resulting value is US$3.65/MT. *See* Comment 3 of the *Decision Memorandum*.

Gansu Tongda

Ocean Freight for Gansu Tongda's Market Economy Purchase: Gansu Tongda purchased aseptic bags in U.S. dollars from a market economy supplier. Since the charge did not include ocean freight we have added ocean freight charges to the bag cost. *See* December 15, 2003, ''Final Results Calculation Memorandum for Gansu Tonga Fruit Juice & Beverage Company.''

Final Results of Reviews

We determine that the following dumping margins exist for the following companies for the period June 1, 2001, through May 31, 2002:

SECOND ADMINISTRATIVE REVIEW

Exporter/manfacturer/producer	Weighted-average margin percentage
Sanmenxia Lakeside Fruit Juice Co., Ltd.	0.00
Shaanxi Haisheng Fresh Fruit Juice Co., Ltd.	0.00
SDIC Zhonglu Juice Group Co., Ltd. (a.k.a. Shandong Zhonglu Juice Group Co., Ltd.,. Rushan Shangjin-Zhonglu Foodsuff Co., Ltd.. Shandong Luling Fruit Juice Co., Ltd.).	0.00
Yantai Oriental Juice Co., Ltd.	0.00
PRC-wide rate (including Changsha Industrial Products & Minerals Import and Export Co., Ltd.)	51.74

NEW SHIPPER REVIEW

Exporter	Producer/manufacturer	Weighted-average margin percentage
Gansu Tongda Fruit Juice and Beverage Company	Gansu Tongda Fruit Juice and Beverage Company	0.00

The PRC-wide rate applies to all entries of the subject merchandise, including entries from Changsha Industrial Products & Minerals Import and Export Co., Ltd., except for entries from exporters that are identified individually above.

Assessment Rates

The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (''CBP'') within 15 days of publication of the final results of this review.

In accordance with 19 CFR 351.212(b)(1), we have calculated importer (or customer)-specific assessment rates for the 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). Where an importer (or customer)-specific *ad valorem* rate was *de minimis*, we will order the Customs Service to liquidate without regard to antidumping duties. All other entries of the subject merchandise during the POR will be liquidated at the antidumping duty cash deposit rate in place at the time of entry.

An injunction prevented us from liquidating entries from Oriental, Lakeside, Haisheng, Zhonglu, and Changsha. On December 12, 2003, we published a ''Timken Notice'', announcing the Court of International Trade's final judgement in *Yantai Oriental Juice Co., et al. v. United States and Coloma Frozen Foods, Inc., et al. See Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China: Notice of Court Decision and Suspension of Liquidation*, 68 FR 69377. Should no party appeal this decision we will liquidate these companies' entries in accordance with the language of the ''Timken Notice''.

Cash Deposit Requirements for Administrative Review

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for the PRC companies named above, the cash deposit rates will be the rates for these firms indicated above; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period during which they were reviewed; (3) for all other PRC exporters, the rate will be the PRC country-wide rate, which is 51.74 percent; and (4) for all other non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Cash Deposit Requirements for New Shipper Review

Bonding will no longer be permitted to fulfill security requirements for shipments from Gansu Tongda of non-frozen apple juice concentrate from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this new shipper review.

The following deposit rates shall be required for merchandise subject to the order entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(1) and (a)(2)(B) of the Act: (1) the cash deposit rate for Gansu Tongda (*i.e.*, for subject merchandise manufactured and exported by Gansu Tongda) will be the rate indicated above; (2) the cash deposit rate for PRC exporters who received a separate rate in a prior

segment of the proceeding will continue to be the rate assigned in that segment of the proceeding; (3) the cash deposit rate for the PRC NME entity and for subject merchandise exported by Gansu Tongda but not manufactured by them will continue to be the PRC-wide rate (*i.e.*, 51.74 percent); and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC exporter that supplied that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the 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 (''APO'') 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 this determination and notice in ccordance with section 751(a)(1), 751(a)(2)(B), and 777(i) of the Act.

Dated: December 15, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

APPENDIX

List of Comments and Issues in the Decision Memorandum

Comment 1: The Department's use of Poland as the primary surrogate country is contrary to law and unsupported by the administrative record.

Comment 2: The Department should revise its surrogate ratio calculations derived from the Agros financial statement.

Comment 3: The Department should revise its surrogate value for domestic brokerage and handling.

[FR Doc. 03–31481 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–855]

Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China: Final Results of New Shipper Review

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

ACTION: Notice of final results of new shipper review.

SUMMARY: We have determined that sales of certain non-frozen apple juice concentrate from the People's Republic of China were made below normal value during the period June 1, 2002, through November 30, 2002.

Based on our review of comments received and a reexamination of surrogate value data, we have made certain changes in the margin calculation for Yantai Golden Tide Fruits and Vegetable Food Co., Ltd. Consequently, the final results differ from the preliminary results. The final weighted-average dumping margin for Yantai Golden Tide Fruits and Vegetable Food Co., Ltd. is listed below in the section entitled ''Final Results of Review.'' Based on these final results, we will instruct U.S. Customs and Border Protection to assess antidumping duties based on the difference between the export price and normal value on all appropriate entries.

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Audrey Twyman or John Brinkmann, Group 1, Office I, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3534, or (202) 482–4126, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 30, 2003, the Department published in the **Federal Register** the preliminary results of this new shipper review of non-frozen apple juice concentrate (''AJC'') from the People's Republic of China (''PRC'') for Yantai Golden Tide Fruits and Vegetable Food Co., Ltd. (''Golden Tide''), (*see Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China: Preliminary Results of New Shipper Review,* 68 FR 44741 (July 30, 2003) (''*Preliminary Results*'')).

In September 2003, we conducted verification of the questionnaire responses submitted by Golden Tide. We issued a verification report on October 5, 2003.

We invited parties to comment on the *Preliminary Results* and the verification report. On October 15, 2003, we received a case brief from Golden Tide. No rebuttal briefs were received. No hearing was held because none was requested.

On October 22, 2003, the Department published in the **Federal Register** a *Notice of Extension of Time Limit for the Final Results of the New Shipper Review,* 68 FR 60337.

The Department has conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended, (''the Act'').

Scope of Order

The product covered by this order is certain non-frozen apple juice concentrate (''NFAJC''). Certain NFAJC is defined as all non-frozen concentrated apple juice with a Brix scale of 40 or greater, whether or not containing added sugar or other sweetening matter, and whether or not fortified with vitamins or minerals. Excluded from the scope of this order are: frozen concentrated apple juice; non-frozen concentrated apple juice that has been fermented; and non-frozen concentrated apple juice to which spirits have been added.

The merchandise subject to this order is classified in the *Harmonized Tariff Schedule of the United States* (''HTSUS'') at subheadings 2106.90.52.00, and 2009.70.00.20 before January 1, 2002, and 2009.79.00.20 after January 1, 2002. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case brief to this new shipper 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 December 15, 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 Central Records Unit, room B–099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at *http://www.ia.ita.doc.gov/frn/summary/list.htm* under the heading ''China PRC.'' The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our review of comments received, the verification, and a reexamination of surrogate value data, we have made certain changes to the calculations for the final results. These changes are discussed in the following Comments in the *Decision Memorandum* or in the December 15, 2003 ''Final Results Calculation Memorandum for Yantai Golden Tide Fruits & Vegetable Co., Ltd.'' (''*Calc Memo*'').

Domestic Brokerage and Handling: In the *Preliminary Results*, domestic brokerage and handling was based on a single brokerage and handling rate. For these final results the Department has calculated the surrogate brokerage and handling value by averaging this brokerage and handling rate with two additional freight forwarder quotes which were used by the Department in recent cases.

The prices are from 1999. Therefore, we have inflated them to the POR. The resulting value is US$8.78/MT. *See* Comment 3 of the *Decision Memorandum.*

Overhead, SG&A, and Profit: We have revised the overhead, SG&A and profit ratios based on the full English translation of the Agros Holding Incorporated financial statement submitted by the respondent in its August 18, 2003 ''2nd Surrogate Value Submission'' at Exhibit 2. The revised overhead percentage is 7.11. The revised SG&A percentage is 50.24. The revised profit percentage is 4.46. *See* Comment 2 of the *Decision Memorandum.*

Aseptic Bags: Golden Tide purchased aseptic bags from a market economy supplier slightly before the POR. Therefore, we have inflated the price of the bags to the POR. The resulting price is business proprietary. *See Calc Memo.*

Final Results of Review

For the reasons discussed in our *Preliminary Results* and above, we determine that the following weighted-average margin percentage exists for Golden Tide during the period June 1, 2002, through November 30, 2002:

Manufacturer/Producer/Exporter	Margin (percentage)
Yantai Golden Tide Fruits & Vegetable Food Co., Ltd ...	7.70
PRC Wide	51.74

Assessment Rates

The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (''CBP'') within 15 days of publication of the final results of this review.

In accordance with 19 CFR 351.212(b)(1), we have calculated importer (or customer)-specific assessment rates for the 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). Where an importer (or customer)-specific *ad valorem* rate was *de minimis*, we will order the Customs Service to liquidate without regard to antidumping duties.

Cash Deposit Requirements

Bonding will no longer be permitted to fulfill security requirements for shipments from Golden Tide of non-frozen apple juice concentrate from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this new shipper review.

The following deposit rates shall be required for merchandise subject to the order entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(1) and (a)(2)(B) of the Act: (1) The cash deposit rate for Golden Tide (*i.e.*, for subject merchandise manufactured and exported by Golden Tide) will be the rate indicated above; (2) the cash deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding will continue to be the rate assigned in that segment of the proceeding; (3) the cash deposit rate for the PRC NME entity and for subject merchandise exported by Golden Tide but not manufactured by them will continue to be the PRC-wide rate (*i.e.*, 51.74 percent); and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC exporter that supplied that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also 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 the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 this determination and notice in accordance with sections 751(a)(2)(B)(iv) and 777(i) of the Act and 19 CFR 351.214.

Dated: December 15, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum

Comment 1: The Department's use of Poland as the primary surrogate country is contrary to law and unsupported by the administrative record.

Comment 2: The Department should revise its surrogate ratio calculations derived from the Agros financial statement.

Comment 3: The Department should revise its surrogate value for domestic brokerage and handling.

[FR Doc. 03–31482 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580–844]

Steel Concrete Reinforcing Bars From the Republic of Korea: Notice of Postponement of Final Results of Antidumping Duty Administrative Review

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

ACTION: ACTION:Notice of Postponement of Final Results of Administrative Review.

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Richard Johns at (202) 482–2305 or Mark Manning at (202) 482–5253, AD/CVD Enforcement, Office IV, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230.

SUMMARY: The Department of Commerce (the Department) is postponing the final results of the administrative review of Steel Concrete Reinforcing Bar (rebar) from the Republic of Korea (Korea). This review covers the period from January 30, 2001 through August 31, 2002.

SUPPLEMENTARY INFORMATION:

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested, and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days from the date of publication of the preliminary determination.

Background

On October 24, 2002, the Department published a notice of initiation of administrative review of the antidumping duty order on rebar from Korea (67 FR 65336). The preliminary results were published on October 7, 2003. *See Steel Concrete Reinforcing Bars from the Republic of Korea: Notice of Preliminary Results of Antidumping Duty Administrative Review*, 68 FR 57883 (October 7, 2003). The final results are currently due no later than February 4, 2004.

Extension of Time Limit for Final Results of Review

The Department has determined that it is not practicable to complete the final results of this review within the original time limit. *See* Decision Memorandum from Tom Futtner, Acting Director, Office IV, to Holly A. Kuga, Acting Deputy Assistant Secretary, ''Postponement of Final Results and Extension of Provisional Measures,'' dated concurrently with this notice, which is on file in the Central Records Unit, Room B-099 of the main Commerce building. Therefore, the Department is extending the time limit for completion of the final results until no later than April 4, 2004.

This notice is issued and published pursuant to section 751(a)(3)(A) of the Act.

Dated: December 15, 2003.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration, Group II.

[FR Doc. 03–31477 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-449–804]

Notice of Final Results of Antidumping Duty Administrative Review: Steel Concrete Reinforcing Bars from Latvia

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

SUMMARY: On August 15, 2003, the Department of Commerce (the Department) published the preliminary results of its first administrative review of the antidumping duty order on steel concrete reinforcing bars (rebar) from Latvia. The review covers one producer of the subject merchandise. The period of review (POR) is January 30, 2001, through August 31, 2002. Based on our analysis of comments received, these final results differ from the preliminary results. The final results are listed below in the Final Results of Review section.

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: James Kemp or Daniel O'Brien, at (202) 482–5346 or (202) 482–1376, respectively; AD/CVD Enforcement, Office 5, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On August 15, 2003, the Department published in the **Federal Register** the preliminary results of the first administrative review of the antidumping duty order on rebar from Latvia. *See Notice of Preliminary Results of Antidumping Duty Administrative Review: Steel Concrete Reinforcing Bars from Latvia*, 68 FR 48880 (August 15, 2003) (*Preliminary Results*).

We invited parties to comment on the *Preliminary Results*. On September 15, 2003, we received case briefs from the sole respondent, Joint Stock Company Liepajas Metalurgs (Liepajas Metalurgs), and the petitioner, the Rebar Trade Action Coalition. Both parties submitted rebuttal briefs on September 22, 2003. A public hearing was not held, as none was requested.

Scope of the Order

For purposes of this order, the product covered is all steel concrete reinforcing bars sold in straight lengths, currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 7214.20.00 or any other tariff item number. Specifically excluded are plain rounds (*i.e.*, non-deformed or smooth bars) and rebar that has been further processed through bending or coating. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

The issues raised in the case briefs by parties to this administrative review are addressed in the *Issues and Decision Memorandum* to James J. Jochum, Assistant Secretary for Import Administration, from Holly A. Kuga, Acting Deputy Assistant Secretary (*Decision Memorandum*), which is hereby adopted by this notice. A list of the issues addressed in the *Decision Memorandum* is appended to this notice. The D*ecision Memorandum* is on file in Room B-099 of the main

Commerce building, and can also be accessed directly on the Web at *www.ia.ita.doc.gov*. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made one adjustment to the methodology used in calculating the final dumping margin in this proceeding. The adjustment is discussed in detail in the *Decision Memorandum*. For the final results, we have continued to use non-adverse facts available in lieu of certain missing information. Specifically, we have now matched the U.S. sales without identical matches to sales of similar merchandise in the home market, instead of using constructed value.

Final Results of Review

As a result of our review, we determine that the following weighted-average margin exists for the period of January 30, 2001, through August 31, 2002:

Producer	Weighted-Average Margin (Percentage)
Joint Stock Company Liepajas Metalurgs	0.87

Assessment

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to 19 CFR 351.212(b). The Department calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Since the delivery terms for all of Liepajas Metalurgs' U.S. sales were FOB Latvian seaport, we calculated entered value using the gross unit price reported in the U.S. sales database. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

Cash Deposits

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of rebar from Latvia entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Tariff Act of 1930, as amended (the Act): (1) for companies covered by this review, the cash deposit rate will be the rate listed above; (2) for merchandise exported by producers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recent final results in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the most recent final results in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 17.21 percent, the ''All Others'' rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

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

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. 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 the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 15, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

APPENDIX

Comment 1: The Use of Adverse Facts Available or an Alternative Neutral Facts Available in the Final Results

Comment 2: Ministerial Error

[FR Doc. E3–00605 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–825]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Wax and Wax/Resin Thermal Transfer Ribbons From France

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

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Sebastian Wright at (202) 482–5254, or Mark Hoadley at (202) 482–3148; Office of AD/CVD Enforcement 7, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that wax and wax/resin thermal transfer ribbons (TTR) from France are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). Because the sole respondent involved in this investigation, Armor, S.A. (Armor), withdrew its participation in the investigation, the preliminary margin assigned to Armor is based on adverse facts available (AFA). The estimated margin of sales at LTFV is shown in the *Suspension of Liquidation* section of this notice.

Interested parties are invited to comment on this preliminary determination. Unless extended, we will make our final determination not later than 75 days after the date of this preliminary determination.

Case History

This investigation was initiated on June 19, 2003.[1] *See Notice of Initiation of Antidumping Duty Investigation: Thermal Transfer Ribbons From France, Japan and the Republic of Korea*, 68 FR 38305 (June 27, 2003) (Initiation Notice). Since the initiation of the investigation, the following events have occurred.

On July 14, 2003, the United States International Trade Commission (ITC) preliminarily determined that ''there is a reasonable indication that an industry in the United States is materially injured by reason of imports from France, Japan, and Korea of certain wax and wax/resin thermal transfer ribbons.'' *See Certain Wax and Wax/Resin Thermal Transfer Ribbons From France, Japan, and Korea*, 68 FR 42759 (July 18, 2003).

On July 14, 2003, counsel for Armor met with the Department to discuss product characteristics. On July 17, 2003, Armor submitted comments regarding product characteristics and the Department's upcoming tour of petitioner's TTR production facilities in New York. On July 21, 2003, the Department toured these facilities and met with petitioner to discuss product characteristics.

On August 4, 2003, August 6, 2003, and August 18, 2003, petitioner submitted comments regarding the model match criteria. On August 5, 2003, and August 6, 2003, Armor submitted comments regarding the model match criteria. Additional model match comments were submitted by other interested parties on this record, as follows: Illinois Tool Works Inc. and ITW Specialty Films Co., Ltd. (collectively, ITW), on July 21, 2003, and August 4, 2003; Dai Nippon Printing Company, Ltd., on August 5, 2003; and Brother International Corporation, on August 6, 2003. On August 8, 2003, the Department issued its model match criteria via sections B and C of the questionnaire. On August 28, 2003, the Department clarified its model match criteria. On September 4, 2003, petitioner submitted additional comments regarding model match criteria. On October 9, 2003, the Department met with petitioner's counsel to discuss its model match comments.

On July 28 and July 30, 2003, petitioner submitted comments regarding the scope of the investigation. On August 7, 2003, General Company Limited, an interested party, submitted comments regarding the scope of the investigation. On September 2, 2003, petitioner submitted a ''test'' description to the Department, for the purpose of determining whether a product should be classified as a wax, resin enhanced wax, or wax/resin ribbon. On September 9, 2003, Armor submitted comments on petitioner's September 2 test proposal. On September 11, 2003, the Department issued a clarification to the scope of this investigation. *See Memorandum from Edward C. Yang, Director, Office of AD/CVD Enforcement 9, to Joseph A. Spetrini, Deputy Assistant Secretary; Antidumping Investigation on Certain Wax and Wax/Resin Thermal Transfer Ribbon from France, Japan and Korea: Scope Clarification.* The Department removed the word ''pure'' from the section discussing the exclusion of resin TTR in the scope language.

On November 4, 2003, petitioner submitted a letter to the Department correcting a typographical error in the color specification of the scope, as written in the petition and initiation notice. Petitioner stated that ''−20>a*<35'' should read, ''−20<a*<35.''

On August 1, 2003, the Department issued section A of its questionnaire to Armor, the only known French producer/exporter of TTR to the United States.[2] As mentioned above, on August 8, 2003, the Department issued sections B through E of its questionnaire, including model match criteria. On August 20, 2003, the Department, pursuant to Armor's request, extended the deadlines for responding to all sections of the questionnaire, to September 5 for section A, and to September 24 for sections B through E. On September 5, 2003, the Department received a response to section A of its questionnaire. On September 22, 2003, the Department again extended the deadlines for sections B through E to September 29, again at Armor's request. On September 29, 2003, the Department received a response to sections B and C. On September 26, 2003, pursuant to a third extension request from Armor, the Department again extended the deadline for sections D and E until October 2, 2003. On October 14, 2003, petitioner submitted comments on Armor's section B and C responses.

On September 4, 2003, the Department met with Armor's counsel to discuss various issues regarding its forthcoming cost reporting. On September 5, 2003, Armor submitted documents to the Department used in the September 4 meeting for illustrative purposes. On September 10, 2003, petitioner submitted comments on these cost reporting issues. On September 12, 2003, the Department issued its positions on Armor's cost reporting issues. *See Letter to Armor, S.A. from Sally Gannon, Program Manager, Office of AD/CVD Enforcement 7; Regarding Antidumping Duty Investigation of Certain Wax and Wax/Resin Thermal Transfer Ribbons from France; Clarification of Cost Reporting.* The Department received a response to sections D and E on October 2, 2003. On October 20, 2003, petitioner submitted comments on the section D and E responses.

On October 22, 2003, the Department issued a supplemental questionnaire to Armor pertaining to its section A through C responses. In the questionnaire, we also asked Armor to consider rebracketing significant portions of all sections of its questionnaire response, reducing the amount of information it claimed to be business proprietary. On October 27, 2003, pursuant to Armor's request, we granted deadline extensions to Armor, to October 28 for rebracketing, and to November 7 for answering supplemental questions. On October 29 and 30, 2003, the Department issued supplemental questionnaires pertaining to Armor's section D and E responses, respectively.

On October 3, 2003, petitioner made a timely request for a forty-day postponement of the preliminary determination pursuant to section 733(c)(1)(A) of the Act. On October 21, 2003, we postponed the preliminary determination until no later than December 16, 2003. *See Wax and Wax/Resin Thermal Transfer Ribbons from France, Japan, and the Republic of Korea; Notice of Postponement of Preliminary Determinations in Antidumping Duty Investigations*, 68 FR 60085 (October 21, 2003).

On October 30, 2003, Armor withdrew from the investigation, requesting that all business proprietary copies of its questionnaire responses be returned or destroyed. It cited ''the burdensome nature and extreme expense of participating'' in the investigation as its reason for withdrawing. On December 16, 2003, the Department notified Armor that it had destroyed all business proprietary copies of its questionnaire responses. *See Letter to Armor, S.A. from Sally Gannon, Program Manager, Office of AD/CVD Enforcement 7.*

Selection of Respondents

Section 777A(c)(1) of the Act directs the Department to calculate individual

[1] The petitioner in this investigation is International Imaging Materials, Inc. (IIMAK).

[2] *See* VII–1 of the preliminary report of the ITC, publication 3613, July 2003, for proprietary information concerning Armor's share of French production and exports.

dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, section 777A(c)(2) of the Act permits the Department to investigate either: (1) A sample of exporters, producers, or types of products that is statistically valid, based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise that can reasonably be examined.

During the period of investigation (POI), only Armor was identified as a producer/exporter of subject merchandise from France. Therefore, we selected Armor as the sole respondent in the investigation of TTR from France.

Period of Investigation

The POI is April 1, 2002, through March 31, 2003. This period corresponds to the four most recent fiscal quarters prior to the month of filing of the petition (*i.e.*, June 2003) involving imports from a market economy, and is in accordance with our regulations. *See* 19 CFR 351.204(b)(1).

Scope of Investigation

This investigation covers wax and wax/resin thermal transfer ribbons (TTR), in slit or unslit (''jumbo'') form originating from France with a total wax (natural or synthetic) content of all the image side layers, that transfer in whole or in part, of equal to or greater than 20 percent by weight and a wax content of the colorant layer of equal to or greater than 10 percent by weight, and a black color as defined by industry standards by the CIELAB (International Commission on Illumination) color specification such that L*<35, −20<a*<35, and −40<b*<31, and black and near-black TTR. TTR is typically used in printers generating alphanumeric and machine-readable characters, such as bar codes and facsimile machines.

The petition does not cover resin TTR, and finished thermal transfer ribbons with a width greater than 212 millimeters (mm), but not greater than 220 mm (or 8.35 to 8.66 inches) and a length of 230 meters (m) or less (*i.e.*, slit fax TTR, including cassetted TTR), and ribbons with a magnetic content of greater than or equal to 45 percent, by weight, in the colorant layer.The merchandise subject to this investigation may be classified in the Harmonized Tariff Schedule of the United States (HTSUS) at heading 3702 and subheadings 3921.90.40.25, 9612.10.90.30, 3204.90, 3506.99, 3919.90, 3920.62, 3920.99 and 3926.90. The tariff classifications are provided for convenience and Customs and Border Protection (CBP) purposes; however, the written description of the scope of the investigation is dispositive.

On October 28, 2003 and November 21, 2003, petitioner submitted documents it claims suggest the respondents in the TTR investigations are attempting to circumvent a potential TTR antidumping order by slitting subject merchandise jumbo rolls in a third country. Petitioner contends that the country of origin of slit TTR should be determined by the country of origin of the jumbo TTR roll from which it was slit, regardless of where the slitting occurred. Petitioner argues that slitting subject merchandise jumbo TTR rolls does not involve a substantial transformation, and therefore, does not change the country of origin of slit TTR rolls.

On November 26, 2003, Armor submitted comments regarding petitioner's allegation. Armor argues that the further manufacturing process does in fact substantially transform the jumbo TTR rolls, and, thus, does change the country of origin of the merchandise. On December 5, 2003, petitioner submitted a response to Armor's November 26 submission. On December 12, 2003, Armor submitted additional comments regarding this issue.

We have reviewed petitioner's and Armor's comments. However, since a determination of whether or not slitting jumbo TTR rolls constitutes substantial transformation and changes the country of origin of the merchandise may affect the scope of this investigation and future proceedings, it is necessary to provide interested parties the opportunity to comment on this issue. *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997). Therefore, the Department encourages all interested parties to submit such comments. Comments are due within 14 days of the publication of this notice. Rebuttal comments must be filed within five days after the deadline for the submission of the initial country of origin comments. We remind parties that case and rebuttal briefs, whether commenting on this country of origin issue, or any other issue, must be limited to the facts already on the record in accordance with section 351.301 of the Department's regulations.

Facts Available

For the reasons discussed below, we determine that the use of AFA is appropriate for the preliminary determination with respect to Armor.

A. Use of Facts Available

Section 776(a)(2) of the Act provides that, if an interested party withholds information requested by the Department, fails to provide such information by the deadline or in the form or manner requested, significantly impedes a proceeding, or provides information which cannot be verified, the Department shall use facts otherwise available in reaching the applicable determination. As stated above, Armor has informed the Department that it will no longer participate in this investigation and has requested that all of its responses be returned or destroyed. Therefore, the Department has no choice but to rely on the facts otherwise available in order to determine a margin for this party. Thus, in reaching our preliminary determination, pursuant to section 776(a)(2) of the Act, we have based Armor's margin rate on the facts available.

B. Application of Adverse Inferences for Facts Available

In applying facts otherwise available, section 776(b) of the Act provides that the Department may use an inference adverse to the interests of a party that has failed to cooperate by not acting to the best of its ability to comply with the Department's requests for information. See, *e.g., Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil,* 67 FR 55792, 55794–96 (August 30, 2002). Adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See* Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103–316, at 870 (1994) (SAA). Furthermore, ''{a}ffirmative evidence of bad faith on the part of a respondent is not required before the Department may make an adverse inference.'' *See Antidumping Countervailing Duties: Final Rule,* 62 FR 27296, 27340 (May 19, 1997). In this case, Armor has failed to cooperate to the best of its ability by withdrawing its responses to the Department's antidumping questionnaires and declining any further participation in this investigation. We note that the Department granted all four of Armor's extension requests (as discussed above), albeit not necessarily always for the full extension requested by Armor. Therefore, the Department has preliminarily determined that in selecting from among the facts

otherwise available, an adverse inference is warranted. *See, e.g., Notice of Final Determination of Sales at Less than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan,* 65 FR 42985, 42986 (July 12, 2000) (the Department applied total AFA where respondent failed to respond to the antidumping questionnaires).

C. Selection and Corroboration of Information Used as Facts Available

Where the Department applies AFA because a respondent failed to cooperate by not acting to the best of its ability to comply with a request for information, section 776(b) of the Act authorizes the Department to rely on information derived from the petition, a final determination, a previous administrative review, or other information placed on the record. *See also* 19 CFR 351.308(c); SAA at 829–831. In this case, because we are unable to calculate margins for the respondent in this investigation, we are assigning to Armor the highest margin from the proceeding, which is the highest margin alleged for France in the petition, 60.60 percent. *See Initiation Notice,* 68 FR at 38307.

When using facts otherwise available, section 776(c) of the Act provides that, when the Department relies on secondary information (such as the petition) in using facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. *See* SAA at 870. The Department's regulations state that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *See* 19 CFR 351.308(d); *see also* SAA at 870.

To assess the reliability of the petition margin for the purposes of this investigation, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the petition during our pre-initiation analysis. *See Antidumping Investigations Initiation Checklist; Wax and Wax/Resin Thermal Transfer Ribbon From France, Japan, and South Korea,* pages 5 through 7 (June 25, 2003) (*Initiation Checklist*). In accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the constructed export price (CEP) and normal value (NV) calculations on which the highest margin in the petition was based.[3]

1. Corroboration of Constructed Export Price

To calculate constructed export price (CEP) petitioner obtained pricing information for sales by Armor of certain wax and wax/resin products sold in the United States, comparable to products sold in the home market. Petitioner made certain adjustments to this selling price for specific expenses that would be incurred by foreign producers of the subject merchandise for sales made in the United States. Because petitioner was unable to obtain actual data for selling expenses incurred by respondents in the United States, petitioner obtained price quotes as a basis for its estimates of certain expenses, and also based its estimates of such expenses on actual figures incurred in the course of its own selling activities. Petitioner claimed this approach is a reasonable and appropriate way to calculate CEP because the selling process for TTR is uniform within the United States, and the selling activities performed by respondent's U.S. affiliates for their U.S. customers are largely the same as those performed by petitioner for its U.S. customers. Where known differences between petitioner's and respondent's operations exist, petitioner adjusted selling expenses accordingly to account for such differences.

With respect to selling expenses incurred in France, petitioner indicated there is no basis to believe that such expenses would differ for TTR destined for the United States versus merchandise sold in the home market. Therefore, according to petitioner, it is reasonable to consider such expenses to be equal for sales to the United States and in the home market.

As detailed in the *Initiation Checklist,* the petition contained documentation supporting the figures used in this CEP calculation, which was analyzed by the Department and revised by petitioner through answers to supplemental questions issued by the Department.

2. Corroboration of Normal Value

With respect to normal value (NV), petitioner relied on foreign market research to obtain price estimates for TTR sold in the home market. Petitioner obtained foreign market research relating to two grades of TTR sold in the French market. This sales information is contemporaneous with the sales information used as the basis for CEP and represents sales of products that are either identical or similar to those products for which petitioner obtained U.S. sales information.

As detailed in the *Initiation Checklist,* the petition contained documentation supporting the figures used in this NV calculation, which was analyzed by the Department and revised by petitioner through answers to supplemental questions issued by the Department.

All Others Rate

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-averaged dumping margins established for all exporters and producers individually investigated are zero or *de minimis* or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated. This provision contemplates that we weight-average margins other than zero, *de minimis*, and facts available margins to establish that ''All Others'' rate. Where the data do not permit weight-averaging such rates, the SAA provides that we use other reasonable methods. *See* SAA at 873. The petition contained only information relating to U.S. sales by Armor, compared against home market sales prices and cost. Since Armor is the only known French producer/exporter of subject merchandise, it is reasonable to use the sales by Armor used in the petition. Accordingly, we have applied a margin of 44.93 percent, a simple average of the two margins based on price and the one margin based on constructed value contained in the petition, as the ''All Others'' rate.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing CBP to suspend liquidation of all entries of TTR from France that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We are also instructing CBP to require a cash deposit or the posting of a bond equal to the dumping margins as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice.

The dumping margins are as follows:

Producer/exporter	Margin (percentage)
Armor, S.A	60.60

[3] The petition contains three margins. Two are comparisons of CEP to NV based on home market sales, and the third is based on a comparison of CEP to constructed value. The highest margin is one of the two that bases NV on home market sales.

Producer/exporter	Margin (percentage)
All Others	44.93

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of the Department's preliminary affirmative determination. If the final determination in this proceeding is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of TTR from France are materially injuring, or threatening material injury to, the U.S. industry.

Public Comment

Interested parties are invited to comment on the preliminary determination. Interested parties may submit case briefs within 50 days of the date of publication of this notice. *See* 19 CFR 351.309(c)(1)(i). Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must be filed within five days after the deadline for the submission of case briefs. *See* 19 CFR 351.309(d). A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. Further, we request that parties submitting briefs and rebuttal briefs provide the Department with a copy of the public version of such briefs on diskette.

In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. If a request for a hearing is made, we will tentatively hold the hearing two days after the deadline for submission of rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at a time and in a room to be determined. Parties should confirm by telephone the date, time, and location of the hearing 48 hours before the scheduled date.

Interested parties who wish to request a hearing, or to participate in a hearing if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, oral presentations will be limited to issues raised in the briefs. *See* 19 CFR 351.310(c). Unless extended, the Department will make its final determination no later than 75 days after the date of this preliminary determination. However, as this date falls on a weekend, the due date will fall on the next business day, March 1, 2004.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: December 16, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 03–31478 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–863]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances: Wax and Wax/Resin Thermal Transfer Ribbons From Japan

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

ACTION: Notice of preliminary determination of sales at less than fair value.

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Cheryl Werner at (202) 482–2667, or Paul Walker at (202) 482–0413; Office of AD/CVD Enforcement IX, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that wax and wax/resin thermal transfer ribbons (TTR) from Japan are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The preliminary margins assigned to Union Chemicar Company Limited (UC) and Dai Nippon Printing Company Limited (DNP) are based on adverse facts available (AFA). The estimated margin of sales at LTFV is shown in the ''Suspension of Liquidation'' section of this notice.

In addition, we preliminarily determine that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of subject merchandise from UC and DNP, but not from all other Japanese manufacturers/exporters.

Interested parties are invited to comment on this preliminary determination. We will make our final determination not later than 75 days after the date of this preliminary determination.

Case History

This investigation was initiated on June 19, 2003.[1] *See Notice of Initiation of Antidumping Duty Investigation: Thermal Transfer Ribbons From France, Japan and the Republic of Korea,* 68 FR 38305 (June 27, 2003) (*Initiation Notice*). Since the initiation of the investigation, the following events have occurred.

On July 14, 2003, the United States International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from France, Japan, and Korea of certain wax and wax/resin thermal transfer ribbons. *See Certain Wax and Wax/Resin Thermal Transfer Ribbons From France, Japan, and Korea,* 68 FR 42759 (July 18, 2003) (*ITC Prelim*).

On July 14, 2003, counsel for Armor S.A. (Armor), respondent in the antidumping duty investigation of TTR from France, met with the Department to discuss product characteristics. On July 17, 2003, Armor submitted comments regarding product characteristics and the Department's upcoming tour of the Petitioner's TTR production facilities in New York. On July 21, 2003, the Department toured these facilities and met with the Petitioner to discuss product characteristics.

On August 4, 2003, August 6, 2003 and August 18, 2003, the Petitioner submitted comments regarding the model match criteria. On August 5, 2003 and August 6, 2003, Armor submitted comments regarding the model match criteria. Additional model match comments were submitted by other interested parties on this record, as follows: Illinois Tool Works Inc. and ITW Specialty Films Co., Ltd. (collectively, ITW), respondents in the antidumping duty investigation of TTR from the Republic of Korea, on July 21, 2003, and August 4, 2003; DNP, on August 5, 2003; and Brother

[1] The Petitioner in this investigation is International Imaging Materials, Inc. (IIMAK).

International Corporation, on August 5, 2003. On August 8, 2003, the Department issued its model match criteria via sections B and C of the questionnaire (refer to below). On August 28, 2003, the Department clarified its model match criteria. On September 4, 2003, the Petitioner submitted additional comments regarding model match criteria. On October 9, 2003, the Department met with the Petitioner's counsel to discuss its model match comments.

On July 28, 2003 and July 30, 2003, the Petitioner submitted comments regarding the scope of the investigation. On August 7, 2003, General Company Limited, an interested party, submitted comments regarding the scope of the investigation. On September 2, 2003, the Petitioner submitted a ''test'' description to the Department, for the purpose of determining whether a product should be classified as a wax, resin enhanced wax, or wax/resin ribbon. On September 9, 2003, Armor submitted comments on the Petitioner's September 2 test proposal. On September 11, 2003, the Department issued a clarification to the scope of this investigation. *See Memorandum from Edward C. Yang, Office Director to Joseph A. Spetrini, Deputy Assistant Secretary; Antidumping Investigation on Certain Wax and Wax/Resin Thermal Transfer Ribbon from France, Japan and Korea: Scope Clarification.* The Department removed the word ''pure'' from the section discussing the exclusion of resin TTR in the scope language.

On November 4, 2003, the Petitioner submitted a letter to the Department correcting a typographical error in the color specification of the scope, as written in the petition and initiation notice: ''−20>a*<35'' should read, ''−20<a*<35''.

On August 1, 2003, the Department issued section A of its questionnaire to UC and DNP. On August 18, 2003, UC informed the Department that it declined to respond to the questionnaire. On August 7, 2003, the Department, pursuant to DNP's request, extended its deadline for responding to section A of the questionnaire, to September 5. On September 5, 2003, the Department received a response to section A of its questionnaire. On September 15, 2003, the Department received a revised quantity and value chart, pursuant to the Department's September 11, 2003 scope ruling. On September 22, 2003, the Petitioner submitted comments on DNP's response to section A of the questionnaire.

On September 24, 2003, the Department issued its first supplemental section A questionnaire to DNP. On October 7, 2003, the Department extended the deadline for certain questions in the first supplemental section A questionnaire to October 8, 2003, and the remaining questions to October 10, 2003, at DNP's request. On October 8, 2003 and October 10, 2003, the Department received responses to the first supplemental section A questionnaire. On October 14, 2003, the Department requested DNP to respond to 28 questions from the first supplemental section A questionnaire it had failed to answer in full in its October 8, 2003 and October 10, 2003 responses. On October 17, 2003, the Department received a response to the 28 questions from the first supplemental section A questionnaire.

On September 26, 2003, the Department issued its second supplemental A questionnaire to DNP. On October 3, 2003, the Department received a response to the second supplemental A questionnaire. On October 7, 2003, the Department also requested that DNP provide a complete response to its September 26, 2003, second supplemental A questionnaire. On October 8, 2003, the Department received a response to its October 7, 2003 request.

On October 10, 2003, the Department issued its third supplemental A questionnaire to DNP. On October 15, 2003, the Department received a response to the third supplemental A questionnaire.

On August 8, 2003, the Department issued sections B through E of its questionnaire to UC and DNP. On August 14, 2003, the Department, pursuant to DNP's request, extended its deadline for responding to sections B through E of the questionnaire, to September 22, 2003. On September 17, 2003, the Department again extended the deadlines for sections B through E to September 23 for Section B, and September 25 for sections C and E, again at DNP's request. On September 23, 2003, the Department received a response to section B and on September 25, 2003, the Department received a response to sections C and E of the questionnaire. On October 3, 2003, the Petitioner submitted comments on DNP's response to section B of the questionnaire. On October 6, 2003, the Department rejected DNP's September 24, 2003 section B response and September 26, 2003 sections C and E responses in accordance with section 777(b)(1)(B) of the Act. On October 8, 2003, DNP resubmitted its responses to sections B, C, and E of the questionnaire. On October 10, 2003, the Petitioner submitted comments on DNP's response to section C of the questionnaire. On October 17, 2003, the Petitioner submitted comments on DNP's response to section E of the questionnaire.

On October 21, 2003, the Department issued its supplemental B questionnaire to DNP based on DNP's October 8, 2003 third country sales response. On October 23, 2003, the Department issued its supplemental C questionnaire to DNP. On November 3, 2003, the Department issued its supplemental E questionnaire to DNP.

On September 26, 2003, the Department requested a Section B response based on DNP's Japanese home market sales of merchandise under investigation. On October 6, 2003, the Department extended the deadline for filing market viability allegations, at the Petitioner's request. On October 10, 2003, DNP requested the Department rescind its request for a Section B response based on DNP's Japanese home market sales of merchandise under investigation. On October 14, 2003, the Department extended the deadline for DNP's Section B response based on its Japanese home market sales to October 23, 2003, at DNP's request. On October 20, 2003, the Petitioner submitted comments on DNP's home market viability. On October 21, DNP submitted comments on home market viability and again requested the Department rescind its request for a Section B response based on DNP's Japanese home market sales of merchandise under investigation. On October 23, 2003, the Department again extended the deadline for DNP's Section B response based on its Japanese home market sales to November 3, 2003, again at DNP's request.

On September 12, 2003, the Department issued its positions on Armor's cost reporting issues, which we released to DNP. *See Memorandum from Cheryl Werner, Case Analyst through James C. Doyle, Program Manager, to the File; Antidumping Duty Investigation of Certain Wax and Wax/Resin Thermal Transfer Ribbons (''TTR'') from Japan: Clarification of Cost Reporting,* dated September 29, 2003 (''*Cost Clarification Memorandum*''). In the *Cost Clarification Memorandum,* the Department stated that in the event of a sales below cost allegation for DNP's merchandise under investigation, DNP would be subject to the clarifications in reporting of cost information discussed in this letter. *Id.* On October 14, 2003, the Petitioner alleged that DNP's third country sales were made at prices below DNP's cost of production.

On November 3, 2003, DNP declined the opportunity to respond to the

supplemental questionnaires issued by the Department on October 21 and 23, 2003, and withdrew from the investigation. DNP requested that all business proprietary copies of its questionnaire responses be returned or destroyed. On November 17, 2003, the Department notified DNP that it had destroyed all business proprietary copies of its questionnaire responses. On November 17, 2003, the Department also requested all parties subject to the administrative protective order (''APO'') of this proceeding certify to the return or destruction of DNP's business proprietary information released under the Department's June 4, 2003, administrative protective order. On November 18, 19, and 20, the Department received such certifications from all parties subject to the Department's June 4, 2003, administrative protective order.

On October 3, 2003, the Petitioner made a timely request for a forty-day extension of the preliminary determination pursuant to section 733(c)(1)(A) of the Act. On October 21, 2003 we postponed the preliminary determination until no later than December 16, 2003. *See Wax and Wax/Resin Thermal Transfer Ribbons from France, Japan, and the Republic of Korea; Notice of Postponement of Preliminary Determinations in Antidumping Duty Investigations,* 68 FR 60085 (October 21, 2003).

On November 26, 2003, the Petitioner filed a formal critical circumstances allegation in accordance with 19 CFR 351.206(c)(2)(iii). On December 12, 2003, DNP filed company-specific import data and comments in response to the Petitioner's allegation of critical circumstances for imports of TTR from Japan. For a more detailed discussion, please see the ''Critical Circumstances'' section below.

On December 5, 2003, the Petitioner filed comments for the preliminary determination.

Selection of Respondents

Section 777A(c)(1) of the Act directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, section 777A(c)(2) of the Act permits the Department to investigate either: (1) A sample of exporters, producers, or types of products that is statistically valid, based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise that can reasonably be examined.

We received quantity and value information from all seven [2] known producers of the subject merchandise from Japan. UC and DNP were the producers accounting for the largest volume of exports to the United States during the period of investigation (POI). Therefore, on July 31, 2003, we selected UC and DNP as the Respondents in the investigation of wax and wax/resin TTR from Japan. *See Memorandum from Edward C. Yang, Office Director to Richard O. Weible, Acting Deputy Assistant Secretary; Antidumping Investigation on Thermal Transfer Ribbon from Japan: Selection of Respondents.*

Period of Investigation

The POI is April 1, 2002, through March 31, 2003. This period corresponds to the four most recent fiscal quarters prior to the month of filing of the petition (*i.e.*, June 2003) involving imports from a market economy, and is in accordance with our regulations. *See* 19 CFR 351.204(b)(1).

Scope of Investigation

This investigation covers wax and wax/resin thermal transfer ribbons (TTR), in slit or unslit (''jumbo'') form originating from Japan with a total wax (natural or synthetic) content of all the image side layers, that transfer in whole or in part, of equal to or greater than 20 percent by weight and a wax content of the colorant layer of equal to or greater than 10 percent by weight, and a black color as defined by industry standards by the CIELAB (International Commission on Illumination) color specification such that L[ast]<35,–20<=a[ast]<35 and–40<b[ast]<31, and black and near-black TTR. TTR is typically used in printers generating alphanumeric and machine-readable characters, such as bar codes and facsimile machines.

The petition does not cover resin TTR, and finished thermal transfer ribbons with a width greater than 212 millimeters (mm), but not greater than 220 mm (or 8.35 to 8.66 inches) and a length of 230 meters (m) or less (*i.e.*, slit fax TTR, including cassetted TTR), and ribbons with a magnetic content of greater than or equal to 45 percent, by weight, in the colorant layer.The merchandise subject to this investigation may be classified in the Harmonized Tariff Schedule of the United States (HTSUS) at heading 3702 and subheadings 3921.90.40.25, 9612.10.90.30, 3204.90, 3506.99, 3919.90, 3920.62, 3920.99 and 3926.90. The tariff classifications are provided for convenience and Customs and Border Protection (CBP) purposes; however, the written description of the scope of the investigation is dispositive.

On October 28, 2003, November 21, 2003, and December 5, 2003, the Petitioner submitted documents it claims suggest the respondents in the TTR investigations are attempting to circumvent a potential TTR antidumping order by slitting subject merchandise jumbo rolls in a third country. The Petitioner contends that the country of origin of slit TTR should be determined by the country of origin of the jumbo TTR roll from which it was slit, regardless of where the slitting occurred. The Petitioner argues that slitting subject merchandise jumbo TTR rolls does not involve a substantial transformation, and therefore, does not change the country of origin of slit TTR rolls.

On November 26, 2003, and December 12, 2003, Armor submitted comments regarding the Petitioner's allegation. Armor argues that the further manufacturing process does in fact substantially transform the jumbo TTR rolls, and, thus, does change the country of origin of the merchandise.

We have reviewed the Petitioner's and Armor's comments. However, as a determination of whether slitting jumbo TTR rolls constitutes a substantial transformation and therefore changes the country of origin of the merchandise, and as such a change may affect the scope of this investigation and future proceedings, it is necessary to provide interested parties the opportunity to comment on this issue. *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997). The Department encourages all interested parties to submit such comments. Comments are due within 14 days of the publication of this notice. Rebuttal comments must be filed within five days after the deadline for the submission of the initial country of origin comments. We remind parties that case and rebuttal briefs, whether commenting on this country of origin issue, or any other issue, must be limited to the facts already on the record in accordance with section 19 CFR 351.309 of the Department's regulations.

Facts Available

For the reasons discussed below, we determine that the use of AFA are appropriate for the preliminary determination with respect to UC and DNP.

[2] The seven producers are: Dynic Corporation (Dynic), Sony Chemicals Corporation (Sony), Ricoh Company Limited (Ricoh), General Company Limited (General), Fujicopian Company Limited (Fujicopian), UC and DNP.

A. Use of Facts Available

Section 776(a)(2) of the Act provides that, if an interested party withholds information requested by the Department, fails to provide such information by the deadline or in the form or manner requested, significantly impedes a proceeding, or provides information which cannot be verified, the Department shall use facts otherwise available in reaching the applicable determination. As stated above, UC informed the Department at the outset that it would not participate in this investigation. DNP has informed the Department that it will no longer participate in this investigation and has requested that all of its responses be returned or destroyed. Since UC and DNP withheld information requested by the Department, the Department has no choice but to rely on the facts otherwise available in order to determine a margin for these parties, pursuant to section 776(a)(2) of the Act.

B. Application of Adverse Inferences for Facts Available

In applying facts otherwise available, section 776(b) of the Act provides that the Department may use an inference adverse to the interests of a party that has failed to cooperate by not acting to the best of its ability to comply with the Department's requests for information. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil*, 67 FR 55792, 55794–96 (August 30, 2002). Adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See* Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103–316, at 870 (1994) (SAA). Furthermore, ''{a}ffirmative evidence of bad faith on the part of a respondent is not required before the Department may make an adverse inference.'' *See Antidumping Countervailing Duties: Final Rule*, 62 FR 27296, 27340 (May 19, 1997). In this case, UC has failed to cooperate to the best of its ability by not responding to the Department's antidumping questionnaires. DNP has failed to cooperate to the best of its ability by withdrawing its responses to the Department's antidumping questionnaires and declining any further participation in this investigation. Therefore, the Department has preliminarily determined that in selecting from among the facts otherwise available, an adverse inference is warranted. *See, e.g., Notice of Final Determination of Sales at Less than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan,* 65 FR 42985, 42986 (July 12, 2000) (the Department applied total AFA where respondent failed to respond to the antidumping questionnaires).

C. Selection and Corroboration of Information Used as Facts Available

Where the Department applies AFA because a respondent failed to cooperate by not acting to the best of its ability to comply with a request for information, section 776(b) of the Act authorizes the Department to rely on information derived from the petition, a final determination, a previous administrative review, or other information placed on the record. *See also* 19 CFR 351.308(c); SAA at 829–831. In this case, because there is insufficient information on the record for the Department to calculate margins for the Respondents in this investigation, we are relying on information derived from the petition in applying AFA. We preliminarily assign to UC and DNP the highest margin from the proceeding, which is the highest margin alleged for Japan in the petition, 147.30 percent. *See Initiation Notice,* 68 FR at 38308.

When using facts otherwise available, section 776(c) of the Act provides that, when the Department relies on secondary information (such as the petition) in using facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. *See* SAA at 870. The Department's regulations state that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *See* 19 CFR § 351.308(d); *see also* SAA at 870.

To assess the reliability of the petition margin for the purposes of this investigation, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the petition during our pre-initiation analysis. *See Antidumping Investigations Initiation Checklist; Wax and Wax/Resin Thermal Transfer Ribbon From France, Japan, and South Korea,* pages 7 through 9 (June 25, 2003) (*Initiation Checklist*). In accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the constructed export price (CEP) and normal value (NV) calculations on which the highest margin in the petition was based.

1. Corroboration of Constructed Export Price

To calculate constructed export price (CEP) the Petitioner obtained pricing information for certain wax and wax/resin products sold to unaffiliated parties in the United States, and comparable to the products sold in Japan. The Petitioner made certain adjustments to this selling price for specific expenses that would be incurred by foreign producers of the subject merchandise for sales made in the United States. Because the Petitioner was unable to obtain actual data for selling expenses incurred by respondents in the United States, the Petitioner obtained price quotes as a basis for its estimation of certain expenses, and, where appropriate, also based its estimates for such expenses on actual figures incurred in the course of its own selling activities. The Petitioner indicates this approach is a reasonable and appropriate way to calculate CEP because the selling process for TTR is uniform within the United States, and the selling activities performed by respondents' U.S. affiliates for their U.S. customers are largely the same as those performed by the Petitioner for its customers in the United States. Where known differences between the Petitioner's and respondents' operations exist, the Petitioner adjusted selling expenses accordingly to account for such differences.

With respect to selling expenses incurred in Japan, the Petitioner indicated there is no basis to believe that such expenses would differ for TTR destined for the United States versus merchandise sold in the home market. Therefore, according to the Petitioner, it is reasonable to consider such expenses to be equal for sales to the United States and in the home market.

As detailed in the *Initiation Checklist*, the petition contained documentation supporting the figures used in this CEP calculation, which was analyzed by the Department and revised by the Petitioner through answers to supplemental questions issued by the Department.

2. Corroboration of Normal Value

With respect to normal value (NV), the Petitioner relied on foreign market research to obtain price estimates for TTR sold in the home market. The

Petitioner obtained foreign market research relating to two grades of TTR sold in the Japanese market. This sales information is contemporaneous with the sales information used as the basis for CEP and represents sales of products that are either identical or similar to those products for which the Petitioner obtained U.S. sales information.

As detailed in the *Initiation Checklist,* the petition contained documentation supporting the figures used in this NV calculation, which was analyzed by the Department and revised by the Petitioner through answers to supplemental questions issued by the Department.

All Others Rate

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-averaged dumping margins established for all exporters and producers individually investigated are zero or *de minimis* or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated. This provision contemplates that we weight-average margins other than zero, *de minimis*, and facts available margins to establish that ''All Others'' rate. Where the data do not permit weight-averaging such rates, the SAA provides that we use other reasonable methods. *See* SAA at 873. The petition contained only information relating to U.S. sales by DNP, compared against home market sales prices and cost. Since DNP is the largest Japanese producer/exporter of subject merchandise, it is reasonable to use a margin based on its U.S. sales as the ''All Others'' rate. The estimated dumping margin for subject merchandise from Japan, based on comparisons of CEP and NV, range between 65.9 and 147.3 percent, in the *Initiation Notice.* Accordingly, we calculated a simple average of these two dumping margins in the *Initiation Notice,* and applied this margin of 106.60 percent as the ''All Others'' rate.

Critical Circumstances

On November 26, 2003, the Petitioner alleged that there is a reasonable basis to believe or suspect critical circumstances exist with respect to the antidumping investigation of TTR from Japan. In accordance with 19 CFR § 351.206(c)(2)(i), because the Petitioner submitted critical circumstances allegations exactly 20 days before the scheduled date of the preliminary determination, the Department must issue preliminary critical circumstances determinations not later than the date of the preliminary determination.

Section 733(e)(1) of the Act provides that the Department will preliminarily determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A)(i) There is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period. Section 19 CFR 351.206(h)(1) of the Department's regulations provides that, in determining whether imports of the subject merchandise have been ''massive,'' the Department normally will examine: (i) The volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, section 19 CFR § 351.206(h)(2) of the Department's regulations provides that an increase in imports of 15 percent during the ''relatively short period'' of time may be considered ''massive.''

Section 19 CFR § 351.206(i) of the Department's regulations defines ''relatively short period'' as normally being the period beginning on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later. The regulations also provide, however, that if the Department finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, the Department may consider a period of not less than three months from that earlier time.

Because we are not aware of any antidumping order in any country on TTR from Japan, we do not find that a reasonable basis exists to believe or suspect that there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise. Therefore, we must look to the second criterion for determining importer knowledge of dumping.

In determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known that the exporter was selling the TTR at less than fair value, the Department's normal practice is to consider margins of 15 percent or more sufficient to impute knowledge of dumping for constructed export price (CEP) sales, and margins of 25 percent or more for export price (EP) sales. *See Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China (PRC Plate),* 62 FR 31972, 31978 (June 11, 1997). In the instant case, the mandatory respondents, UC and DNP did not respond to the Department's questionnaire and we have applied, as AFA, the highest of the dumping margins presented in the petition and corroborated by the Department. This is consistent with section 776 of the Act and with Department practice. *See Final Determination of Sales at Less Than Fair Value: Vector Supercomputers From Japan (Vector Supercomputers),* 62 FR 45623 (August 28, 1997). UC and DNP's assigned dumping margins of 147.30 percent are greater than 15 percent. Therefore, we have imputed knowledge of dumping to importers of subject merchandise from these companies.

In determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known that there was likely to be material injury by reason of dumped imports, the Department normally will look to the preliminary injury determination of the ITC. If the ITC finds a reasonable indication of present material injury to the relevant U.S. industry, the Department will determine that a reasonable basis exists to impute importer knowledge that there was likely to be material injury by reason of dumped imports. In this case, the ITC has found that a reasonable indication of present material injury due to dumping exists for all identified countries. *See ITC Prelim.* As a result, the Department has determined that there is a reasonable basis to believe or suspect that importers knew or should have known that there was likely to be material injury by reason of dumped imports of subject merchandise from Japan.

In determining whether there are ''massive imports'' over a ''relatively short period,'' the Department normally compares the import volume of the subject merchandise for three months immediately preceding and following the filing of the petition. Imports normally will be considered massive when imports have increased by 15 percent or more during this ''relatively short period.''

On December 12, 2003, DNP filed company-specific import data and comments. However, these comments and information were submitted too late for consideration in this preliminary determination. Because we do not have verifiable data from the two uncooperative Japanese companies, the

Department must base its ''massive imports'' determination as to these companies on the facts available, pursuant to section 776(a) of the Act.[3] Because these companies failed to cooperate by not acting to the best of their ability to respond to the Department's questionnaires, we may make an adverse inference in selecting the facts available. Therefore, consistent with Department practice, we have adversely inferred, as facts available, that there were massive imports from UC and DNP over a relatively short period. *See Notice of Final Determination of Sales at Less Than Fair Value: Collated Roofing Nails from Taiwan (Collated Roofing Nails From Taiwan),* 62 FR 51427 (October 1, 1997).

Based on our determination that there is a reasonable basis to believe or suspect that importers knew or should have known that exporters UC and DNP were selling TTR from Japan at less than fair value, that there was likely to be material injury by reason of such dumped imports, and that there have been massive imports of TTR from these producers over a relatively short period, we preliminarily determine that critical circumstances exist for imports from Japan of wax and wax/resin TTR produced by UC and DNP.

It is the Department's normal practice to conduct its critical circumstances analysis of companies in the ''all others'' group based on the experience of investigated companies. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Steel Concrete Reinforcing Bars from Turkey,* 62 FR 9737, 9741 (March 4, 1997) (*Rebars from Turkey*) (the Department found that critical circumstances existed for the majority of the companies investigated, and therefore concluded that critical circumstances also existed for companies covered by the ''all others'' rate). However, the Department does not automatically extend an affirmative critical circumstances determination to companies covered by the ''all others'' rate. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Sheet and Strip in Coils from Japan,* 64 FR 30574 (June 8, 1999) (*Stainless Steel from Japan*). Instead, the Department considers the traditional critical circumstances criteria with respect to the companies covered by the ''all others'' rate. Consistent with *Stainless Steel from Japan,* the Department has, in this case, applied the traditional critical circumstances criteria to the ''all others'' category for the antidumping investigations of TTR from Japan.

First, in determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known that the exporter was selling the TTR at less than fair value, we look to the ''all others'' rate, which is based, in the instant case, on facts available. The dumping margin for the ''all others'' category in the instant case, 106.60 percent, exceeds the 15 percent threshold necessary to impute knowledge of dumping. Second, based on the ITC's preliminary material injury determination, we also find that importers knew or should have known that there would be material injury from the dumped merchandise.

Finally, with respect to massive imports, we are unable to base our determination on our findings for the mandatory respondents, because our determinations for all of the respondents were based on facts available. We have not inferred, as facts available, that massive imports exist for ''all others'' because, unlike UC and DNP, the ''all others'' companies have not failed to cooperate in this investigation. Therefore, an adverse inference with respect to shipment levels by the ''all others'' companies is not appropriate. Instead, consistent with the approach taken in *Notice of Final Determination of Sales at Less Than Fair Value: Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Japan* (*Hot-Rolled Steel from Japan*), 64 FR 24239 (May 6, 1999) and *Notice of Final Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Argentina, Japan and Thailand* (*Cold-Rolled Steel from Japan*) 65 FR 5220, 5227 (February 4, 2000), we examined U.S. Customs data on overall imports from Japan for the five months preceding and the five months following the filing of the petition in order to see if we could ascertain whether an increase in shipments of greater than 15 percent or more occurred within a relatively short period following the point at which importers had reason to believe that a proceeding was likely. However, information on the record indicates that these data cover numerous HTS categories that include merchandise other than subject merchandise. The U.S. Customs data also is reported in multiple units of measure. Therefore, we cannot rely on these data in determining whether there were massive imports for the ''all others'' category.[4]

Based on our determination that massive imports of TTR from the producers included in the ''all others'' category did not occur and, consequently, that the third criterion necessary for determining affirmative critical circumstances has not been met, we have preliminarily determined that critical circumstances do not exist for imports from Japan of TTR for companies in the ''all others'' category.

Suspension of Liquidation

For UC and DNP, as indicated above, we have made a preliminary affirmative critical circumstances finding. Therefore, in accordance with section 733(d)(2) of the Act, we are directing Customs to suspend liquidation of all entries of subject merchandise from UC or DNP that are entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the date of publication of this notice in the **Federal Register**. We are directing Customs to suspend liquidation of all entries of subject merchandise from companies other than UC or DNP that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We are also instructing Customs to require a cash deposit or the posting of a bond equal to the dumping margin as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice.

The dumping margins are as follows:

Producer/exporter	Margin (percentage)
Union Chemicar Company Limited	147.30
Dai Nippon Printing Company Limited	147.30
All Others	106.60

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of the Department's preliminary affirmative

[3] Because the two respondents did not respond to the questionnaire, they are non-cooperating respondents and accordingly we did not request monthly shipment data from these companies.

[4] *See Preliminary Determinations of Critical Circumstances: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan and South Africa,* 65 FR 12509, 12511 (March 9, 2000) (where the Department determined that massive imports did not exist for imports from companies in the ''all others'' category because it could not rely on the U.S. Customs data). *See also Notice of Final Determinations of Sales at Less Than Fair Value: Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan; and Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan and the Republic of South Africa* 65 FR 25907, 25908 (May 4, 2000).

determination. If the final determination in this proceeding is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of TTR from Japan are materially injuring, or threaten material injury to, the U.S. industry.

Public Comments

Interested parties are invited to comment on the preliminary determination. Interested parties may submit case briefs within 50 days of the date of publication of this notice. *See* 19 CFR 351.309(c)(1)(i). Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must be filed within five days after the deadline for the submission of case briefs. *See* 19 CFR 351.309(d). A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. Further, we request that parties submitting briefs and rebuttal briefs provide the Department with a copy of the public version of such briefs on diskette.

In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. If a request for a hearing is made, we will tentatively hold the hearing two days after the deadline for submission of rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, at a time and in a room to be determined. Parties should confirm by telephone the date, time, and location of the hearing 48 hours before the scheduled date.

Interested parties who wish to request a hearing, or to participate in a hearing if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, oral presentations will be limited to issues raised in the briefs. *See* 19 CFR 351.310(c). The Department will make its final determination no later than 75 days after the date of publication of this preliminary determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: December 16, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 03–31479 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–853]

Notice of Preliminary Determination of Sales at Not Less Than Fair Value: Wax and Wax/Resin Thermal Transfer Ribbons From the Republic of Korea

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

ACTION: Notice of preliminary determination of sales at not less than fair value.

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Fred Baker at (202) 482–2924, or Robert James at (202) 482–0649; AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that wax and wax/resin thermal transfer ribbons (TTR) from the Republic of Korea (Korea) are not being, nor are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Tariff Act).

Interested parties are invited to comment on this preliminary determination. Unless extended, we will make our final determination not later than 75 days after the date of this preliminary determination.

Case History

The Department initiated this investigation on June 19, 2003.[1] See Notice of Initiation of Antidumping Duty Investigation: Thermal Transfer Ribbons From France, Japan and the Republic of Korea, 68 FR 38305 (June 27, 2003) (*Initiation Notice*). Since the initiation of the investigation, the following events have occurred.

On July 14, 2003, the United States International Trade Commission (the Commission) preliminarily determined that ''there is a reasonable indication that an industry in the United States is materially injured by reason of imports from France, Japan, and Korea of certain wax and wax/resin thermal transfer ribbons.'' *See Certain Wax and Wax/Resin Thermal Transfer Ribbons From France, Japan, and Korea*, 68 FR 42759 (July 18, 2003).

On July 21, 2003, the Department toured the petitioner's production facilities in New York, and met with petitioner to discuss product characteristics. *See* Memorandum to the File dated July 30, 2003, on file in room B–099 of the Department of Commerce building.

On July 28, 2003, and July 30, 2003, petitioner submitted comments regarding the scope of the investigation. On August 7, 2003, General Company Limited, an interested party, also commented on the scope of the investigation. On September 2, 2003, petitioner submitted a ''test'' description to the Department, for the purpose of determining whether a product should be classified as a wax, resin enhanced wax, or wax/resin ribbon. On September 9, 2003, Armor submitted comments on petitioner's September 2, 2003 test proposal. On September 11, 2003, the Department issued a clarification to the scope of this investigation. *See* Memorandum from Edward C. Yang, Office Director to Joseph A. Spetrini, Deputy Assistant Secretary; Antidumping Investigation on Certain Wax and Wax/Resin Thermal Transfer Ribbon from France, Japan and Korea: Scope Clarification, on file in room B–099 of the Department of Commerce building. The Department removed the word ''pure'' from the section discussing the exclusion of resin TTR in the scope language.

On November 4, 2003, petitioner submitted a letter to the Department correcting a typographical error in the color specification of the scope, as written in the petition and initiation notice: ''−20>a*<35'' should read, ''−20<a*<35.''

On July 21, 2003, Illinois Tool Works, Inc. (ITW), the only known Korean producer/exporter of TTR to the United States, submitted comments about model match criteria. On July 30, 2003 the Department sent a letter to interested parties soliciting comments on model match criteria. On August 4, 2003, August 18, 2003, and September 4, 2003 petitioner submitted comments regarding the model match criteria. On August 4, 2003, ITW submitted additional comments regarding the model match criteria. Additional model match comments were submitted by other interested parties on this record, as follows: Armor, S.A., on August 5,

[1] The petitioner in this investigation is International Imaging Materials, Inc. (IIMAK).

2003 and August 6, 2003; Dai Nippon Printing Company, Ltd., on August 5, 2003; and Brother International Corporation, on August 6, 2003. On August 28, 2003, the Department issued a letter to interested parties in which it clarified its model match criteria. On October 9, 2003, the Department met with petitioner's counsel to discuss its model match comments. *See* Memorandum to the file dated October 10, 2003 on file in room B–099 of the Department of Commerce building.

On August 1, 2003, the Department issued section A of its questionnaire to ITW. On August 8, 2003, the Department issued sections B, C and E of its questionnaire, including model match criteria. On September 5, 2003, ITW submitted its section A response. On September 8, 2003, ITW submitted a supplemental section A response, consisting of the section A response of an affiliated U.S. reseller (Reseller 1).[2] We received ITW's sections B, C, and E responses on September 24, 2003. ITW also submitted on September 24, 2003, a supplemental section C response consisting of the section C response of Reseller 1.

On October 1, 2003 the Department returned ITW's section A response to ITW with a request that it rebracket numerous sections of the response because the Department determined that numerous portions of its submission for which ITW had requested proprietary treatment did not merit proprietary treatment. ITW submitted a rebracketed section A response on October 8, 2003. On November 12, 2003 the Department returned ITW's sections B, C, and E responses and its supplemental sections A and C responses (*i.e.*, the responses of Reseller 1) with a request that it rebracket portions of those submissions because the Department determined that numerous portions for which ITW had requested proprietary treatment did not merit proprietary treatment. ITW submitted rebracketed versions on November 20, 2003.

On November 3, 2003 the Department requested that ITW submit an additional section B response in order to report all of its home market sales of slit TTR. (In its September 24, 2003 section B response ITW had submitted only its home market sales of jumbo roll TTR.) Also on November 3, 2003 the Department requested that ITW submit section C responses from two additional affiliated U.S. resellers (Reseller 2 and Reseller 3). (The actual names of these resellers are business proprietary information.) We received all three of these responses on November 21, 2003.

On October 15, 2003 petitioner made a submission alleging that ITW had made sales in its home market below their cost of production, and requested that the Department initiate a below-cost investigation of ITW's home market sales. On October 29, 2003 the Department requested that petitioner revise its cost allegation. *See* Memorandum from Laurens van Houten to the File dated October 29, 2003, on file in room B–099 of the Department of Commerce building. On November 5, 2003 petitioner submitted a revised cost allegation. The Department initiated a below-cost sales investigation on November 19, 2003. *See* Memorandum from Neal Halper to Richard Weible dated November 19, 2003 on file in room B–099 of the Department of Commerce building. On November 20, 2003 the Department requested that ITW respond to section D of the Department's August 8, 2003 questionnaire. The due date for ITW's section D response is now December 16, 2003.

On September 30, 2003, we received comments from petitioner about ITW's and Reseller 1's section A responses. On November 7, 2003, we received comments from petitioner concerning ITW's and Reseller 1's section C responses, and ITW's sections B and E responses. On November 28, 2003, the Department issued to ITW a supplemental questionnaire concerning its section E response. ITW's response to this supplemental questionnaire is due December 18, 2003. On December 1, 2003, the Department issued to ITW a supplemental questionnaire about its sections A, B, and C responses and Reseller 1's sections A and C responses. ITW's response to this supplemental questionnaire is due December 22, 2003. On December 8, 2003 petitioner submitted additional comments concerning the proper calculation of ITW's dumping margin in the preliminary determination. ITW responded to petitioner's comments in a submission dated December 10, 2003.

On October 3, 2003, the petitioner made a timely request for a forty-day postponement of the preliminary determination pursuant to section 733(c)(1)(A) of the Tariff Act. On October 21, 2003, we postponed the preliminary determination until no later than December 16, 2003. *See Wax and Wax/Resin Thermal Transfer Ribbons from France, Japan, and the Republic of Korea; Notice of Postponement of Preliminary Determinations in Antidumping Duty Investigations*, 68 FR 60085 (October 21, 2003).

Selection of Respondents

Section 777A(c)(1) of the Tariff Act directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, section 777A(c)(2) of the Tariff Act permits the Department to investigate either: (1) A sample of exporters, producers, or types of products that is statistically valid, based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise that can reasonably be examined.

During the period of investigation (POI), only ITW was identified as a producer/exporter of subject merchandise from Korea. Therefore, we selected ITW as the sole respondent in the investigation of TTR from Korea.

Period of Investigation

The POI is April 1, 2002, through March 31, 2003. This period corresponds to the four most recently completed fiscal quarters as of the month prior to the month of filing of the petition (*i.e.*, June 2003) involving imports from a market economy, and is in accordance with our regulations. *See* 19 CFR 351.204(b)(1).

Scope of Investigation

This investigation covers wax and wax/resin thermal transfer ribbons (TTR), in slit or unslit (''jumbo'') form originating from Korea with a total wax (natural or synthetic) content of all the image side layers, that transfer in whole or in part, of equal to or greater than 20 percent by weight and a wax content of the colorant layer of equal to or greater than 10 percent by weight, and a black color as defined by industry standards by the CIELAB (International Commission on Illumination) color specification such that $L^*<35$, $-20<a^*<35$ and $-40<b^*<31$, and black and near-black TTR. TTR is typically used in printers generating alphanumeric and machine-readable characters, such as bar codes and facsimile machines.

The petition does not cover pure resin TTR, and finished thermal transfer ribbons with a width greater than 212 millimeters (mm), but not greater than 220 mm (or 8.35 to 8.66 inches) and a length of 230 meters (m) or less (*i.e.*, slit fax TTR, including cassetted TTR), and ribbons with a magnetic content of greater than or equal to 45 percent, by weight, in the colorant layer.The merchandise subject to this

[2] The actual name of this reseller has been afforded treatment as business proprietary information.

investigation may be classified in the Harmonized Tariff Schedule of the United States (HTSUS) at heading 3702 and subheadings 3921.90.40.25, 9612.10.90.30, 3204.90, 3506.99, 3919.90, 3920.62, 3920.99 and 3926.90. The tariff classifications are provided for convenience and Customs and Border Protection (CBP) purposes; however, the written description of the scope of the investigation is dispositive.

On October 29, 2003 and November 24, 2003, the petitioner submitted documents it claims suggest the respondents in the TTR investigations are attempting to circumvent a potential TTR antidumping order by slitting subject merchandise jumbo rolls in a third country. The petitioner contends the country of origin of slit TTR should be determined by the country of origin of the jumbo TTR roll from which it was slit, regardless of where the slitting occurred. The petitioner argues that slitting subject merchandise jumbo TTR rolls does not involve a substantial transformation, and therefore, does not change the country of origin of slit TTR rolls.

On November 26, 2003 and December 12, 2003, Armor S.A. (respondent in the antidumping investigation of TTR from France) submitted comments regarding the petitioner's allegation. Armor S.A. (Armor) argues the further manufacturing process does in fact substantially transform the jumbo TTR rolls, and thus does change the country of origin of the merchandise. On December 5, 2003, petitioner made a response to Armor's November 26, 2003 submission.

We have reviewed the petitioner's and Armor's comments. However, as a determination of whether or not slitting jumbo TTR rolls constitutes a substantial transformation and, therefore, changes the country of origin of the merchandise for purposes of administering the antidumping law, and as such a change may affect the scope of this investigation and future proceedings, it is necessary to provide interested parties the opportunity to comment on this issue. *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997). The due date for such comments is two weeks after publication of this notice. The due date for any rebuttal comments is five days later.

We remind parties that case and rebuttal briefs, whether commenting on this country of origin issue, or any other issue, must be limited to the facts already on the record in accordance with section 351.301 of the Department's regulations.

Constructed Export Price

In accordance with section 772(a) of the Tariff Act, export price (EP) is the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside of the United States to an unaffiliated purchaser for exportation to the United States. In accordance with section 772(b) of the Tariff Act, constructed export price (CEP) is the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise or by a seller affiliated with the producer or exporter, to an unaffiliated purchaser, as adjusted under sections 772(c) and (d) of the Tariff Act. For purposes of this investigation ITW has classified its sales as CEP sales. *See* ITW's September 24, 2003 section C response, at C–7.

ITW states that all of its U.S. sales were imported by its U.S. affiliate, ITW Thermal Files (ITWTF), and that it made all of its U.S. sales through ITWTF. *See* September 5, 2003, section A response at A–2 and A–18. Based on this information, we preliminarily determine that ITW's U.S. sales are CEP sales.

For purposes of this preliminary determination, we used the U.S. sales listings submitted by ITWTF and Reseller 1 on September 24, 2003, and by Reseller 2 and Reseller 3 on November 21, 2003. We calculated CEP in accordance with section 772(b) of the Tariff Act. We based CEP on packed prices from ITWTF, Reseller 1, Reseller 2, or Reseller 3 for shipment to distributors, converters, original equipment manufacturers, and end-users in the U.S. market. We made adjustments for movement expenses in accordance with section 772(c)(2)(A) of the Tariff Act; these included, where appropriate, foreign inland freight, brokerage and handling, international freight, U.S. inland freight, and U.S. Customs duties. In accordance with section 772(d)(1) of the Tariff Act, we deducted those selling expenses associated with economic activities occurring in the United States, including warehousing, commissions, warranty expenses, discounts, U.S. repacking, inventory carrying costs, and indirect selling expenses. We made an adjustment for profit in accordance with section 772(d)(3) of the Tariff Act. Because we do not have total cost data on the record of this investigation, we calculated profit using data from ITWTF's financial statement. *See* the preliminary determination analysis memorandum dated December 16, 2003 for details of our calculation. We added duty drawback to the U.S. starting price in accordance with section 772(c)(1)(B) of the Tariff Act, and made additional upward adjustments to the U.S. starting price for freight revenue and revenues ITW reported as ''additional revenues.'' We made an adjustment for further manufacturing in accordance with 772(d)(2) of the Tariff Act.

Normal Value

In accordance with section 773(a)(1)(C) of the Tariff Act, to determine whether there was sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is greater than or equal to five percent of the aggregate volume of U.S. sales), we compared ITW's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise. Because ITW's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable. We therefore based NV on home market sales to unaffiliated purchasers made in the usual commercial quantities and in the normal course of trade.

Since no information on the record indicates that ITW made any sales to affiliates in its home market, we did not use an arm's-length test for comparison market sales.

On November 19, 2003 the Department initiated a below-cost sales investigation with respect to ITW's home market sales. The due date for ITW's section D questionnaire response is December 16, 2003. Since the due date of ITW's cost submission makes it impossible for the Department to perform a cost analysis for purposes of this preliminary determination, we intend to issue an analysis of ITW's cost data following publication of this preliminary determination and allow parties an opportunity to comment on that analysis.

For purposes of this preliminary determination, we used the home market sales listing ITW submitted with its November 21, 2003 section B supplemental questionnaire response. We calculated NV based on prices to unaffiliated customers in the home market. We made an adjustment for rebates in accordance with 19 CFR 351.401(c). We made an adjustment for inland freight pursuant to section 773(a)(6)(B) of the Tariff Act. We also made circumstance-of-sale adjustments

for imputed credit expenses in accordance with section 773(a)(6)(C)(iii) of the Tariff Act and 19 CFR 351.410. Since ITW has reported commissions in its U.S. market but not in its home market, we deducted home market indirect selling expenses, including inventory carrying costs, but limited the deduction to the amount of commissions paid in the U.S. market in accordance with 19 CFR 351.410(e). Finally, we deducted home market packing costs and added U.S. packing costs in accordance with subsections 773(a)(6)(A) and (B) of the Tariff Act.

Level of Trade

In accordance with section 773(a)(1)(B)(i) of the Tariff Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the CEP transaction. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive selling, general and administrative expenses and profit. For CEP, it is the level of the constructed sale from the exporter to the importer. Moreover, for CEP sales, we consider only the selling activities reflected in the price after the deduction of expenses and profit, pursuant to section 772(d) of the Tariff Act. *See Micron Technology, Inc.* v. *United States,* 243 F.3d 1301, 1314–1315 (Fed. Cir. 2001).

To determine whether the comparison-market sales are at a different LOT than CEP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Tariff Act. Finally, for CEP sales, if the NV LOT is more remote from the factory than the CEP level and there is no basis for determining whether the differences in the levels between NV and CEP affect price comparability, we adjust NV under section 773(a)(7)(B) of the Tariff Act. *See, e.g., Certain Carbon Steel Plate from South Africa, Final Determination of Sales at Less Than Fair Value,* 62 FR 61731 (November 19, 1997).

In applying these principles in this investigation, we asked ITW to identify the specific differences and similarities in selling functions and support services between all phases of marketing in the home market and the United States. ITW identified one channel of distribution in the home market (direct sales to unaffiliated customs), and therefore claimed only one level of trade in the home market. *See* ITW's September 24, 2003 section B response, at B–9. However, ITW also identified three different customer categories in the home market: distributors, OEM dealers, and converters. *See* September 5, 2003 section A response, at A–15 and its September 24, 2003 section B response, at B–8. Our August 1, 2003 questionnaire requested (at page A–8) that ITW provide a list of selling activities performed for each combination of distribution channel and customer category. Instead, for the home market ITW provided such a list only for its one channel of distribution. *See* ITW's September 5, 2003 section A response at attachment A–9–B. Therefore, because we do not have a list of selling expenses for each combination of customer category and channel of distribution, we are unable to determine whether only one level of trade exists in the home market. ITW requested a CEP offset, but because we are unable to determine the home market level of trade at this time, we cannot determine whether a CEP offset is warranted. Therefore, in this preliminary determination we have made no level-of-trade adjustment, and have denied ITW's claimed CEP offset. In our December 1, 2003 supplemental questionnaire, we requested additional information about ITW's selling activities for its customer categories. Based on our analysis of ITW's response (due December 22, 2003), for the final determination we will consider whether a level-of-trade adjustment or CEP offset is warranted in this case.

Suspension of Liquidation

The dumping margins are as follows:

Producer/exporter	Margin (percentage)
ITW	1.27
All Others	1.27

Because the estimated weighted-average dumping margin for the examined company is *de minimis*, we are not directing U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of TTR from Korea.

International Trade Commission Notification

In accordance with section 733(f) of the Tariff Act, we have notified the Commission of our determination. If the final determination in this proceeding is affirmative, the Commission will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of TTR from Korea are materially injuring, or threatening material injury to, the U.S. industry.

Public Comment

Interested parties are invited to comment on the preliminary determination. Interested parties may submit case briefs within 50 days of the date of publication of this notice. *See* 19 CFR 351.309(c)(1)(i). Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must be filed within five days after the deadline for the submission of case briefs. *See* 19 CFR 351.309(d). The Department, at its discretion, may extend the filing date for case and rebuttal briefs. Any such extension will be announced in writing and placed on the public record of this proceeding. A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. Further, we request that parties submitting briefs and rebuttal briefs provide the Department with a copy of the public version of such briefs on diskette.

In accordance with section 774 of the Tariff Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. If a request for a hearing is made, we will tentatively hold the hearing two days after the deadline for submission of rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at a time and in a room to be determined. Parties should confirm by telephone the date, time, and location of the hearing 48 hours before the scheduled date.

Interested parties who wish to request a hearing, or to participate in a hearing if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, oral presentations will be limited to issues raised in the briefs. *See* 19 CFR 351.310(c). The Department will make its final determination no later

than 75 days after the date of issuance of this preliminary determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Tariff Act.

Dated: December 16, 2003.

James Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 03–31480 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032801B]

Magnuson-Stevens Act Provisions; Fishing Capacity Reduction Program; Crab Species Covered by the Fishery Management Plan for Bering Sea/ Aleutian Islands King and Tanner Crabs

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

ACTION: Notice of qualifying bidders and voters.

SUMMARY: NMFS issues this notice to inform the public of persons who prospectively qualify to bid, vote, or both in the fishing capacity reduction program for the crab species covered by the Fishery Management Plan for Bering Sea/Aleutian Islands king and tanner crabs.

DATES: Comments may be submitted on or before January 21, 2004.

ADDRESSES: Send comments about this notice to Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3282.

Any person who wants to contact NMFS' Restricted Access Management Program (which issues crab species licenses) may do so at this address: Restricted Access Management Program, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802–1668.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable,(301) 713–2390.

SUPPLEMENTARY INFORMATION:

I. General

Section 144(d) of Division B of Public Law 106–554, as amended, authorized this fishing capacity reduction program. The program's objective is reducing harvesting capacity in the Bering Sea/ Aleutian Islands crab fishery. This will help financially stabilize this limited-entry fishery and manage its fish.

This is a voluntary program. In exchange for reduction payments, program participants will permanently relinquish their fishing licenses and their fishing vessels' catch histories and fishing privileges.

The program's maximum cost cannot exceed $100 million. A 30–year loan will finance 100 percent of whatever the cost turns out to be. Future crab landing fees will repay the loan.

In summary, the program will proceed as follows.

NMFS will publish an invitation to bid in a **Federal Register** notification, along with a bidding form and terms of capacity reduction agreement. This notification will specify bid opening and closing dates. NMFS will mail a bidding package to each person then on the qualifying bidder list. Qualified bidders will bid, along with co-bidders where appropriate. NMFS will score each bid amount against the bidder's past ex-vessel revenues during a bid scoring period. NMFS will, in a reverse auction, then accept bids whose amounts are the lowest percentages of the revenues. This will create reduction contracts.

Next, NMFS will conduct a referendum about the loan repayment fees. The reduction contracts will become inoperable unless at least two thirds of the votes cast in this referendum approve the fees.

If the referendum is successful, NMFS will publish a 30–day reduction payment tender notification in the **Federal Register**. Afterwards, NMFS will tender reduction payments and complete the program.

NMFS published proposed program regulations on December 12, 2002 (67 FR 76329. It published final program regulations on December 12, 2003 (68 FR 69331. Interested persons should review these for further program details.

The final regulations require NMFS to publish this notification before inviting bids. Any person who wants to comment about this notification may do so prior to January 21, 2004. Comments may address:

(1) Persons who appear on a list but should not,

(2) Persons who do not appear on a list but should,

(3) Persons whose names and/or business mailing addresses are incorrect, and

(4) Any other pertinent matter.

NMFS will update the lists, as necessary, immediately before using them either for mailing invitations to bid or referendum ballots. Mailed invitations and ballots will be accompanied by NMFS' detailed bidding and voting guidance.

The difference between the qualifying bidder list and the qualifying voter list is that the latter includes the holders of interim crab licenses and the former does not.

NMFS based these lists upon the Restricted Access Management Program's crab license holder records for holders which meet the requirements of 50 CFR 679.4(k)(5) as well as the requirements of the program's final regulations.

II. Qualifying bidder and voter lists

(1) Qualifying bidder List:

QUALIFYING BIDDERS

NAME	MAILING ADDRESS	NON-INTERIM CRAB LICENSE NO.
57 DEGREES NORTH, LLC	1445 NW 56TH ST, SEATTLE, WA 98107	LLC3554
AIREDALE LLC	916 DELANEY ST, ANCHORAGE, AK 99501	LLC2275
ALASKA BOAT COMPANY	PO BOX 5030, SEATTLE, WA 98105	LLC2039
ALASKA CHALLENGER L.L.C.	PO BOX 5030, SEATTLE, WA 98105	LLC3667
ALASKA SEA, INC.	18509 8TH AVE NW, SEATTLE, WA 98177–3153	LLC1607
ALASKA SEAFOOD PRODUCERS, INC.	PO BOX 1027, NEWPORT, OR 97365	LLC2187
ALASKAN BEAUTY, LLC	C/O FMS INC, 620 SIXTH ST S, KIRKLAND, WA 98033.	LLC3301
ALEUTIAN BALLAD, INC.	112 HARRISON AVE, CENTRALIA, WA 98531	LLC3170
ALEUTIAN MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC3587
ALEUTIAN SHELLFISH, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC1971

QUALIFYING BIDDERS—Continued

NAME	MAILING ADDRESS	NON-INTERIM CRAB LICENSE NO.
ALEUTIAN SPRAY FISHERIES, INC.	5470 SHILSHOLE AVE NW, STE 300, SEATTLE, WA 98107.	LLC2095
ALEUTIAN SPRAY FISHERIES, INC.	5470 SHILSHOLE AVE NW, STE 300, SEATTLE, WA 98107.	LLC2099
ALEUTIAN SPRAY FISHERIES, INC.	5470 SHILSHOLE AVE NW, STE 300, SEATTLE, WA 98107.	LLC2097
ALEUTIAN SPRAY REVERSE LLC	2621 EASTLAKE AVE EAST, SEATTLE, WA 98102.	LLC2555
ALEUTIAN SPRAY, LLC	101 NICKERSON, STE 340, C/O PUGET SOUND ACCOUNTING, SEATTLE, WA 98109.	LLC3861
AMATULI ENTERPRISES	PO BOX 1404, EDMONDS, WA 98020–1404	LLC2260
AMERICAN STAR & OWNERS	16 COLUMBIA KEY, BELLEVUE, WA 98006	LLC3200
AMERICAN WAY FISHERIES, INC.	4044 CLIFFSIDE RD, KODIAK, AK 99615	LLC1658
ANDRONICA, INC.	19239 40TH PL NE, SEATTLE, WA 98155	LLC3809
ARCHIE GOULD	PO BOX 347, KING COVE, AK 99612	LLC3031
ARCTIC BARUNA, LLC	2629 NW 54TH, SEATTLE, WA 98072	LLC2088
ARCTIC BARUNA, LLC	2629 NW 54TH, SEATTLE, WA 98072	LLC2087
ARCTIC MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC3585
ARCTIC SUN FISHERIES, INC.	11825 SE EASTBOURNE LANE, PORTLAND, OR 97236.	LLC2366
ARCTIC VENTURES, INC.	101 NICKERSON ST, STE 340, SEATTLE, WA 98109.	LLC3047
ARTHUR W. FOX	PO BOX 1713, KODIAK, AK 99615	LLC1716
ATLANTICO, INC.	PO BOX 129, SISTERS, OR 97759	LLC2471
AUTUMN DAWN PARTNERSHIP	1445 NW 56TH ST, SEATTLE, WA 98107–3726 ...	LLC1808
BARBARA J PARTNERSHIP	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3824
BEAUTY BAY, INC.	1223 PARKWAY DR, RICHMOND, CA 94803	LLC3618
BELLA K OF SEATTLE, LLC	PO BOX 17911, SEATTLE, WA 98107	LLC2020
BERING FIVE, INC	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC4743
BERING STAR, LLC	C/O H.A.S., P.O. BOX 17012, SEATTLE, WA 98107–0712.	LLC3889
BERING STAR, LLC	C/O H.A.S., P.O. BOX 17012, SEATTLE, WA 98107–0712.	LLC3965
BIG BLUE FISHERIES	PO BOX 663, CATHLAMET, WA 98612	LLC1766
BLUE ATTU, LLC	2930 WESTLAKE AVE N, #300, SEATTLE, WA 98109.	LLC3974
BLUE BOATS CORP.	5470 SHILSHOLE AVE NW, STE 500, SEATTLE, WA 98107.	LLC2093
BREKKAA FISHERIES, INC.	1707 NW 56TH, SEATTLE, WA 98107	LLC3278
BRISTOL FIVE, INC.	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC1891
BRISTOL MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC3579
BRUCE E. JOYCE	3535 SE CORA DR, PORTLAND, OR 91202	LLC2701
CAPRICE, INC.	164 PELICAN WAY, FRIDAY HARBOR, WA 98250	LLC2753
CASCADE MARINER, LLC	5470 SHILSHORE AVE NW #410, SEATTLE, WA 98107.	LLC3459
CELTIC SEAS, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC4860
CHARLES G. JOHNSON	PO BOX 813, KODIAK, AK 99615	LLC2058
CHARLES G. JOHNSON	PO BOX 813, KODIAK, AK 99615	LLC3680
CONTROLLER BAY, JOINT VENTURE	1 DOGWOOD PL, EDMONDS, WA 98020	LLC3342
COREY K. WILSON	PO BOX 267, KING COVE, AK 99612	LLC3127
COUGAR INDUSTRIES, INC.	4711 CHEROKEE LANE, NEWPORT, OR 97365 ..	LLC2514
COURAGEOUS SEAFOODS	4502 14TH AVE NW, SEATTLE, WA 98107	LLC1577
DAR-JEN, INC.	PO BOX 3128, KODIAK, AK 99615	LLC3093
DEBRA D, INC.	16559 KAMB RD, MOUNT VERNON, WA 98273 ...	LLC3850
DECEPTION FISHERIES	PO BOX 1144, PETERSBURG, AK 99833	LLC3290
DEEP SEA HARVESTER, INC.	3900 RAILWAY AVE, EVERETT, WA 98201	LLC2888
DENNIS DEAVER	1223 PARKWAY DR, RICHMOND, CA 94803	LLC1923
DESTINATION, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC3328
DIAMOND HEAD, INC.	3955 NIELSON CIRCLE, STE A, HOMER, AK 99603–7714.	LLC1947
DIAMONDBACK SEAFOODS, INC.	916 DELANEY ST, ANCHORAGE, AK 99501	LLC1156
DIAMONDBACK SEAFOODS, INC.	916 DELANEY ST, ANCHORAGE, AK 99501	LLC2345
DIAMONDBACK SEAFOODS, INC.	916 DELANEY ST, ANCHORAGE, AK 99501	LLC1380
DONA MARTITA LLC	20308 DAYTON AVE N, SHORELINE, WA 98133	LLC2788
EARLY DAWN LLC	7215 156TH ST SOUTHWEST, EDMONDS, WA 98026.	LLC3193
ELIZABETH F, INC.	PO BOX 1275, KODIAK, AK 99615	LLC1274

QUALIFYING BIDDERS—Continued

NAME	MAILING ADDRESS	NON-INTERIM CRAB LICENSE NO.
ENTRANCE POINT, INC.	3543 LOWER HONOAPITLANI, LAHAINA, HI 96761.	LLC1782
ERLA-N, LLC	18509 8TH AVE NW, SEATTLE, WA 98177	LLC2215
ESTATE OF CARL A KOSO	PO BOX 237, KING COVE, AK 99612	LLC3484
EVENING STAR, INC.	4019 21ST AVE W, SEATTLE, WA 98199	LLC3903
EVENING STAR, INC.	4019 21ST AVE W, SEATTLE, WA 98199	LLC3905
EXCELLER FISHERIES, INC.	PO BOX 5993, BELLINGHAM, WA 98227	LLC1314
F. JAMES KOCH	PO BOX 1243, LEWISTON, ID 83501	LLC2742
F/V AJ, LLC	2200 6TH AVE, SUITE 710, SEATTLE, WA 98121	LLC3655
F/V ARCTIC WIND, LLC	5470 SHILSHOLE AVE NW, STE 500, SEATTLE, WA 98107.	LLC4010
F/V KATIE K & OWNERS	1101 EMERALD HILLS DR, EDMONDS, WA 98020.	LLC3687
F/V KETA, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC3632
F/V LADY BLACKIE, LLC	916 DELANEY ST, ANCHORAGE, AK 99501	LLC1960
F/V MAVERICK, LLC	BOOKEEPERS PLUS, 4875 ASH ST, ASTORIA, OR 97103.	LLC3196
F/V NORTH WIND, INC.	1441 NORTHLAKE WAY, SEATTLE, WA 98103	LLC1639
F/V PINNACLE, INC.	19618 61ST AVE SE, SNOHOMISH, WA 98290	LLC3356
F/V SEA ERN & OWNERS	10761 E LAKE JOY DR NE, CARNATION, WA 98014.	LLC3224
F/V SEABROOKE ENTERPRISES, LLC	83972 EASTSIDE RD, MILTON-FREEWATER, OR 97862.	LLC2925
FAIRWEATHER FISHERIES, INC.	2225 OCEANVIEW DR, NEWPORT, OR 97365	LLC1733
FAIRWEATHER FISHERIES, INC.	2225 OCEANVIEW DR, NEWPORT, OR 97365	LLC2943
FANNINGS DENALI, INC.	164 PELICAN WAY, FRIDAY HARBOR, WA 98250	LLC3334
FAR NORTH FISHERMEN, INC.	6947 COAL CREEK PARKWAY SE, STE 238, NEW CASTLE, WA 98059.	LLC1285
FARWEST LEADER PARTNERSHIP	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC2941
FIERCE ALLEGIANCE, LLC	7215 156TH ST SOUTHWEST, EDMONDS, WA 98026.	LLC3472
FLYING CLOUD PARTNERSHIP	TRIDENT SEAFOODS, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2206
FOUR DAUGHTERS, INC.	RT 8, BOX 113, MANKATO, MN 56001	LLC3383
FRANCIS M NW, LLC	164 PELICAN WAY, FRIDAY HARBOR, WA 98250	LLC4681
FRANK MCFARLAND	PO BOX 364, NOME, AK 99762	LLC2770
FURY GROUP, INC.	6401 26TH AVE NW, SEATTLE, WA 98107	LLC1539
FURY GROUP, INC.	6401 26TH AVE NW, SEATTLE, WA 98107	LLC2621
FURY GROUP, INC.	6401 26TH AVE NW, SEATTLE, WA 98107	LLC2540
FY FISHERIES, INC.	PO BOX 352, NEWPORT, OR 97365	LLC2790
GENE E. WATSON	949 WILDWOOD RD, CURTIS, WA 98538	LLC3297
GLACIER BAY FISHERIES, LLC	C/O FMS, INC, 620 SIXTH STREET SOUTH, KIRKLAND, WA 98033.	LLC3733
GLEN EVANS	583 S MICHAEL WAY, CAMANO ISLAND, WA 98292.	LLC3382
GOLDEN DAWN, LLC	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3735
GOLDEN PISCES, INC.	PO BOX 1523, NEWPORT, OR 97365	LLC3856
GOLDEN SHAMROCK, INC.	FISHERMEN'S TERMINAL, 4005 20TH AVE W, STE 218, SEATTLE, WA 98199.	LLC2063
GORDON E. GILES	PO BOX 127, SELDOVIA, AK 99663	LLC1434
GREAT WEST SEAFOODS, L.P.	511 W COMSTOCK ST, SEATTLE, WA 98119	LLC1849
GULF WINDS LLC	3600 15 TH AVE W, SEATTLE, WA 98119	LLC3135
GUNN SEA VENTURE, LLC	1445 NW 56TH ST, SEATTLE, WA 98107–3726 ...	LLC3559
GUNN-WIDING ENTERPRISES	PO BOX 1404, EDMONDS, WA 98020	LLC3218
GUSTAFSON FISHERIES, INC.	PO BOX 8573, KODIAK, AK 99615	LLC3598
HAERLING ENTERPRISES, INC.	.....	.....
	2209 THEA COURT, MILTON, WA 98354	LLC3283
HAL LEWIS	PO BOX 920571, DUTCH HARBOR, AK 99692	LLC3700
HARLAN DEAN	PO BOX 61, STRYKER, MT 59933	LLC2808
HARVESTER ENTERPRISES, LLC	C/O PUDGET SOUND ACCOUNTING, 101 NICKERSON ST #340, SEATTLE, WA 98109.	LLC2326
HENRY W. STREICH	18496 43RD AVE NE, LAKE FOREST PARK, WA 98155.	LLC3705
HEUKER BROS., INC.	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC1814
HEUKER BROS., INC.	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC3590
HIGHLAND LIGHT SEAFOODS LLC.	3600 15TH AVE W, STE 300, SEATTLE, WA 98119.	LLC3952
HJELLE ENTERPRISES, INC.	PO BOX 17012, SEATTLE, WA 98127	LLC3319
HORIZON FISHERIES, LLC	5470 SHILSHOLE AVE N, STE 500, SEATTLE, WA 98107.	LLC3844

QUALIFYING BIDDERS—Continued

NAME	MAILING ADDRESS	NON-INTERIM CRAB LICENSE NO.
HUSKY CO-OWNERS	PO BOX C–5030, SEATTLE, WA 98105	LLC3664
ICELANDER, INC.	PO BOX 2074, KODIAK, AK 99615	LLC2874
ICICLE SEAFOODS, INC.	4019 - 21ST AVE W, SEATTLE, WA 98199	LLC2351
ICICLE SEAFOODS, INC.	4019 - 21ST AVE W, SEATTLE, WA 98199	LLC2699
ICY BAY, INC.	C/O PUGET SOUND ACCOUNTING, 101 NICKERSON, STE 340, SEATTLE, WA 98109.	LLC1725
ILDHUSO FISHERIES, INC.	101 NICKERSON, STE 340, SEATTLE, WA 98109	LLC1997
INCENTIVE FISHERIES, LLC	PO BOX 4008, KODIAK, AK 99615	LLC3249
JAMES R. NIEMELA	PO BOX 2382, HOMER, AK 99603	LLC2362
JEFF T. STEELE	PO BOX 1732, KODIAK, AK 99615	LLC2762
JEFF T. STEELE	PO BOX 1732, KODIAK, AK 99615	LLC2817
JOSE RAUL CASTILLO	PO BOX 568, UNALASKA, AK 99685	LLC2570
JOSE RAUL CASTILLO	PO BOX 568, UNALASKA, AK 99685	LLC3527
K H COLBURN, INC	3117 E AMES LAKE DR NE, REDMOND, WA 98053.	LLC3657
KARI MARIE FISHERIES, LLC	9784 MARINE VIEW DR, MUKILTEO, WA 98275	LLC3553
KATRINA-EM, INC.	PO BOX 3065, KODIAK, AK 99615	LLC2778
KDS, INC.	PO BOX 308, SILVANA, WA 98287	LLC3716
KDS, INC.	PO BOX 308, SILVANA, WA 98287	LLC2775
KENDRICK BAY LTD. PARTNERS	PO BOX 5030, SEATTLE, WA 98105	LLC3675
KENNETH M. SIMPSON	PO BOX 240449, ANCHORAGE, AK 99524–0449	LLC1279
KEVIN SUYDAM	PO BOX 980, KODIAK, AK 99615	LLC3264
KEVIN SUYDAM	PO BOX 980, KODIAK, AK 99615	LLC3337
KEVIN SUYDAM	PO BOX 980, KODIAK, AK 99615	LLC5383
KEVLEEN K, LLC	4241 21ST AVE W, STE 100, SEATTLE, WA 98199.	LLC3462
KIRSTEN MARIE FISHERIES, LLC	9784 MARINE VIEW DR, MUKILTEO, WA 98275	LLC1729
KISKA SEA PARTNERSHIP	3859 YAQUINA BAY RD, NEWPORT, OR 97365	LLC3116
KODIAK QUEEN, INC.	349 NW 137TH ST, SEATTLE, WA 98177	LLC3879
KRISTIAN E. POULSEN ENT., INC.	1143 NW 45TH ST, SEATTLE, WA 98107	LLC1863
KRISTIAN E. POULSEN ENT., INC.	1143 NW 45TH ST, SEATTLE, WA 98107	LLC1885
KRISTIAN E. POULSEN ENT., INC.	1143 NW 45TH ST, SEATTLE, WA 98107	LLC1882
L.T.D., INC.	PO BOX 3415, KODIAK, AK 99615	LLC1450
LABRADOR GROUP	PO BOX C–5030, SEATTLE, WA 98105	LLC2037
LADY HELEN LLC	606 N 178TH ST, SHORELINE, WA 98133	LLC3737
LADY JOANNE, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC2223
LANGESATER FISHERIES, INC.	19731 21ST AVE NW, SEATTLE, WA 98177	LLC2695
LARRY J. SHAISHNIKOFF	PO BOX 45, UNALASKA, AK 99685	LLC2007
LARRY O. HENDRICKS	PO BOX 17701, SEATTLE, WA 98107	LLC2546
LIBERATOR FISHERIES, LLC	5470 SHILSHOLE AVE NW, STE 300, SEATTLE, WA 98107.	LLC3638
LIGHTSHIP, INC.	PO BOX 1404, EDMONDS, WA 98020	LLC3107
LONGRICH ENTERPRISES, INC.	PO BOX 2494, KODIAK, AK 99615	LLC1453
LUDGER DOCHTERMANN	PO BOX 714, KODIAK, AK 99615	LLC2750
MAR DEL SUD, LTD.	PO BOX 1573, KODIAK, AK 99615	LLC2646
MARCY J., INC.	1217 KOUSKOV, KODIAK, AK 99615	LLC2279
MARGUN ENTERPRISES, LLC	101 NICKERSON STE 340, SEATTLE, WA 98109	LLC3629
MARK I, INC.	511 W COMSTOCK ST, SEATTLE, WA 98119	LLC2638
MARK MARING II, INC.	130 NICKERSON ST, STE 212, SEATTLE, WA 98109.	LLC3954
MARWIN, INC.	PO BOX 509, PETERSBURG, AK 99833	LLC1801
MATTHEW HEGGE	PO BOX 3388, KODIAK, AK 99615	LLC2106
MATTSEN FISHERIES, INC.	PO BOX 2686, POULSBO, WA 98370	LLC2577
MATTSEN FISHERIES, INC.	PO BOX 2686, POULSBO, WA 98370	LLC3541
MICHEAL K. KING	PO BOX 238, MAGNOLIA SPRINGS, AL 36555	LLC3020
MISTY BLUE, INC.	NORTHERN LIGHTS HAVEN, YAKUTAT, AK 99689.	LLC1485
NEPTUNE, LLC	2615 4TH AVE, STE 700, SEATTLE, WA 98121	LLC2156
NEWMAN FISHERIES, INC.	PO BOX 165, KING COVE, AK 99612	LLC3922
NINILICHIK LTD. PARTNERSHIP	12000 INDUSTRY WA N3, ANCHORAGE, AK 99515.	LLC3931
NORDIC MARINE, INC.	200 W 34TH AVE, STE 981, ANCHORAGE, AK 99503.	LLC3274
NORDIC MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC2309
NORDIC STAR FISHERIES, INC.	4224 S DRIFTWOOD DR, SPOKANE, WA 99206	LLC2629
NORDIC VIKING, LLC	PO BOX 129, SISTERS, OR 97759	LLC3989
NORQUEST SEAFOODS, INC.	5245 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3331
NORQUEST SEAFOODS, INC.	5245 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3698
NORQUEST SEAFOODS, INC.	5245 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3696
NORSEMAN FISHERIES, INC.	11524 3RD AVE NW, SEATTLE, WA 98199	LLC1243
NORTH AMERICAN, INC.	250 NW 39TH ST, STE 5, SEATTLE, WA 98107	LLC3087

QUALIFYING BIDDERS—Continued

NAME	MAILING ADDRESS	NON-INTERIM CRAB LICENSE NO.
NORTH PACIFIC, LLC	C/O FMS INC, 620 SIXTH ST S, KIRKLAND, WA 98033.	LLC3256
NORTHERN MARINER, LLC	5470 SHILSHOLE AVE NW #410, SEATTLE, WA 98107.	LLC3581
NORTHERN ORION, INC.	130 NICKERSON ST, STE 212, SEATTLE, WA 98109.	LLC3035
NORTHPOINT FISHERIES	PO BOX 714, KODIAK, AK 99615	LLC2288
OBSESSION LIMITED PARTNERSHIP	12000 INDUSTRY WAY N3, ANCHORAGE, AK 99515.	LLC3934
OCEAN BALLAD, INC.	112 HARRISON ST, CENTRALIA, WA 98531	LLC3195
OCEAN BALLAD, INC.	112 HARRISON ST, CENTRALIA, WA 98531	LLC3914
OCEAN BALLAD, INC.	112 HARRISON ST, CENTRALIA, WA 98531	LLC3916
OCEAN FISHERIES, LLC	7216 INTERLAAKEN DR, LAKEWOOD, WA 98499	LLC3945
OCEAN OLYMPIC LLC	C/O FMS INC, 620 SIXTH ST S, KIRKLAND, WA 98033.	LLC3941
OCEAN VIKING LLC	7216 INTERLAAKEN DR SW, LAKEWOOD, WA 98499.	LLC1229
ODIAK MARITIME	PO BOX 135, CORDOVA, AK 99574	LLC3061
OLUF K. VEDOY	10825 159TH ST SE, SNOHOMISH, WA 98290	LLC1946
PAC MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC3583
PACIFIC DRAGGERS, INC.	PO BOX 352, NEWPORT, OR 97365	LLC3494
PACIFIC STAR FISHERIES, LLC	620 6TH STREET SOUTH, KIRKLAND, WA 98033	LLC4857
PAR-PAC, INC.	3711 CARNEGIE DR SE, OLYMPIA, WA 98503	LLC2252
PAUL GRONHOLDT	PO BOX 288, SAND POINT, AK 99661	LLC3384
PAVLOF, INC.	4024 22ND AVE W, SEATTLE, WA 98199	LLC1740
PENINSULA SALMON, INC.	164 PELICAN WAY, FRIDAY HARBOR, WA 98250	LLC3401
POINT FIVE, INC	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC1937
POLAR SEA PARTNERSHIP	17010 12TH AVE NW, SHORELINE, WA 98177–3825.	LLC1826
PORT LYNCH, INC.	6920 ROOSEVELT WAY NE ınumsign;M3, SEATTLE, WA 98115.	LLC5663
PROVIDER, INC.	PO BOX 37, KODIAK, AK 99615	LLC2781
PROWLER, LLC	PO BOX 1364, PETERSBURG, AK 99833	LLC3682
Q & S ENTERPRISES, INC.	PO BOX 70591, SEATTLE, WA 98107	LLC1817
R.W. BARK CORP.	375 SKI HILL, LEAVENWORTH, WA 98826	LLC1994
RAGNVALD SVINO	16905 13TH AVE NW, SHORELINE, WA 98177	LLC1391
RAINIER INVESTMENTS, INC.	605 12TH AVE N, EDMONDS, WA 98020	LLC2170
RAINIER INVESTMENTS, INC.	605 12TH AVE N, EDMONDS, WA 98020	LLC2172
RAINIER INVESTMENTS, INC.	605 12TH AVE N, EDMONDS, WA 98020	LLC3417
RETRIEVER CO-OWNERS	PO BOX 5030, SEATTLE, WA 98105–0030	LLC3669
RICHARD L. SHELFORD	PO BOX 12946, MILL CREEK, WA 98082–2946	LLC3091
ROBERT J. GUNDERSON	PO BOX 344, KODIAK, AK 99615	LLC1720
ROBERT NEHUS	PO BOX 1002, UNALASKA, AK 99685	LLC3010
ROMANZOF FISHING COMPANY LLC	4502 14TH AVE NW, SEATTLE, WA 98107	LLC1579
RONALD J. TENNISON	4248 UPPAL DR, BELLINGHAM, WA 98226	LLC3114
RONALD K. KECHTER	PO BOX 68, PORT ANGELES, WA 98362	LLC2195
RONALD R. BRILL	5470 SHISHOLE AVE NW #410, SEATTLE, WA 98107.	LLC3956
RONDYS, INC.	5349 229TH AVE SE, ISSAQUAH, WA 98029	LLC2884
RONDYS, INC.	5349 229TH AVE SE, ISSAQUAH, WA 98029	LLC3898
ROYAL AMERICAN FISHERIES, LLC	511 W COMSTOCK ST, SEATTLE, WA 98119	LLC1754
ROYAL PACIFIC, LLC	9784 MARINE VIEW DR, MUKILTEO, WA 98275	LLC1731
ROYAL VIKING, INC.	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC2236
ROYAL VIKING, INC.	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC2625
ROYAL VIKING, INC.	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC2601
RSD FISHERIES, LLC	PO BOX 12946, MILL CREEK, WA 98082	LLC1973
RSD FISHERIES, LLC	PO BOX 12946, MILL CREEK, WA 98082	LLC1975
RUFF & REDDY, INC.	PO BOX 129, SISTERS, OR 97759	LLC3982
SAGAKA FISHING, INC.	PO BOX 8101, KODIAK, AK 99615	LLC2078
SAN JUAN SEAFOODS, INC	PO BOX 220, BELLINGHAM, WA 98225	LLC3742
SAN JUAN SEAFOODS, INC	PO BOX 220, BELLINGHAM, WA 98225	LLC3757
SAN JUAN SEAFOODS, INC	PO BOX 220, BELLINGHAM, WA 98225	LLC3750
SCANDIES LTD PARTNERSHIP	2442 NW MARKET ST #656, SEATTLE, WA 98107.	LLC3336
SEA FISHER LLC	1120 NW 51ST ST, SEATTLE, WA 98107	LLC3917
SEA ROVER, LLC	1136 VISTA PL, EDMONDS, WA 98020	LLC3723
SEA SPRAY, LLC	1900 W NICKERSON ST #213, SEATTLE, WA 98119.	LLC2289
SEA STORM LIMITED PARTNERSHIP	400 N 34TH ST, STE 306, SEATTLE, WA 98103	LLC1896
SEVENTH SON, INC.	15209 72ND AVE NE, KENMORE, WA 98028	LLC3930

QUALIFYING BIDDERS—Continued

NAME	MAILING ADDRESS	NON-INTERIM CRAB LICENSE NO.
SHISHALDIN, LLC	1445 NW 56TH ST, SEATTLE, WA 98107	LLC1734
SIBERIAN SEA PARTNERSHIP	3859 YAQUINA BAY RD, NEWPORT, OR 97365 ..	LLC3197
SILENT LADY, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC3326
SILVER SPRAY SEAFOODS, LLC	PO BOX 129, SISTERS, OR 97759	LLC3984
SNOW KING, INC.	1917 N BEAVER CK RD, SEAL ROCK, OR 97376	LLC3213
SPIRIT OF THE NORTH FISHERIES, INC.	355 NE GOLF COURSE DR, NEWPORT, OR 97365.	LLC1673
SULTAN, LLC	2930 WESTLAKE AVE N #300, SEATTLE, WA 98109.	LLC3848
SUSITNA MARITIME, INC.	PO BOX 54, HOMER, AK 99603	LLC3457
TAMARACK VENTURES, LLC	17640 SE 295TH ST, KENT, WA 98042	LLC3690
TEMPEST FISHERIES II, LLC	2930 WESTLAKE AVE N #300, SEATTLE, WA 98109.	LLC4843
THREE RIVERS, INC. OF ANACORTES	9119 DISTRICT LINE RD, BURLINGTON, WA 98233.	LLC3670
TIME BANDIT, LLC	PO BOX 3643, HOMER, AK 99603	LLC1625
TIMOTHY J. KENNEDY	C/O BLUE ALEUTIAN LLC, 2930 WESTLAKE AVE N. #300, SEATTLE, WA 98109.	LLC2818
TIMOTHY J. KENNEDY	C/O BLUE ALEUTIAN LLC, 2930 WESTLAKE AVE N. #300, SEATTLE, WA 98109.	LLC3330
TODD HINER	PO BOX 671, KODIAK, AK 99615	LLC3354
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2267
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2515
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC3788
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2538
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2269
TYNES ENTERPRISES, INC.	F/V AMERICAN EAGLE AND OWNERS, 1212 NW CULBERTSON DR, SEATTLE, WA 98177.	LLC2544
VESTERAALEN L.L.C.	4225 23 AVE W # 100, SEATTLE, WA 98119	LLC3530
VIEKODA BAY, LLC	PO BOX 3282, KODIAK, AK 99615	LLC3775
VIEKODA BAY, LLC	PO BOX 3282, KODIAK, AK 99615	LLC3777
WAHL FISHERIES, LLC	100 PORT DOCK RD, REEDSPORT, OR 97467 ...	LLC3479
WAHL FISHERIES, LLC	100 PORT DOCK RD, REEDSPORT, OR 97467 ...	LLC3557
WARDS COVE PACKING CO.	PO BOX 5030, SEATTLE, WA 98105–0030	LLC3003
WESTERN MARINER, LLC	5470 SHILSHOLE AVE NW 410, SEATTLE, WA 98107.	LLC2321
WILLIAM C. WILLIAMS	720 11TH ST, B1, BELLINGHAM, WA 98225	LLC3911
WILLIAM T. GILBERT	PO BOX 5705, BELLINGHAM, WA 98225	LLC1906
WINDY BAY, INC.	C/O PUGET SOUND ACCOUNTING, 101 NICKERSON, STE 340, SEATTLE, WA 98109.	LLC2061
WIZARD FISHERIES, INC.	2442 NW MARKET ST,Number 438, SEATTLE, WA 98107.	LLC1481

(2) Qualifying Voter List:

QUALIFYING VOTERS

NAME	MAILING ADDRESS	INTERIM OR NON-INTERIM CRAB LICENSE NO.
57 DEGREES NORTH, LLC	1445 NW 56TH ST, SEATTLE, WA 98107	LLC3554
AIREDALE LLC	916 DELANEY ST, ANCHORAGE, AK 99501	LLC2275
ALASKA BOAT COMPANY	PO BOX 5030, SEATTLE, WA 98105	LLC2039
ALASKA CHALLENGER L.L.C.	PO BOX 5030, SEATTLE, WA 98105	LLC3667
ALASKA SEA, INC.	18509 8TH AVE NW, SEATTLE, WA 98177–3153	LLC1607
ALASKA SEAFOOD PRODUCERS, INC.	PO BOX 1027, NEWPORT, OR 97365	LLC2187
ALASKA TROJAN FISHERIES	3859 YAQUINA BAY RD, NEWPORT, OR 97365 ..	LLC3873
ALASKAN BEAUTY, LLC	C/O FMS INC, 620 SIXTH ST S, KIRKLAND, WA 98033.	LLC3301
ALEUTIAN BALLAD, INC.	112 HARRISON AVE, CENTRALIA, WA 98531	LLC3170
ALEUTIAN MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC3587
ALEUTIAN SHELLFISH, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC1971
ALEUTIAN SPRAY FISHERIES, INC.	5470 SHILSHOLE AVE NW, STE 300, SEATTLE, WA 98107.	LLC2095

QUALIFYING VOTERS—Continued

NAME	MAILING ADDRESS	INTERIM OR NON-INTERIM CRAB LICENSE NO.
ALEUTIAN SPRAY FISHERIES, INC.	5470 SHILSHOLE AVE NW, STE 300, SEATTLE, WA 98107.	LLC2099
ALEUTIAN SPRAY FISHERIES, INC.	5470 SHILSHOLE AVE NW, STE 300, SEATTLE, WA 98107.	LLC2097
ALEUTIAN SPRAY REVERSE LLC	2621 EASTLAKE AVE EAST, SEATTLE, WA 98102.	LLC2555
ALEUTIAN SPRAY, LLC	101 NICKERSON, STE 340, C/O PUGET SOUND ACCOUNTING, SEATTLE, WA 98109.	LLC3861
AMATULI ENTERPRISES	PO BOX 1404, EDMONDS, WA 98020–1404	LLC2260
AMERICAN STAR & OWNERS	16 COLUMBIA KEY, BELLEVUE, WA 98006	LLC3200
AMERICAN WAY FISHERIES, INC.	4044 CLIFFSIDE RD, KODIAK, AK 99615	LLC1658
ANDRONICA, INC.	19239 40TH PL NE, SEATTLE, WA 98155	LLC3809
ARCHIE GOULD	PO BOX 347, KING COVE, AK 99612	LLC3031
ARCTIC BARUNA, LLC	2629 NW 54TH, SEATTLE, WA 98072	LLC2087
ARCTIC BARUNA, LLC	2629 NW 54TH, SEATTLE, WA 98072	LLC2088
ARCTIC EAGLE, LLC	1212 NW CULBERTSON DR, SEATTLE, WA 98177.	LLC3891
ARCTIC MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC3585
ARCTIC SUN FISHERIES, INC.	11825 SE EASTBOURNE LANE, PORTLAND, OR 97236.	LLC2366
ARCTIC VENTURES, INC.	101 NICKERSON ST, STE 340, SEATTLE, WA 98109.	LLC3047
ARTHUR W. FOX	PO BOX 1713, KODIAK, AK 99615	LLC1716
ATLANTICO, INC.	PO BOX 129, SISTERS, OR 97759	LLC2471
AUTUMN DAWN PARTNERSHIP	1445 NW 56TH ST, SEATTLE, WA 98107–3726 ...	LLC1808
BARBARA J PARTNERSHIP	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3824
BEAUTY BAY, INC.	1223 PARKWAY DR, RICHMOND, CA 94803	LLC3618
BELLA K OF SEATTLE, LLC	PO BOX 17911, SEATTLE, WA 98107	LLC2020
BELLA K OF SEATTLE, LLC	PO BOX 17911, SEATTLE, WA 98107	LLC3661
BERING FIVE, INC	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC4743
BERING STAR, LLC	C/O H.A.S., P.O. BOX 17012, SEATTLE, WA 98107–0712.	LLC3889
BERING STAR, LLC	C/O H.A.S., P.O. BOX 17012, SEATTLE, WA 98107–0712.	LLC3965
BIG BLUE FISHERIES	PO BOX 663, CATHLAMET, WA 98612	LLC1766
BLUE ALEUTIAN, LLC	2930 WESTLAKE AVE N, #300, SEATTLE, WA 98109.	LLC3849
BLUE ATTU, LLC	2930 WESTLAKE AVE N, #300, SEATTLE, WA 98109.	LLC3974
BLUE BOATS CORP.	5470 SHILSHOLE AVE NW, STE 500, SEATTLE, WA 98107.	LLC2093
BLUE DUTCH, LLC	2930 WESTLAKE AVE N, #300, SEATTLE, WA 98109.	LLC3846
BOWLDEN, INC.	12616 25TH SE, EVERETT, WA 98208	LLC4019
BREKKAA FISHERIES, INC.	1707 NW 56TH, SEATTLE, WA 98107	LLC3278
BRISTOL FIVE, INC.	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC1891
BRISTOL MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC3579
BRUCE E. JOYCE	3535 SE CORA DR, PORTLAND, OR 91202	LLC2701
CAPRICE, INC.	164 PELICAN WAY, FRIDAY HARBOR, WA 98250	LLC2753
CASCADE MARINER, LLC	5470 SHILSHORE AVE NW #410, SEATTLE, WA 98107.	LLC3459
CELTIC SEAS, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC4860
CHARLES G. JOHNSON	PO BOX 813, KODIAK, AK 99615	LLC2058
CHARLES G. JOHNSON	PO BOX 813, KODIAK, AK 99615	LLC3680
CHARLES REHDER	PO BOX 2065, HOMER, AK 99603	LLC3340
COLLINS FISHERIES, INC.	PO BOX 736, OAK HARBOR, WA 98277	LLC3947
CONTROLLER BAY, JOINT VENTURE	1 DOGWOOD PL, EDMONDS, WA 98020	LLC3342
COREY K. WILSON	PO BOX 267, KING COVE, AK 99612	LLC3127
COUGAR INDUSTRIES, INC.	4711 CHEROKEE LANE, NEWPORT, OR 97365 ..	LLC2514
COURAGEOUS SEAFOODS	4502 14TH AVE NW, SEATTLE, WA 98107	LLC1577
DAR-JEN, INC.	PO BOX 3128, KODIAK, AK 99615	LLC3093
DEBRA D, INC.	16559 KAMB RD, MOUNT VERNON, WA 98273 ...	LLC3850
DECEPTION FISHERIES	PO BOX 1144, PETERSBURG, AK 99833	LLC3290
DEEP SEA FISHERIES, INC.	3900 RAILWAY AVE, EVERETT, WA 98201	LLC1418
DEEP SEA HARVESTER, INC.	3900 RAILWAY AVE, EVERETT, WA 98201	LLC2888
DENNIS DEAVER	1223 PARKWAY DR, RICHMOND, CA 94803	LLC1923
DESTINATION, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC3328

QUALIFYING VOTERS—Continued

NAME	MAILING ADDRESS	INTERIM OR NON-INTERIM CRAB LICENSE NO.
DIAMOND HEAD, INC.	3955 NIELSON CIRCLE, STE A, HOMER, AK 99603–7714.	LLC1947
DIAMONDBACK SEAFOODS, INC.	916 DELANEY ST, ANCHORAGE, AK 99501	LLC1156
DIAMONDBACK SEAFOODS, INC.	916 DELANEY ST, ANCHORAGE, AK 99501	LLC1380
DIAMONDBACK SEAFOODS, INC.	916 DELANEY ST, ANCHORAGE, AK 99501	LLC2345
DONA MARTITA LLC	20308 DAYTON AVE N, SHORELINE, WA 98133	LLC2788
EARLY DAWN LLC	7215 156TH ST SOUTHWEST, EDMONDS, WA 98026.	LLC3193
ELIZABETH F, INC.	PO BOX 1275, KODIAK, AK 99615	LLC1274
ENTRANCE POINT, INC.	3543 LOWER HONOAPITLANI, LAHAINA, HI 96761.	LLC1782
ERLA-N, LLC	18509 8TH AVE NW, SEATTLE, WA 98177	LLC2215
ERLA-N, LLC	18509 8TH AVE NW, SEATTLE, WA 98177	LLC3857
ESTATE OF CARL A KOSO	PO BOX 237, KING COVE, AK 99612	LLC3484
EVENING STAR, INC.	4019 21ST AVE W, SEATTLE, WA 98199	LLC3903
EVENING STAR, INC.	4019 21ST AVE W, SEATTLE, WA 98199	LLC3905
EXCELLER FISHERIES, INC.	PO BOX 5993, BELLINGHAM, WA 98227	LLC1314
F. JAMES KOCH	PO BOX 1243, LEWISTON, ID 83501	LLC2742
F/V AJ, LLC	2200 6TH AVE, SUITE 710, SEATTLE, WA 98121	LLC3655
F/V ARCTIC WIND, LLC	5470 SHILSHOLE AVE NW, STE 500, SEATTLE, WA 98107.	LLC4010
F/V KATIE K & OWNERS	1101 EMERALD HILLS DR, EDMONDS, WA 98020.	LLC3687
F/V KETA, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC3632
F/V LADY BLACKIE, LLC	916 DELANEY ST, ANCHORAGE, AK 99501	LLC1960
F/V MAVERICK, LLC	BOOKEEPERS PLUS, 4875 ASH ST, ASTORIA, OR 97103.	LLC3196
F/V NORTH WIND, INC.	1441 NORTHLAKE WAY, SEATTLE, WA 98103	LLC1639
F/V PINNACLE, INC.	19618 61ST AVE SE, SNOHOMISH, WA 98290	LLC3356
F/V SEA ERN & OWNERS	10761 E LAKE JOY DR NE, CARNATION, WA 98014.	LLC3224
F/V SEABROOKE ENTERPRISES, LLC	83972 EASTSIDE RD, MILTON-FREEWATER, OR 97862.	LLC2925
FAIRWEATHER FISHERIES, INC.	2225 OCEANVIEW DR, NEWPORT, OR 97365	LLC1733
FAIRWEATHER FISHERIES, INC.	2225 OCEANVIEW DR, NEWPORT, OR 97365	LLC2943
FANNINGS DENALI, INC.	164 PELICAN WAY, FRIDAY HARBOR, WA 98250	LLC3334
FAR NORTH FISHERMEN, INC.	6947 COAL CREEK PARKWAY SE, STE 238, NEW CASTLE, WA 98059.	LLC1285
FARWEST LEADER PARTNERSHIP	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC2941
FIERCE ALLEGIANCE, LLC	7215 156TH ST SOUTHWEST, EDMONDS, WA 98026.	LLC3472
FLYING CLOUD PARTNERSHIP	TRIDENT SEAFOODS, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2206
FOUR DAUGHTERS, INC.	RT 8, BOX 113, MANKATO, MN 56001	LLC3383
FRANCIS M NW, LLC	164 PELICAN WAY, FRIDAY HARBOR, WA 98250	LLC4681
FRANK MCFARLAND	PO BOX 364, NOME, AK 99762	LLC2770
FURY GROUP, INC.	6401 26TH AVE NW, SEATTLE, WA 98107	LLC1539
FURY GROUP, INC.	6401 26TH AVE NW, SEATTLE, WA 98107	LLC2621
FURY GROUP, INC.	6401 26TH AVE NW, SEATTLE, WA 98107	LLC2540
FY FISHERIES, INC.	PO BOX 352, NEWPORT, OR 97365	LLC2790
GENE E. WATSON	949 WILDWOOD RD, CURTIS, WA 98538	LLC3297
GLACIER BAY FISHERIES, LLC	C/O FMS, INC, 620 SIXTH STREET SOUTH, KIRKLAND, WA 98033.	LLC3733
GLEN EVANS	583 S MICHAEL WAY, CAMANO ISLAND, WA 98292.	LLC3382
GOLDEN DAWN, LLC	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3735
GOLDEN PISCES, INC.	PO BOX 1523, NEWPORT, OR 97365	LLC3856
GOLDEN SHAMROCK, INC.	FISHERMEN'S TERMINAL, 4005 20TH AVE W, STE 218, SEATTLE, WA 98199.	LLC2063
GORDON E. GILES	PO BOX 127, SELDOVIA, AK 99663	LLC1434
GREAT WEST SEAFOODS, L.P.	511 W COMSTOCK ST, SEATTLE, WA 98119	LLC1849
GULF WINDS LLC	3600 15 TH AVE W, SEATTLE, WA 98119	LLC3135
GUNN SEA VENTURE, LLC	1445 NW 56TH ST, SEATTLE, WA 98107–3726 ...	LLC3559
GUNN-WIDING ENTERPRISES	PO BOX 1404, EDMONDS, WA 98020	LLC3218
GUSTAFSON FISHERIES, INC.	PO BOX 8573, KODIAK, AK 99615	LLC3598
HAERLING ENTERPRISES, INC.	2209 THEA COURT, MILTON, WA 98354	LLC3283
HAL LEWIS	PO BOX 920571, DUTCH HARBOR, AK 99692	LLC3700
HANSEN ENTERPRISES, INC.	18361 8TH AVE NW, SEATTLE, WA 98177	LLC3276
HARLAN DEAN	PO BOX 61, STRYKER, MT 59933	LLC2808
HARVESTER ENTERPRISES, LLC	C/O PUDGET SOUND ACCOUNTING, 101 NICKERSON ST #340, SEATTLE, WA 98109.	LLC2326

QUALIFYING VOTERS—Continued

NAME	MAILING ADDRESS	INTERIM OR NON-INTERIM CRAB LICENSE NO.
HENRY W. STREICH	18496 43RD AVE NE, LAKE FOREST PARK, WA 98155.	LLC3705
HEUKER BROS., INC.	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC1814
HEUKER BROS., INC.	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC3590
HIGH SPIRIT, INC.	PO BOX 1523, C/O DENNIS P. MCMANUS JR CPA, NEWPORT, OR 97365.	LLC4845
HIGHLAND LIGHT SEAFOODS LLC.	3600 15TH AVE W, STE 300, SEATTLE, WA 98119.	LLC2834
HIGHLAND LIGHT SEAFOODS LLC.	3600 15TH AVE W, STE 300, SEATTLE, WA 98119.	LLC3952
HJELLE ENTERPRISES, INC.	PO BOX 17012, SEATTLE, WA 98127	LLC3319
HJELLE ENTERPRISES, INC.	PO BOX 17012, SEATTLE, WA 98127	LLC3887
HORIZON FISHERIES, LLC	5470 SHILSHOLE AVE N, STE 500, SEATTLE, WA 98107.	LLC3844
HUSKY CO-OWNERS	PO BOX C–5030, SEATTLE, WA 98105	LLC3664
ICELANDER, INC.	PO BOX 2074, KODIAK, AK 99615	LLC2874
ICICLE SEAFOODS, INC.	4019 - 21ST AVE W, SEATTLE, WA 98199	LLC2351
ICICLE SEAFOODS, INC.	4019 - 21ST AVE W, SEATTLE, WA 98199	LLC2699
ICY BAY, INC.	C/O PUGET SOUND ACCOUNTING, 101 NICKERSON, STE 340, SEATTLE, WA 98109.	LLC1725
ILDHUSO FISHERIES, INC.	101 NICKERSON, STE 340, SEATTLE, WA 98109	LLC1997
INCENTIVE FISHERIES, LLC	PO BOX 4008, KODIAK, AK 99615	LLC3249
JAMES R. NIEMELA	PO BOX 2382, HOMER, AK 99603	LLC2362
JEFF T. STEELE	PO BOX 1732, KODIAK, AK 99615	LLC2762
JEFF T. STEELE	PO BOX 1732, KODIAK, AK 99615	LLC2817
JOSE RAUL CASTILLO	PO BOX 568, UNALASKA, AK 99685	LLC2570
JOSE RAUL CASTILLO	PO BOX 568, UNALASKA, AK 99685	LLC3527
K H COLBURN, INC	3117 E AMES LAKE DR NE, REDMOND, WA 98053.	LLC3657
KALDESTAD FISHERIES LTD.	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC3577
KARI MARIE FISHERIES, LLC	9784 MARINE VIEW DR, MUKILTEO, WA 98275	LLC3553
KARIN LYNN FISHERIES, INC.	3900 RAILWAY AVE, EVERETT, WA 98201	LLC3332
KATRINA-EM, INC.	PO BOX 3065, KODIAK, AK 99615	LLC2778
KDS, INC.	PO BOX 308, SILVANA, WA 98287	LLC3716
KDS, INC.	PO BOX 308, SILVANA, WA 98287	LLC2775
KENDRICK BAY LTD. PARTNERS	PO BOX 5030, SEATTLE, WA 98105	LLC3675
KENNETH M. SIMPSON	PO BOX 240449, ANCHORAGE, AK 99524–0449	LLC1279
KEVIN SUYDAM	PO BOX 980, KODIAK, AK 99615	LLC3264
KEVIN SUYDAM	PO BOX 980, KODIAK, AK 99615	LLC3337
KEVIN SUYDAM	PO BOX 980, KODIAK, AK 99615	LLC4552
KEVIN SUYDAM	PO BOX 980, KODIAK, AK 99615	LLC5383
KEVIN SUYDAM	PO BOX 980, KODIAK, AK 99615	LLC3894
KEVLEEN K, LLC	4241 21ST AVE W, STE 100, SEATTLE, WA 98199.	LLC3462
KIRSTEN MARIE FISHERIES, LLC	9784 MARINE VIEW DR, MUKILTEO, WA 98275	LLC1729
KISKA SEA PARTNERSHIP	3859 YAQUINA BAY RD, NEWPORT, OR 97365	LLC3116
KODIAK QUEEN, INC.	349 NW 137TH ST, SEATTLE, WA 98177	LLC3879
KRISTIAN E. POULSEN ENT., INC.	1143 NW 45TH ST, SEATTLE, WA 98107	LLC1863
KRISTIAN E. POULSEN ENT., INC.	1143 NW 45TH ST, SEATTLE, WA 98107	LLC1882
KRISTIAN E. POULSEN ENT., INC.	1143 NW 45TH ST, SEATTLE, WA 98107	LLC1885
L.T.D., INC.	PO BOX 3415, KODIAK, AK 99615	LLC1450
LABRADOR GROUP	PO BOX C–5030, SEATTLE, WA 98105	LLC2037
LADY HELEN LLC	606 N 178TH ST, SHORELINE, WA 98133	LLC3737
LADY JOANNE, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC2223
LANGESATER FISHERIES, INC.	19731 21ST AVE NW, SEATTLE, WA 98177	LLC2695
LARRY J. SHAISHNIKOFF	PO BOX 45, UNALASKA, AK 99685	LLC2007
LARRY O. HENDRICKS	PO BOX 17701, SEATTLE, WA 98107	LLC2546
LEE ROSE, INC.	PO BOX 712, GRAYLAND, WA 98547	LLC4730
LIBERATOR FISHERIES, LLC	5470 SHILSHOLE AVE NW, STE 300, SEATTLE, WA 98107.	LLC3638
LIGHTSHIP, INC.	PO BOX 1404, EDMONDS, WA 98020	LLC3107
LISA MARIE FISHERIES, LLC	301 CALISTA COURT, ANCHORAGE, AK 99518	LLC1671
LONGRICH ENTERPRISES, INC.	PO BOX 2494, KODIAK, AK 99615	LLC1453
LUDGER DOCHTERMANN	PO BOX 714, KODIAK, AK 99615	LLC2750
MAR DEL SUD, LTD.	PO BOX 1573, KODIAK, AK 99615	LLC2646
MARCY J., INC.	1217 KOUSKOV, KODIAK, AK 99615	LLC2279
MARGUN ENTERPRISES, LLC	101 NICKERSON STE 340, SEATTLE, WA 98109	LLC3629
MARK F. DONOVICK	PO BOX 1638, WESTPORT, WA 98595	LLC4875

QUALIFYING VOTERS—Continued

NAME	MAILING ADDRESS	INTERIM OR NON-INTERIM CRAB LICENSE NO.
MARK I, INC.	511 W COMSTOCK ST, SEATTLE, WA 98119	LLC2638
MARK MARING II, INC.	130 NICKERSON ST, STE 212, SEATTLE, WA 98109.	LLC3954
MARWIN, INC.	PO BOX 509, PETERSBURG, AK 99833	LLC1801
MATTHEW HEGGE	PO BOX 3388, KODIAK, AK 99615	LLC2106
MATTSEN FISHERIES, INC.	PO BOX 2686, POULSBO, WA 98370	LLC2577
MATTSEN FISHERIES, INC.	PO BOX 2686, POULSBO, WA 98370	LLC3541
MELANIE, INC.	PO BOX 557, DEPOE BAY, OR 97341	LLC2763
MGF FISHERIES, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC3295
MICHEAL K. KING	PO BOX 238, MAGNOLIA SPRINGS, AL 36555	LLC3020
MISTY BLUE, INC.	NORTHERN LIGHTS HAVEN, YAKUTAT, AK 99689.	LLC1485
NEPTUNE, LLC	2615 4TH AVE, STE 700, SEATTLE, WA 98121 ...	LLC2156
NEW ERA PARTNERSHIP	3901 LEARY AVE NW, STE 9, SEATTLE, WA 98107.	LLC3968
NEWMAN FISHERIES, INC.	PO BOX 165, KING COVE, AK 99612	LLC3922
NINILICHIK LTD. PARTNERSHIP	12000 INDUSTRY WA N3, ANCHORAGE, AK 99515.	LLC3931
NORDIC MARINE, INC.	200 W 34TH AVE, STE 981, ANCHORAGE, AK 99503.	LLC3274
NORDIC MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC2309
NORDIC STAR FISHERIES, INC.	4224 S DRIFTWOOD DR, SPOKANE, WA 99206	LLC2629
NORDIC VIKING, LLC	PO BOX 129, SISTERS, OR 97759	LLC3989
NORQUEST SEAFOODS, INC.	5245 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3331
NORQUEST SEAFOODS, INC.	5245 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3698
NORQUEST SEAFOODS, INC.	5245 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC3696
NORSEMAN FISHERIES, INC.	11524 3RD AVE NW, SEATTLE, WA 98199	LLC1243
NORTH AMERICAN, INC.	250 NW 39TH ST, STE 5, SEATTLE, WA 98107 ...	LLC3087
NORTH PACIFIC, LLC	C/O FMS INC, 620 SIXTH ST S, KIRKLAND, WA 98033.	LLC3256
NORTHERN MARINER, LLC	5470 SHILSHOLE AVE NW #410, SEATTLE, WA 98107.	LLC3581
NORTHERN ORION, INC.	130 NICKERSON ST, STE 212, SEATTLE, WA 98109.	LLC3035
NORTHERN ORION, INC.	130 NICKERSON ST, STE 212, SEATTLE, WA 98109.	LLC5166
NORTHPOINT FISHERIES	PO BOX 714, KODIAK, AK 99615	LLC2288
NOTORIOUS PARTNERSHIP	1445 NW 56TH ST, SEATTLE, WA 98107–3726 ...	LLC3613
NUKA ISLAND, INC.	PO BOX 2486, KODIAK, AK 99615	LLC3813
OBSESSION LIMITED PARTNERSHIP	12000 INDUSTRY WAY N3, ANCHORAGE, AK 99515.	LLC3934
OCEAN BALLAD, INC.	112 HARRISON ST, CENTRALIA, WA 98531	LLC3195
OCEAN BALLAD, INC.	112 HARRISON ST, CENTRALIA, WA 98531	LLC3914
OCEAN BALLAD, INC.	112 HARRISON ST, CENTRALIA, WA 98531	LLC3916
OCEAN CAPE, LLC	PO BOX 17701, SEATTLE, WA 98107	LLC3644
OCEAN FISHERIES, LLC	7216 INTERLAAKEN DR, LAKEWOOD, WA 98499	LLC3945
OCEAN OLYMPIC LLC	C/O FMS INC, 620 SIXTH ST S, KIRKLAND, WA 98033.	LLC3941
OCEAN STORM FISHERIES, INC.	2273 66TH AVE SE, MERCER ISLAND, WA 98040.	LLC3659
OCEAN VIKING LLC	7216 INTERLAAKEN DR SW, LAKEWOOD, WA 98499.	LLC1229
ODIAK MARITIME	PO BOX 135, CORDOVA, AK 99574	LLC3061
OLUF K. VEDOY	10825 159TH ST SE, SNOHOMISH, WA 98290	LLC1946
OSTROM FISHERIES, INC.	PO BOX 1957, PRIEST RIVER, ID 83856	LLC3646
PAC MARINER, LLC	5470 SHILSHOLE AVE NW, STE 410, SEATTLE, WA 98107.	LLC3583
PACIFIC DRAGGERS, INC.	PO BOX 352, NEWPORT, OR 97365	LLC3494
PACIFIC RIM FISHERIES, INC.	410 BELLEVUE WAY SE, STE 304, BELLEVUE, WA 98004.	LLC3230
PACIFIC STAR FISHERIES, LLC	620 6TH STREET SOUTH, KIRKLAND, WA 98033	LLC4857
PAR-PAC, INC.	3711 CARNEGIE DR SE, OLYMPIA, WA 98503	LLC2252
PAUL GRONHOLDT	PO BOX 288, SAND POINT, AK 99661	LLC3384
PAVLOF, INC.	4024 22ND AVE W, SEATTLE, WA 98199	LLC1740
PENINSULA SALMON, INC.	164 PELICAN WAY, FRIDAY HARBOR, WA 98250	LLC3401
POINT FIVE, INC	62975 NE TUMALT RD, CASCADE LOCKS, OR 97014.	LLC1937
POLAR SEA PARTNERSHIP	17010 12TH AVE NW, SHORELINE, WA 98177–3825.	LLC1826

QUALIFYING VOTERS—Continued

NAME	MAILING ADDRESS	INTERIM OR NON-INTERIM CRAB LICENSE NO.
PORT LYNCH, INC.	6920 ROOSEVELT WAY NE #M3, SEATTLE, WA 98115.	LLC5663
PROFS. FISHERMEN'S ASSOC., INC.	PO BOX 669, BELLINGHAM, WA 98227	LLC3106
PROVIDER, INC.	PO BOX 37, KODIAK, AK 99615	LLC2781
PROWLER, LLC	PO BOX 1364, PETERSBURG, AK 99833	LLC3682
Q & S ENTERPRISES, INC.	PO BOX 70591, SEATTLE, WA 98107	LLC1817
R.W. BARK CORP.	375 SKI HILL, LEAVENWORTH, WA 98826	LLC1994
RAGNVALD SVINO	16905 13TH AVE NW, SHORELINE, WA 98177	LLC1391
RAINIER INVESTMENTS, INC.	605 12TH AVE N, EDMONDS, WA 98020	LLC2170
RAINIER INVESTMENTS, INC.	605 12TH AVE N, EDMONDS, WA 98020	LLC3417
RAINIER INVESTMENTS, INC.	605 12TH AVE N, EDMONDS, WA 98020	LLC2172
RAYMOND L. BELLAMY	62084 SKYLINE DR, HOMER, AK 99603	LLC3338
RELIANCE, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC3333
RETRIEVER CO-OWNERS	PO BOX 5030, SEATTLE, WA 98105–0030	LLC3669
RICHARD L. SHELFORD	PO BOX 12946, MILL CREEK, WA 98082–2946	LLC3091
RICHARD NEWBY	2510 ASPEN DR, ANCHORAGE, AK 99517	LLC1966
ROBERT J. GUNDERSON	PO BOX 344, KODIAK, AK 99615	LLC1720
ROBERT NEHUS	PO BOX 1002, UNALASKA, AK 99685	LLC3010
ROMANZOF FISHING COMPANY LLC	4502 14TH AVE NW, SEATTLE, WA 98107	LLC1579
RONALD J. TENNISON	4248 UPPAL DR, BELLINGHAM, WA 98226	LLC3114
RONALD K. KECHTER	PO BOX 68, PORT ANGELES, WA 98362	LLC2195
RONALD PETERSON	101 NICKERSON ST, STE 340, SEATTLE, WA 98177.	LLC3967
RONALD R. BRILL	5470 SHISHOLE AVE NW #410, SEATTLE, WA 98107.	LLC3956
RONDYS, INC.	5349 229TH AVE SE, ISSAQUAH, WA 98029	LLC3898
RONDYS, INC.	5349 229TH AVE SE, ISSAQUAH, WA 98029	LLC2884
ROY RASMUSSEN	15825–2 VILLAGE GREEN DR, MILL CREEK, WA 98012.	LLC3960
ROYAL AMERICAN FISHERIES, LLC	511 W COMSTOCK ST, SEATTLE, WA 98119	LLC1754
ROYAL PACIFIC, LLC	9784 MARINE VIEW DR, MUKILTEO, WA 98275	LLC1731
ROYAL VIKING, INC.	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC2236
ROYAL VIKING, INC.	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC2625
ROYAL VIKING, INC.	5303 SHILSHOLE AVE NW, SEATTLE, WA 98107	LLC2601
RSD FISHERIES, LLC	PO BOX 12946, MILL CREEK, WA 98082	LLC1973
RSD FISHERIES, LLC	PO BOX 12946, MILL CREEK, WA 98082	LLC1975
RUFF & REDDY, INC.	PO BOX 129, SISTERS, OR 97759	LLC3982
SAGAKA FISHING, INC.	PO BOX 8101, KODIAK, AK 99615	LLC2078
SAN JUAN SEAFOODS, INC	PO BOX 220, BELLINGHAM, WA 98225	LLC3742
SAN JUAN SEAFOODS, INC	PO BOX 220, BELLINGHAM, WA 98225	LLC3750
SAN JUAN SEAFOODS, INC	PO BOX 220, BELLINGHAM, WA 98225	LLC3757
SANKO FISHERIES, LLC	3900 RAILWAY AVE, EVERETT, WA 98201	LLC3806
SCANDIES LTD PARTNERSHIP	2442 NW MARKET ST ιnumsign;656, SEATTLE, WA 98107.	LLC3336
SEA FISHER LLC	1120 NW 51ST ST, SEATTLE, WA 98107	LLC3917
SEA ROVER, LLC	1136 VISTA PL, EDMONDS, WA 98020	LLC3723
SEA SPRAY, LLC	1900 W NICKERSON ST #213, SEATTLE, WA 98119.	LLC2289
SEA STORM LIMITED PARTNERSHIP	400 N 34TH ST, STE 306, SEATTLE, WA 98103	LLC1896
SEVENTH SON, INC.	15209 72ND AVE NE, KENMORE, WA 98028	LLC3930
SHELIKOF MARITIME, INC.	2629 NW 54TH, SEATTLE, WA 98107	LLC2120
SHISHALDIN, LLC	1445 NW 56TH ST, SEATTLE, WA 98107	LLC1734
SIBERIAN SEA PARTNERSHIP	3859 YAQUINA BAY RD, NEWPORT, OR 97365	LLC3197
SILENT LADY, INC.	PO BOX 17701, SEATTLE, WA 98107	LLC3326
SILVER SPRAY SEAFOODS, LLC	PO BOX 129, SISTERS, OR 97759	LLC3984
SITKIN ISLAND, INC.	130 NICKERSON ST, STE 212, SEATTLE, WA 98109.	LLC3033
SITKIN ISLAND, INC.	130 NICKERSON ST, STE 212, SEATTLE, WA 98109.	LLC5162
SNOW KING, INC.	1917 N BEAVER CK RD, SEAL ROCK, OR 97376	LLC3213
SPIRIT OF THE NORTH FISHERIES, INC.	355 NE GOLF COURSE DR, NEWPORT, OR 97365.	LLC1673
ST. GEORGE MARINE, INC.	6439 NE 188TH ST, KENMORE, WA 98028	LLC3379
SULTAN, LLC	2930 WESTLAKE AVE N #300, SEATTLE, WA 98109.	LLC3848
SUSITNA MARITIME, INC.	PO BOX 54, HOMER, AK 99603	LLC3457
TAMARACK VENTURES, LLC	17640 SE 295TH ST, KENT, WA 98042	LLC3690
TEMPEST FISHERIES II, LLC	2930 WESTLAKE AVE N #300, SEATTLE, WA 98109.	LLC4843

QUALIFYING VOTERS—Continued

NAME	MAILING ADDRESS	INTERIM OR NON-INTERIM CRAB LICENSE NO.
THOMAS G. ANGLIN	C/O KONA KAI PUGET SOUND ACCOUNTING, 101 NICKERSON, STE 340, SEATTLE, WA 98109.	LLC3996
THREE RIVERS, INC. OF ANACORTES	9119 DISTRICT LINE RD, BURLINGTON, WA 98233.	LLC3670
TIME BANDIT, LLC	PO BOX 3643, HOMER, AK 99603	LLC1625
TIMOTHY J. KENNEDY	C/O BLUE ALEUTIAN LLC, 2930 WESTLAKE AVE N. #300, SEATTLE, WA 98109.	LLC2818
TIMOTHY J. KENNEDY	C/O BLUE ALEUTIAN LLC, 2930 WESTLAKE AVE N. #300, SEATTLE, WA 98109.	LLC3330
TODD HINER	PO BOX 671, KODIAK, AK 99615	LLC3354
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2267
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC3788
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2538
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2515
TRIDENT SEAFOODS CORPORATION	ATTN: ALASKA SUPPORT, 5303 SHILSHOLE AVE NW, SEATTLE, WA 98107.	LLC2269
TYNES ENTERPRISES, INC.	F/V AMERICAN EAGLE AND OWNERS, 1212 NW CULBERTSON DR, SEATTLE, WA 98177.	LLC2544
VESTERAALEN L.L.C.	4225 23 AVE W #; 100, SEATTLE, WA 98119	LLC3530
VICTOR J. MULLEN	PO BOX 2713, KODIAK, AK 99615	LLC1792
VIEKODA BAY, LLC	PO BOX 3282, KODIAK, AK 99615	LLC3775
VIEKODA BAY, LLC	PO BOX 3282, KODIAK, AK 99615	LLC3777
WAHL FISHERIES, LLC	100 PORT DOCK RD, REEDSPORT, OR 97467	LLC3479
WAHL FISHERIES, LLC	100 PORT DOCK RD, REEDSPORT, OR 97467	LLC3557
WARDS COVE PACKING CO.	PO BOX 5030, SEATTLE, WA 98105–0030	LLC3003
WESTERN MARINER, LLC	5470 SHILSHOLE AVE NW 410, SEATTLE, WA 98107.	LLC2321
WILLIAM C. WILLIAMS	720 11TH ST, B1, BELLINGHAM, WA 98225	LLC3911
WILLIAM CHOQUETTE	629 L ST, STE 101, ANCHORAGE, AK 99501	LLC3711
WILLIAM R. RENFRO	PO BOX 627, CATHLAMET, WA 98612	LLC3296
WILLIAM T. GILBERT	PO BOX 5705, BELLINGHAM, WA 98225	LLC1906
WINDANCE FISHERIES, INC.	355 NE GOLF COURSE D, NEWPORT, OR 97365	LLC3191
WINDY BAY, INC.	C/O PUGET SOUND ACCOUNTING, 101 NICKERSON, STE 340, SEATTLE, WA 98109.	LLC2061
WIZARD FISHERIES, INC.	2442 NW MARKET ST, #438, SEATTLE, WA 98107.	LLC1481
ZOLOTOI PARTNERSHIP	PO BOX 1064, SITKA, AK 99835	LLC2920

Authority: 5 U.S.C. 561, 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 1861a(b) through (e), 46 App. U.S.C. 1279f and 1279g, section 144(d) of Division B of Pub. L. 106–554, section 2201 of Pub. L. 107–20, and section 205 of Pub. L. 107–117

Dated: December 16, 2003.

Rebecca Lent,

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

[FR Doc. 03–31485 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121503C]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held on January 12–15, 2004.

ADDRESSES: These meetings will be held at the Omni Austin Hotel Downtown, 700 San Jacinto at 8th Street, Austin, TX; telephone: 512–476–3700.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION:

Council

January 14, 2004

8:30 a.m.--Convene.

8:45 a.m. - 3:30 p.m.--Receive public testimony on the Cooperative Texas Shrimp

Closure, Secretarial Reef Fish Amendment 1, and Draft Reef Fish amendment 22 (Red Snapper Rebuilding Plan).

3:30 p.m. - 5 p.m.--Receive the Reef Fish Management Committee report.

5 p.m. - 5:30 p.m.--(Closed Session) Receive the report of the Joint Personnel/Administrative Policy Committee.

January 15, 2004

8:30 a.m. - 9 a.m.--Receive the Habitat Protection Committee report.

9 a.m. - 9:15 a.m.--Receive the Shrimp Management Committee report.

9:15 a.m. - 9:45 a.m.--Receive the Mackerel Management Committee report.

9:45 a.m. - 10 a.m.--Receive the Joint Reef Fish/Mackerel/Red Drum Management Committee report.

10 a.m. - 10:15 a.m.--Receive the Joint Reef Fish/Mackerel Management Committee Report.

10:15 a.m. - 10:30 a.m.--Receive the Red Drum Management Committee report.

10:30 a.m. - 10:45 a.m.--Receive the Joint Personnel/Administrative Policy Committee report.

10:45 a.m. - 11 a.m.--Receive the Law Enforcement Committee report.

11 a.m. - 11:15 a.m.--Receive the South Atlantic Fishery Management Council (SAFMC) Liaison Report.

11:15 a.m. - 11:30 a.m.--Receive a report on the Gulf Safety Committee.

11:30 a.m. - 11:45 a.m.--Receive a report on the Joint Council meeting.

11:45 a.m. - 12 noon--Receive Enforcement Reports.

12 noon - 12:15 p.m.--Receive the NMFS Regional Administrator's Report.

12:15 p.m. - 12:30 p.m.--Receive Director's Reports.

12:30 p.m. - 12:45 p.m.--Other Business

Committees

January 12, 2004

8:30 a.m. - 9:30 a.m.--Convene a joint meeting of the Personnel and Administrative Policy Committees to consider contracting a court reporter and to discuss personnel issues.

9:30 a.m. - 11:30 a.m.--Convene the Joint Reef Fish/Mackerel/Red Drum Management committees to review and approve the Aquaculture Amendment Scoping Document, select scoping hearing sites, and receive a presentation on a cage culture study.

1 p.m. - 5:30 p.m.--Convene the Reef Fish Management Committee to review the Vermilion Snapper Draft Amendment 23 that contains alternatives for arresting overfishing of that stock by commercial and recreational fishermen. The committee will also review and take final action on the Secretarial Reef Fish Amendment 1 that contains alternatives for arresting overfishing of red grouper by the commercial and recreational fishermen; as well as review and take final action on the Draft Reef Fish Amendment 22 that contains alternatives for a red snapper rebuilding plan. The species groupings for status determination criteria will also be discussed. The Committee will also review the Proposed Rule for Reef Fish Amendment 21 and address their intent on the definition of surface trolling. The Committee will address their intent on Reef Fish Amendment 21's definition of surface trolling. The Committee will develop recommendations for consideration by full Council on Wednesday afternoon.

January 13, 2004

8:30 a.m. - 9:30 a.m.--Convene the Shrimp Management Committee to review Draft Shrimp Amendment 13/EA that includes alternatives for status criteria and benchmarks as well as a revised standardized bycatch reporting methodology. The Committee will also review Texas Closure analyses.

9:30 a.m. - 10:30 a.m.--Convene the Red Drum Management Committee to hear the issue of shipping of stock across the EEZ and to discuss overfishing of the stock.

10:30 a.m. - 12 noon--Convene the Mackerel Management Committee to review the Options Paper for Amendment 15, discuss trip limit revisions, and select scoping meeting sites.

1:30 p.m. - 2:30 p.m.--Convene the Joint Reef Fish/Mackerel Committees will meet to review a scoping document for joint reef fish/mackerel limited access program and select sites for scoping hearings.

2:30 p.m. to 3 p.m.--Convene the Law Enforcement Committee to review the issue of criminal penalties under the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)

3 p.m. to 5:30 p.m.--Convene the Habitat Protection Committee to review the comments/response section of the Environmental Impact Statement (EIS) for the Generic Essential Fish Habitat (EFH) Amendment; and to hear comments from the Texas Habitat Protection Advisory Panel meeting.

Although non-emergency issues not contained in the agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the MSFCMA, provided the public has been notified of the Council's intent to take final action to address the emergency. A copy of the Committee schedule and agenda can be obtained by calling (813) 228–2815.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by January 5, 2004.

Dated: December 16, 2003.

Richard W. Surdi,

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

[FR Doc. E3–00600 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121503B]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Shrimp Advisory Panel (AP).

DATES: The Shrimp AP meeting is scheduled to begin at 8:30 a.m. on Friday, January 9, 2004.

ADDRESSES: The meeting will be held at the New Orleans Airport Hilton, 901 Airline Highway, Kenner, LA; telephone: (504) 469–5000.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION: The Shrimp AP will receive reports from NMFS on the status and health of the shrimp stocks as well as a report on the biological and economic aspects of the 2003 Cooperative Shrimp Closure with the state of Texas. The Shrimp AP may make recommendations for a

cooperative closure with Texas for 2004. The Shrimp AP will also review Draft Amendment 13 to the Shrimp Fishery Management Plan (FMP) addressing maximum sustainable yield (MSY), optimum yield (OY), minimum stock size threshold (MSST), and maximum fishing mortality threshold (MFMT) for shrimp stocks, as well as improved effort alternatives and standardized bycatch reporting methodologies. The Shrimp AP will also review an Options Paper for Amendment 14 that includes alternatives for vessel monitoring systems (VMS), additional bycatch reduction measures, and measures to reduce effort in order to achieve OY.

The Shrimp AP consists principally of commercial shrimp fishermen, dealers, and association representatives.

Although other non-emergency issues not on the agenda may come before the AP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the AP will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Copies of the agenda can be obtained by calling 813–228–2815.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Trish Kennedy at the Council (*see* **ADDRESSES**) by December 29, 2003.

Dated: December 16, 2003.

Richard W. Surdi,

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

[FR Doc. E3–00601 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121503A]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public meetings of the Red Snapper Advisory Panel (AP) and the Standing and Special Reef Fish Scientific and Statistical Committee (SSC) from January 6 through January 7, 2004.

DATES: The Council's Red Snapper AP and SSC will convene jointly at 2 p.m. on Tuesday, January 6, 2004, to receive a presentation on the vermilion snapper and make recommendations. The AP and SSC will hold separate meetings to discuss Draft Reef Fish Amendment 22 (a red snapper rebuilding plan) beginning at 8:30 a.m. on Wednesday, January 7, 200, and will conclude by 3 p.m.

ADDRESSES: The meetings will be held at the Hilton Tampa Airport Westshore Hotel, 2225 Lois Avenue, Tampa, FL; telephone: 813–877–6688.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The AP and SSC will meet jointly on Tuesday, January 6 2004 to receive a presentation on the vermilion snapper catch-per-unit-effort (CPUE) indices from the NOAA Fisheries Southeast Fisheries Science Center. Vermilion snapper were recently declared to be overfished by the NOAA Fisheries Regional Office, which triggers a requirement that the Council develop a rebuilding plan. However, the most recent vermilion snapper stock assessment was conducted in 2001 using data through 1999, and some fishermen feel that it may not be representative of the current status of the stock. The updated CPUE analyses, which uses data through 2002, will show if there has been any change in catch rates since 1999, but it is not a full stock assessment. Based on the results of the new CPUE analyses, the AP and SSC will each be asked to recommend whether the Council should request a new vermilion snapper stock assessment from NOAA Fisheries. The SSC will also be asked to evaluate the scientific validity of the new CPUE analyses. If a new stock assessment is requested, the earliest it could be done is 2005, and it would replace a scamp assessment that is currently scheduled for that year. Scamp, one of the most commonly caught grouper species after red grouper and gag, has never had a stock assessment done, and its status is unknown.

On Wednesday, January 7, 2004, the AP and SSC will convene separately to discuss Draft Reef Fish Amendment 22, a red snapper rebuilding plan. Although there is a red snapper rebuilding plan currently in place, that plan was developed prior to implementation of the Sustainable Fisheries Act of 1996 (SFA), and it is not in full compliance with provisions of the SFA. Draft Amendment 22 will create a new rebuilding plan that is in compliance by establishing status determination criteria (minimum stock size threshold, maximum fishing mortality rate, maximum sustainable yield, and optimum yield). Draft Amendment 22 will also contain alternatives to select a rebuilding strategy that will restore the red snapper stock within the time frame allowed under SFA (the recovery time in the absence of fishing mortality plus one generation time, equal to 32 years for red snapper). The amendment will also contain alternatives to implement or revise bycatch reporting methodologies in the commercial and recreational red snapper fisheries.

The recommendations of the AP and SSC will be presented to the Gulf Council at its January 12–15, 2004 meeting in Austin, TX. At that meeting, the Council will decide whether to request a vermilion snapper stock assessment in place of a scamp assessment in 2005, and will take final action on selection of proposed alternatives for Amendment 22.

Copies of the updated vermilion snapper CPUE analyses and Draft Reef Fish Amendment 22 can be obtained by calling the Council office at 813–228–2815 (toll-free 888–833–1844), or can be downloaded from the Council website (*http://www.gulfcouncil.org*).

Although other non-emergency issues not on the agenda may come before the AP/SSC for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the AP/SSC will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to

Trish Kennedy at the Council (*see* **ADDRESSES**) by December 29, 2003.

Dated: December 16, 2003.

Richard W. Surdi,

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

[FR Doc. E3–00602 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in India

December 17, 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: December 23, 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 limit for Group II is being increased for special swing from Category 369-S, decreasing the limit for Category 369-S to account for the special swing being applied to Group II.

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 68569, published on November 12, 2002.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 17, 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, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 2003 and extends through December 31, 2003.

Effective on December 23, 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	Adjusted twelve-month limit [1]
Levels in Group I	
369–S [2]	740,745 kilograms.
Group II	
200, 201, 220, 224–227, 237, 239pt. [3], 300, 301, 331pt. [4], 332, 333, 352, 359pt. [5], 360–362, 603, 604, 611–620, 624–629, 631pt. [6], 633, 638, 639, 643–646, 652, 659pt. [7], 666pt. [8], 845, 846 and 852, as a group	191,947,246 square meters equivalent.

[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 239pt.: only HTS number 6209.20.5040 (diapers).

[4] 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.

[5] 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 and 6505.90.2545.

[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 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 and 6406.99.1540.

[8] 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.

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,
James C. Leonard III,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E3–00608 Filed 12–19–03 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denying Entry to Textiles and Textile Products Allegedly Manufactured by a Certain Factory in El Salvador

December 16, 2003.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection to deny entry to shipments allegedly manufactured by a certain factory in El Salvador.

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 12475 of May 9, 1984, as amended.

The U.S. Bureau of Customs and Border Protection has conducted on-site verification of textile and apparel production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, U.S. Customs has informed CITA that certain companies were illegally transshipping, were closed, or were unable to produce records to verify production. The Chairman of CITA has directed the U.S. Customs Service to issue regulations regarding the denial of entry of shipments from such companies. (*See*

Federal Register notice 64 FR 41395, published on July 30, 1999). In order to secure compliance with U.S. law, including section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA is directing the Bureau of Customs and Border Protection to deny entry, for two years, to textile and textile products allegedly manufactured by Daewoo El Salvador, S.A. de C.V. The Bureau of Customs and Border Protection has informed CITA that this company was found to have been illegally transhipping, closed, or unable to produce records to verify production.

Should CITA determine that this decision should be amended, such amendment will be published in the **Federal Register.**

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 16, 2003.

Commissioner,
Bureau of Customs and Border Protection, Washington, DC 20229.

Dear Commissioner: The Bureau of Customs and Border Protection has conducted on-site verification of textile and textile product production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, the Bureau of Customs and Border Protection has informed CITA that certain companies were illegally transshipping, were closed, or were unable to produce records to verify production. The Chairman of CITA has directed the Bureau of Customs and Border Protection to issue regulations regarding the denial of entry of shipments from such companies (see directive dated July 27, 1999 (64 FR 41395), published on July 30, 1999). In order to secure compliance with U.S. law, including Section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA directs the Commissioner of the Bureau of Customs and Border Protection, effective for goods exported on and after December 22, 2003 and extending through December 21, 2005, to deny entry to textiles and textile products allegedly manufactured by the factory, Daewoo El Salvador, S.A. de C.V. The Bureau of Customs and Border Protection has informed CITA that this company was found to have been illegally transshipping, closed, or unable to produce records to verify production.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
James C. Leonard III,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E3–00598 Filed 12–19–03; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF EDUCATION

Institute of Education Sciences; Overview Information; Small Business Innovation Research Program—Phase I Notice Inviting Applications for New Awards for Fiscal Year (FY) 2004

Catalog of Federal Domestic Assistance (CFDA) Number: 84.305S

Dates:

Applications Available: December 22, 2003.

Deadline for Transmittal of Applications: 8 p.m. Eastern time, February 19, 2004.

Eligible Applicants: Each organization submitting an application must qualify as a small business concern as defined by the Small Business Administration (SBA) at the time of the award. This definition is included in the application package.

Firms with strong research capabilities in educational technologies, science, or engineering in any of the priority areas listed in the application package are encouraged to participate. Consultative or other arrangements between these firms and universities or other non-profit organizations are permitted, but the small business must serve as the grantee.

If it appears that an applicant organization does not meet the eligibility requirements, we will request an evaluation by the SBA. Under circumstances in which eligibility is unclear, we will not make a Small Business Innovation Research (SBIR) award until the SBA makes a determination.

Estimated Available Funds: Approximately $3,000,000 for this competition for Phase I awards from the Institute of Education Sciences (Institute). The National Institute on Disability and Rehabilitation Research will announce another Phase I competition later in the fiscal year.

Estimated Range of Awards: $75,000 to $100,000.

Estimated Average Size of Awards: Approximately $100,000.

Maximum Award: We will reject any application that proposes a budget exceeding $100,000 for a single budget period of 6 months.

Estimated Number of Awards: 30 to 35.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 6 months for Phase I awards. Full Text of Announcement.

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to stimulate technological innovation, strengthen the role of small business in meeting Department of Education research or research and development (R/R&D) needs, and increase the commercial application of innovations derived from Department-supported research or research and development.

For FY 2004, applicants must present activities that focus on priorities listed in the Priorities section of this application notice.

Priorities:

For FY 2004, we have selected two priorities for the SBIR program. An application must be limited to one priority listed in this notice. Duplicate applications will be returned without review. When an application is relevant to more than one priority, the applicant must decide which priority is most relevant and submit it under that priority only. However, there is no limitation on the number of different applications that an applicant may submit under this competition, even to the same priority. A firm may submit separate applications on different priorities, or different applications on the same priority, but each application should respond to only one priority.

Priorities

We invite applications that meet one of the following priorities. Awards for each priority will be made for amounts up to $100,000.

Priority 1—Services

This priority supports research to develop effective business consulting services that can better serve the education community at both the local and State levels. The Institute's SBIR program invites proposals that seek to develop a plan or a business model for the provision of such services. More details about this priority can be found in the application package.

Priority 2—Products

This priority supports the development of empirically derived educational products in the areas of reading, mathematics, science or character/pro-social development at the pre-kindergarten through postsecondary levels, including products that support teachers and administrators as well as products that are used directly by students. More details about this

priority can be found in the application package.

Successful applicants will be expected to collect some empirical evidence as to the effectiveness of the service or product they are proposing, or, at a minimum, to incorporate a plan for measuring its efficacy and usefulness.

Program Authority: The Small Business Reauthorization Act of 2000, Pub. L. 106–554 (15 U.S.C. 631 and 638) and the Education Sciences Reform Act of 2002, Title I of Pub. L. 107–279 (20 U.S.C. 9501 *et seq.*).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 77, 81, 82, 85, 86, 97, 98 and 99. In addition 34 CFR part 75 is applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217, 75.219, 75.220, and 75.230.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: Approximately $3,000,000 for Phase I awards for this competition from the Institute. The National Institute on Disability and Rehabilitation Research will announce another Phase I competition later in the fiscal year.

Estimated Range of Awards: $75,000 to $100,000.

Estimated Average Size of Awards: Approximately $100,000.

Maximum Award: We will reject any application that proposes a budget exceeding $100,000 for a single budget period of 6 months.

Estimated Number of Awards: 30 to 35.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 6 months for Phase I awards.

III. Eligibility Information

1. *Eligible Applicants:* Each organization submitting an application must qualify as a small business concern as defined by the SBA at the time of the award. This definition is included in the application package.

Firms with strong research capabilities in educational technologies, science, or engineering in any of the priority areas listed in the application package are encouraged to participate. Consultative or other arrangements between these firms and universities or other non-profit organizations are permitted, but the small business must serve as the grantee.

If it appears that an applicant organization does not meet the eligibility requirements, we will request an evaluation by the SBA. Under circumstances in which eligibility is unclear, we will not make an SBIR award until the SBA makes a determination.

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* The application package is available at: *http://www.ed.gov/programs/edresearch/applicant.html.*

You may address questions regarding this application package to: Joe Teresa, U.S. Department of Education, Institute of Education Sciences, 555 New Jersey Avenue, NW., room 608f, Washington, DC 20208. Telephone: (202) 219–2046 or by e-mail: *joe.teresa@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with information about the forms you must submit, are in the application package for this program. The application package is available at: *http://www.ed.gov/programs/edresearch/applicant.html.*

3. *Submission Dates and Times:*

Applications Available: December 22, 2003.

Deadline for Transmittal of Applications: 8 p.m. Eastern time, February 19, 2004. The date and time for the transmittal of electronic applications are in the application package for this program.

We do not consider an application that does not comply with the deadline requirements.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* The Government Paperwork Elimination Act (GPEA) of 1998, (Pub. L. 105–277) and the Federal Financial Assistance Management Improvement Act of 1999, (Pub. L. 106–107) encourage us to undertake initiatives to improve our grant processes. Enhancing the ability of individuals and entities to conduct business with us electronically is a major part of our response to these Acts. Therefore, we are taking steps to adopt the Internet as our chief means of conducting transactions in order to improve services to our customers and to simplify and expedite our business processes.

We are requiring that applications for grants under the Institute's FY 2004 SBIR Phase I competition be submitted electronically to the following Web site: *http://ies.constellagroup.com.*

Information on the software to be used will also be available at this site.

V. Application Review Information

Selection Criteria: The evaluation criteria for this competition are: Significance—25 points; Quality of the Project Design—50 points; Quality of Project Personnel—15 points; and Adequacy of Resources—10 points.

More information about the evaluation criteria and about other application requirements can be found in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as required by the Institute. The report should identify the purpose of the research, and include a brief description of the research carried out, the research findings or results, and the potential applications of the research. You must submit this project summary without restriction on publication. The

project summary may be published by the U.S. Department of Education.

VII. Agency Contact

For Further Information Contact: Joe Teresa, U.S. Department of Education, Institute of Education Sciences, 555 New Jersey Avenue, NW., room 608f, Washington, DC 20208. Telephone: (202) 219–2046 or by e-mail: *joe.teresa@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

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

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: December 17, 2003.

Grover J. Whitehurst,

Director, Institute of Education Sciences.

[FR Doc. 03–31446 Filed 12–19–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

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

SUMMARY: The Department gives notice that on April 11, 2003, an arbitration panel rendered a decision in the matter of *Joseph Urbanek* v. *South Carolina Commission for the Blind (Docket No. R-S/01–7).* This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d–1(a), after the Department received a complaint filed by the petitioner, Joseph Urbanek.

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

Background

This dispute concerns the alleged failure of the South Carolina Commission for the Blind, the State licensing agency (SLA), to properly administer the vendor selection process regarding a military mess hall dining facility at Fort Jackson, South Carolina, in violation of the Act (20 U.S.C. 107 *et seq.*) and the implementing regulations in 34 CFR part 395.

A summary of the facts is as follows: Complainant, Joseph Urbanek, is a licensed Randolph-Sheppard vendor with the South Carolina Commission for the Blind. In June 2000, the SLA posted a bid notice with a closing date of June 9 for the dining facility at Fort Jackson, South Carolina.

Complainant and four other vendors applied for the Fort Jackson opening. The SLA's selection committee interviewed all candidates, including Mr. Urbanek, on June 26, 2000. After the interviews, one of the other vendors was awarded the Fort Jackson dining facility.

Complainant alleged that the SLA misapplied its selection criteria by refusing to select him to receive the Fort Jackson dining facility and instead awarded the location to another experienced blind vendor in violation of State rules and regulations. Complainant also alleged that the SLA was biased against him in pre-selecting the vendor who was awarded the Fort Jackson facility resulting in a denial of his right to due process.

The complainant requested a State fair hearing, which was held on November 27, 2000. On February 5, 2001, the hearing officer affirmed the SLA's denial of complainant's bid for the Fort Jackson dining facility.

Arbitration Panel Decision

The issue heard by the panel was whether the South Carolina Commission for the Blind violated the Act, 20 U.S.C. 107 *et seq.*, the implementing regulations in 34 CFR part 395, and the State regulations by allegedly improperly denying complainant's bid on the military mess hall dining facility at Fort Jackson, South Carolina.

After reviewing all of the records and hearing testimony of witnesses, the panel ruled that the SLA's selection committee was not biased against the complainant's bid for the Fort Jackson dining facility.

Specifically, the complainant alleged that the SLA selection committee was biased against him by adding to the five-factor selection criteria to include information on each applicant's creditworthiness, financial status, prior experience outside the blind vending program, and personal references. Also, the complainant objected to Mr. Johnson, the successful applicant, serving on a study committee that considered and recommended changes in the selection criteria for the Fort Jackson dining facility.

The panel concluded that, based on the evidence and testimony presented, the additional information requested by the study committee did not have the effect of favoring either applicant. Furthermore, the panel determined that Mr. Johnson's decision to serve on the study committee at the same time he was submitting a bid for the Fort Jackson dining facility did not advance or hinder Mr. Urbanek's bid for the same facility. In addition, the panel found that the SLA had a legitimate basis to review and improve the selection criteria given that the Fort Jackson facility was an important breakthrough for the SLA.

Finally, the panel determined that the selection committee had justification for the final ratings for the bidders. According to the panel only three of the rating factors involved judgment. All five members rated the complainant lower overall than Mr. Johnson.

The panel found that there was nothing in the unanimous judgment of the selection committee in selecting the blind vendor that required a remedy. Both bidders were qualified, but the committee found Mr. Johnson to be more qualified. According to the panel, the committee's selection of Mr. Johnson was a matter committed to its sound discretion. On this basis, the panel denied plaintiff's claim.

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

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

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Dated: December 16, 2003.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 03–31395 Filed 12–19–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy; Orders Granting, Amending, and Vacating Authority To Import and Export Natural Gas, Including Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during October 2003, it issued Orders granting, amending, and vacating authority to import and export natural gas, including liquefied natural gas. These Orders are summarized in the attached appendix and may be found on the FE Web site at *http://www.fe.doe.gov* (select gas regulation). They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on November 20, 2003.

Clifford P. Tomaszewski,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.

Appendix—Orders Granting Import/Export Authorizations

[DOE/FE Authority]

Order No.	Date issued	Importer/Exporter FE docket No.	Import volume	Export volume	Comments
1854–A	10–7–03	Total Gas & Power North America, Inc. (Formerly TotalFinaElf Gas & Power North America, Inc.) 03–07–NG.			Name Change.
1899	10–7–03	Pacific Gas and Electric Company; 03–52–NG.	600 Bcf		Import natural gas from Canada, beginning on November 1, 2003, and extending through October 31, 2005.
1900	10–7–03	Northeast Gas Markets LLC; 03–55–NG.	400 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on November 1, 2003, and extending through October 31, 2005.
1901	10–7–03	Avista Energy, Inc.; 03–54–NG	269 Bcf		Import natural gas from Canada, beginning on November 1, 2003, and extending through October 31, 2005.
1902	10–8–03	MASSPOWER; 03–56–NG	20 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on October 22, 2003, and extending through October 21, 2005.
1903	10–8–03	FUSI LLC; 03–59–NG	75 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on October 8, 2003, and extending through October 7, 2005.
1828–A	10–8–03	Fortuna (U.S.) Inc. 02–80–NG			Vacate blanket import and export authority.
1904	10–9–03	Energy Trust Marketing Ltd.; 03–58–NG.	3 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on October 1, 2003, and extending through September 30, 2005.
1905	10–9–03	Energetix, Inc.; 03–61–NG	15 Bcf		Import natural gas from Canada, beginning on October 1, 2003, and extending through September 30, 2005.
1906	10–9–03	Reef Ventures, L.P.; 03–62–NG.	400 Bcf		Import and export a combined total of natural gas from and to Mexico, beginning on November 1, 2003, and extending through October 31, 2005.
1907	10–23–03	Wisconsin Public Service Corporation; 03–57–NG.	36.5 Bcf		Import natural gas from Canada, beginning on October 1, 2003, and extending through September 30, 2005.
1908	10–23–03	Middleton Energy Management Ltd.; 03–63–NG.	100 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on November 1, 2003, and extending through October 31, 2005.

[DOE/FE Authority]

Order No.	Date issued	Importer/Exporter FE docket No.	Import volume	Export volume	Comments
1909	10–27–03	American Crystal Sugar Company; 03–64–NG.	10.4 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on November 1, 2003, and extending through October 31, 2005.
1910	10–27–03	Dynegy Marketing and Trade; 03–65–NG.	600 Bcf	330 Bcf	Import and export natural gas from and to Canada and Mexico, beginning on October 31, 2003, and extending through October 30, 2005.
1911	10–27–03	Enbridge Gas Services (U.S.) Inc.; 03–66–NG.	400 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on November 1, 2003, and extending through October 31, 2005.
1912	10–27–03	Omimex Canada, Ltd.; 03–67–NG.	15 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on December 1, 2003, and extending through November 30, 2005.
1913	10–27–03	Yankee Gas Services Company; 03–68–NG.	3.5 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on November 1, 2003, and extending through October 31, 2005.
1914	10–27–03	Ontario Energy Savings Corp.; 03–70–NG.	200 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on November 1, 2003, and extending through October 31, 2005.
1915	10–31–03	Pittsfield Generating Company L.P.; 03–73–NG.	25.5 Bcf	25.5 Bcf	Import and export natural gas from and to Canada, beginning on October 30, 2003, and extending through October 29, 2005.
1916	10–31–03	Dominion Energy Clearinghouse Canada Partnership; 03–72–NG.	20 Bcf		Import natural gas from Canada, beginning on November 1, 2003, and extending through October 31, 2005.

[FR Doc. 03–31453 Filed 12–19–03; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Transmission Policy-Level Environmental Impact Statement

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: BPA proposes to adopt a comprehensive policy to guide its transmission business activities. This transmission policy-level Environmental Impact Statement (EIS) will address the planning, construction, operation, and marketing of BPA's Transmission Business Line. BPA is taking this opportunity to further enhance and inform its decisionmaking by providing a comprehensive and cumulative analysis of the potential impacts that can result from its transmission-related policy decisions.

BPA owns and operates the Federal Columbia River Transmission System (FCRTS) and is the leading provider of high-voltage electric transmission in the Pacific Northwest. In addition to this regional transmission network, BPA operates large inter-regional transmission lines that connect to Canada, California, the Southwest, and eastern Montana. New challenges to transmission activities continue to emerge, contributing to the difficulty of solving existing policy issues. To address these challenges, and in support of BPA's transmission business decisions, the EIS will examine a broad and comprehensive range of policy alternatives.

DATES: Written comments are due to the BPA Communications address below no later than March 31, 2004. Comments may also be made at EIS scoping meetings to be held in January 2004, at the addresses below. Public EIS scoping meetings will be held January 13, 2004, in Portland, Oregon; January 14, 2004, in Seattle, Washington; and January 15, 2004, in Spokane, Washington. Details are yet to be determined on other meetings that may be held in Idaho and Montana. Information about all public meetings will be published on an Internet site dedicated to this transmission policy EIS, at *http://www2.transmission.bpa.gov/PlanProj/Policy_EIS/.*

ADDRESSES: Send letters with comments and suggestions on the proposed scope of the Draft EIS, and requests to be placed on the project mailing list, to Communications, Bonneville Power Administration—DM–7, Attn: Transmission Policy EIS, P.O. Box 14428, Portland, Oregon, 97293–4428. You may also call BPA's toll-free comment line at 1–800–622–4519, naming this project, to record your comments. Comments may also be sent to the BPA Internet address at *comment@bpa.gov* or through the above-mentioned Internet site.

On Tuesday, January 13, 2004, a formal scoping meeting will be held from 4 p.m. to 7 p.m. in Room 120C at the Oregon State Office Building, 800 NE Oregon Street, Portland. On Wednesday, January 14, 2004, a formal scoping meeting will be held from 4 p.m. to 7 p.m. at the Comfort Suites Downtown/Seattle Center, at 601 Roy Street, Seattle, Washington. On Thursday, January 15, 2004, a formal scoping meeting will be held from 4 p.m. to 7 p.m. at the Quality Inn Oakwood, 7919 N. Division Street, Spokane, Washington. At these meetings, information will be provided about the objectives of the EIS. BPA's EIS team members will also be available to discuss potential issues, the process, and timeline for completing the

document. Written and oral comments may also be submitted.

FOR FURTHER INFORMATION, CONTACT: Mike Mayer or Rick Yarde, NEPA project managers, Bonneville Power Administration—KEC–4, P.O. Box 3621, Portland, Oregon, 97208–3621; toll-free telephone number 1–800–282–3713; fax number 503–230–5699; e-mail addresses *msmayer@bpa.gov* or *rryarde@bpa.gov.*

SUPPLEMENTARY INFORMATION: BPA owns and operates approximately three-quarters of the high-voltage electric grid in the Pacific Northwest. These 15,000 miles of transmission lines carry energy from dams and other power-generating facilities to public and private utility customers and direct-service industries. BPA's transmission system also includes transmission lines that connect to Canada, California, the Southwest, and eastern Montana.

BPA's transmission business consists of more than just the construction, operation, and maintenance of transmission lines; it includes all of the activities necessary to manage a regional system to deliver electricity, such as marketing of capacity and setting rates to recover costs in accordance with sound business principles. This requires participation with regional and national stakeholders in discussions regarding reliability, environmental concerns, congestion management, conservation measures, industry restructuring, and national standards, among other issues. This policy-level EIS will further enhance BPA's understanding of the impacts that transmission-related activities have on the human environment, and will help further inform the public of these impacts.

Several Federal statutes guide BPA's transmission business line. The Bonneville Project Act § 2(b) states that ''* * * the administrator is authorized and directed to provide, construct, operate, maintain, and improve such electric transmission lines and substations, 3 and facilities and structures * * * as he finds necessary, desirable, or appropriate. * * *.'' In addition, the Federal Columbia River Transmission System Act, §§ 4(a)–(d) directs the administrator to operate and maintain the system for stability and reliability, among other objectives. The Pacific Northwest Electric Power Planning and Conservation Act, § 2(2) requires the administrator to assure an adequate, efficient, economical, and reliable power supply for the Northwest.

In addition to these statutory obligations, BPA's transmission business is operated separately from its power business, because BPA voluntarily complies with the open access policies of the Federal Energy Regulatory Commission (FERC). Although BPA is not subject to FERC's jurisdiction concerning these policies, BPA has adopted and currently implements an Open Access Transmission Tariff for the FCRTS that is generally consistent with FERC's *pro forma* open access tariff. This course of action demonstrates BPA's commitment to non-discriminatory access to its transmission system and ensures that BPA will receive non-discriminatory access to the transmission systems of utilities that are subject to FERC's jurisdiction.

FERC has fostered several industry-restructuring initiatives, in which BPA has participated. To promote competitive wholesale power markets through standards of practice, FERC has proposed a Standard Market Design. Key features of this Market Design include the formation of regional transmission organizations (RTOs) and sound wholesale market rules. Over the years, BPA has been part of regional discussions regarding the potential creation of an RTO in the Pacific Northwest, to discuss BPA's possible role in an RTO and ensure that its formation provides coordinated benefits to BPA's customers and the Northwest.

As part of addressing its many transmission policy issues, BPA is also involved in several agency and regional processes. For example, in early 2003, BPA initiated a roundtable for discussion of ''non-wire'' solutions to transmission capacity issues. Round table meetings considered transmission line alternatives such as energy efficiency programs, demand reduction initiatives, pricing strategies, and distributed generation. The agency has also been meeting with customers regarding available transfer capability (ATC). These discussions described the methodology for determining ATC, and the effects the methodology would have on contracting and scheduling.

BPA will use the previously mentioned processes, among others related to transmission issues, to help shape the development of this policy-level EIS. BPA expects that this EIS will enhance the transmission issues discussed in BPA's 1995 Business Plan EIS (DOE/EIS–0183). The Business Plan EIS included an evaluation of the environmental impacts potentially resulting from the full range of the agency's business policies, including its power, transmission, and fish and wildlife activities. This transmission EIS will provide a policy-level analysis that is more focused on transmission issues, similar to the way BPA's recently completed Fish and Wildlife Implementation Plan EIS provides a policy-level analysis that is more focused on the agency's administration of its fish and wildlife responsibilities.

This EIS is being prepared to consider and assess various potential policy directions for the planning, construction, operation, and marketing of BPA's transmission activities. This document will allow BPA's decisionmakers and the public to be better informed about the potential cumulative impacts that can be expected from BPA's transmission-related policy decisions. This EIS is intended to support and facilitate a number of decisions regarding BPA's transmission activities.

This transmission EIS will identify a broad range of alternative policy directions structured around key transmission policy considerations such as reliability, cost, contractual obligations, regulatory requirements, and ''non-wire'' solutions. The EIS will also provide an assessment of potential impacts on the human environment associated with each of the alternatives. During this scoping period, the public is invited to provide comments and suggestions on potential alternatives to be included in the EIS. BPA is in the process of defining these alternatives, and is interested in receiving public input before fully defining the range of alternatives to be considered in the EIS. The public also is invited to comment on potential key issues and environmental impacts to be considered in the EIS.

Issued in Portland, Oregon, on December 15, 2003.

Stephen J. Wright,

Administrator and Chief Executive Officer.

[FR Doc. 03–31452 Filed 12–19–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–228–000, *et al.*]

Conemaugh Power LLC, *et al.*; Electric Rate and Corporate Filings

December 12, 2003.

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

1. Conemaugh Power LLC, Constellation Power Source Generation, Inc., PPL Montour, LLC, PSEG Fossil LLC, Reliant Energy Mid-Atlantic Power Holdings, LLC and UGI Development Company

[Docket Nos. EG01–228–000, EG00–179–000, EG00–44–000, EG00–3–000, EG00–24–000, EG00–24–000 and EG99–241–000]

Take notice that on December 3, 2003, Conemaugh Power LLC, Constellation Power Source Generation, Inc., PPL Montour, LLC, PSEG Fossil LLC, Reliant Energy Mid-Atlantic Power Holdings, LLC and UGI Development Company (Conemaugh EWG Owners) tendered for filing a Notification of Change in Facts Not Affecting Exempt Wholesale Generator Status.

The Conemaugh EWG Owners have served copies of the foregoing on the Pennsylvania Public Utility Commission and the Securities and Exchange Commission.

Comment Date: December 24, 2003.

2. NRG Power Marketing Inc.; Arthur Kill Power LLC; Astoria Gas Turbine Power LLC; Bayou Cove Peaking Power LLC; Big Cajun I Peaking Power LLC; Conemaugh Power LLC; Connecticut Jet Power LLC; Devon Power LLC; Dunkirk Power LLC; Huntley Power LLC; Indian River Power LLC; Keystone Power LLC; Louisiana Generating LLC; LSP Energy Limited Partnership; LSP-Kendall Energy; LLC; LSP-Nelson Energy LLC; LSP-Pike Energy LLC; Meriden Gas Turbines LLC; Middletown Power LLC; Montville Power LLC; NEO California Power LLC; NEO Chester-Gen LLC; NEO Freehold-Gen LLC; NM Colton Genco LLC; NM Mid Valley Genco LLC; NM Milliken Genco LLC; Norwalk Power LLC; NRG Ashtabula Generating LLC; NRG Audrain Generating LLC; NRG Energy Center Dover LLC; NRG Ilion LP; NRG Lake Shore Generating LLC; NRG Marketing Services LLC; NRG McClain LLC; NRG New Jersey Energy Sales LLC; NRG Northern Ohio Generating LLC; NRG Rockford LLC; NRG Rockford II LLC; NRG Sterlington Power LLC; Oswego Harbor Power LLC; Somerset Power LLC; and Vienna Power LLC

[Docket Nos. ER97–4281–013; ER99–2161–004; ER99–3000–002; ER02–1572–001; ER02–1571–001; ER00–2810–002; ER99–4359–001; ER99–4358–001; ER99–2168–004; ER99–2162–004; ER00–2807–002; ER00–2809–002; ER00–1259–002; ER98–2259–003; ER99–2602–003; ER00–2448–002; ER02–538–001; ER02–566–001; ER99–4355–001; ER99–4356–001; ER01–1558–001; ER00–3160–002; ER03–320–004; ER03–321–004; ER03–322–004; ER99–4357–001; ER02–1055–001; ER01–2969–002; ER00–2313–002; ER02–1395–001; ER02–1056–001; ER03–955–003; ER02–68–002; ER02–2032–001; ER02–1054–001; ER02–1396–001; ER02–1412–001; ER00–3718–002; ER99–3637–002; ER99–1712–004; and ER00–2808–002]

Take notice that on December 8, 2003, NRG Power Marketing Inc. and the above-captioned affiliates tendered for filing an updated market power study in compliance with the Commission's orders granting each entity market-based rate authorization.

Comment Date: December 29, 2003.

3. American Transmission Company LLC

[Docket No. ER03–1211–002]

Take notice that on December 10, 2003, American Transmission Company LLC (ATCLLC) tendered for filing a revised Generation-Transmission Interconnection Agreement between ATCLLC and Fox Energy Company LLC (Second Revised Service Agreement No. 233) consisting of amendments to Exhibit 11 and otherwise remaining as originally filed and accepted by the Commission by Letter Order dated March 20, 2002, subject to a previous amendment accepted by the Commission on May 29, 2003. ATCLLC requests retention of the original effective date of January 15, 2002. ATCLLC states that this is a refiling of the same revisions contained in ATCLLC's August 14, 2003 filing in a format complying with the Commission's conditional acceptance in its September 23, 2003 Letter Order and deleting certain extraneous documents.

Comment Date: December 31, 2003.

4. DC Tie, Inc.

[Docket No. ER04–105–001]

Take notice that on December 9, 2003, DC Tie, Inc. submitted for filing a Notice of Cancellation of its market-based rate authority under Docket No. ER91–435–000. DC Tie, Inc. is requesting an effective date of October 28, 2003.

Comment Date: December 30, 2003.

5. New York Independent System Operator, Inc.

[Docket No. ER04–230–000]

Take notice that on November 26, 2003, the New York Independent System Operator, Inc. (NYISO) tendered for filing revisions to the ISO Market Administration and Control Area Services Tariff (the Services Tariff) and its Open Access Transmission Tariff proposing a number of tariff revisions associated with the implementation of new Real-Time Scheduling software and related market improvements. On December 1, 2003, NYISO submitted revision to its Market Administration and Control Area Services Tariff and Open Access Transmission Tariff to update their table of contents which the Commission noticed in Docket No. ER04–230–001on December 5, 2003.

The NYISO states it has electronically served a copy of this filing on the official representative of each of its customers, on each participant in its stakeholder committees, on the New York Public Service Commission, and on the electric utility regulatory agencies of New Jersey and Pennsylvania, and in addition, the complete filing has been posted on the NYISO's Web site at *www.nyiso.com* and will make a paper copy available to any interested party that requests one.

Comment Date: December 22, 2003.

6. PJM Interconnection, L.L.C.

[Docket No. ER04–261–001]

Take notice that on December 9, 2003, PJM Interconnection, L.L.C. (PJM), submitted for filing a revised Interconnection Service Agreement (ISA) among PJM, American Project Development Corp/American Hydro Power Company/American Hydro Power Partners, L.P., and Pennsylvania Electric Company.

PJM requests a waiver of the Commission's 60-day notice requirement to permit a November 4, 2003 effective date for the ISA.

PJM states that copies of this filing were served upon the parties to the agreements, the state regulatory commissions within the PJM region, and the official service list compiled by the Secretary in this proceeding.

Comment Date: December 30, 2003.

7. DeSoto County Generating Co., LLC, Carolina Power & Light Company, Progress Ventures, Inc., Effingham County Power, LLC, MPC Generating, LLC, Rowan County Power, LLC, Walton County Power, LLC, and Washington County Power, LLC

[Docket No. ER04–269–000]

Take notice that, on December 8, 2003, Progress Energy, Inc. (Progress Energy), on behalf of the Progress Energy subsidiaries listed in the above caption (Progress Energy Subsidiaries), submitted amendments to the market-based rate tariffs of the Progress Energy Subsidiaries providing that they will not engage in market-based sales within Peninsular Florida under those tariffs without making a separate filing pursuant to Section 205 of the Federal Power Act.

Progress Energy states that copies of the filing were served on the official service lists in Docket Nos. ER03–1383–000 and ER03–1389–000, each entity operating a control area in Peninsular Florida, and the Florida Public Service Commission.

Comment Date: December 29, 2003.

8. Virginia Electric and Power Company

[Docket No. ER04–270–000]

Take notice that on December 9, 2003, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing a Service Agreement for Network Integration Transmission Service and Network Operating Agreement by Dominion Virginia Power to North Carolina Electric Membership Corporation, designated as Service Agreement Number 376, under Dominion Virginia Power's Open Access Transmission Tariff, FERC Electric Tariff, Second Revised Volume No. 5, to Eligible Purchasers dated June 7, 2000.

Dominion Virginia Power respectfully requests an effective date of January 1, 2004, as requested by the Customer.

Comment Date: December 30, 2003.

9. Virginia Electric and Power Company

[Docket No. ER04–271–00]

Take notice that on December 9, 2003, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing a Service Agreement for Network Integration Transmission Service and Network Operating Agreement by Dominion Virginia Power to Washington Gas Energy Services, Inc., designated as Service Agreement Number 377, under Dominion Virginia Power's Open Access Transmission Tariff, FERC Electric Tariff, Second Revised Volume No. 5, to Eligible Purchasers dated June 7, 2000.

Dominion Virginia Power respectfully requests a waiver of the Commission's regulations to permit an effective date of November 9, 2003, as requested by the customer.

Comment Date: December 30, 2003.

10. American Electric Power Service Corporation

[Docket No. ER04–273–000]

Take notice that on December 9, 2003, the American Electric Power Service Corporation (AEPSC) tendered for filing pursuant to Section 35.15 of the Federal Energy Regulatory Commission's regulation, 18 CFR Section 35.15, a Notice of Termination of an executed Interconnection and Operation Agreement between Ohio Power Company and Biomass Energy, LLC., designated as Service Agreement No. 514 under AEP Companies' Open Access Transmission Service Tariff (OATT). AEP requests an effective date of December 8, 2003.

AEPSC states that a copy of the filing was served upon Biomass Energy, LLC and the Public Utilities Commission of Ohio.

Comment Date: December 30, 2003.

11. PacifiCorp

[Docket No. ER04–274–000]

Take notice that on December 10, 2003, PacificCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations a Notice of Cancellation of PacifiCorp's Rate Schedule No. 423 with Springfield Utility Board. The Notice of Cancellation is effective November 30, 2003.

PacifiCorp states that copies of this filing were supplied to Springfield Utility Board; the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment Date: December 31, 2003.

12. Twin Cities Power Generation

[Docket No. ER04–275–000]

Take notice that on December 10, 2003, Twin Cities Power Generation, (Twin Cities) submitted for filing a Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority, Rate Schedule FERC No. 1.

Comment Date: December 31, 2003.

13. American Electric Power Service Corporation

[Docket No. ER04–276–000]

Take notice that on December 10, 2003, the American Electric Power Service Corporation (AEPSC) tendered for filing First Amendment to an Amended Interconnection and Operation Agreement between Ohio Power Company and Lima Energy Company. The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) and designated as First Revised Service Agreement No. 463, effective date July 13, 2002, to the Operating Companies of the American Electric Power System FERC Electric Tariff Third Revised Volume No. 6. AEP requests an effective date of February 9, 2004.

AEPSC states a copy of the filing was served upon Lima Energy Company and the Public Utilities Commission of Ohio.

Comment Date: December 31, 2003.

14. Alcoa Power Generating, Inc.

[Docket No. ER04–277–000]

Take notice that on December 10, 2003, Alcoa Power Generating, Inc. (APGI) tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations a Notice of Termination of APGI's Rate Schedule No. 11 with PacifiCorp. APGI requests waiver of the Commission's prior notice requirements so that the termination may be effective June 30, 2003.

APGI states that copies of this filing were supplied to PacifiCorp, Public Utility District No. 1 of Chelan County; the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment Date: December 31, 2003.

15. Milford Power Limited Partnership

[Docket No. ER04–278–000]

Take notice that on December 10, 2003, Milford Power Limited Partnership (Milford) filed with the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act an Application for Order Accepting Initial Market-Based Rate Schedule and Granting Certain Waivers and Blanket Approvals, which would allow Milford to engage in the sale of electric energy, capacity and ancillary services at market-based rates. Milford states that it is engaged in the business of owning and operating a generation facility located in Milford, New Jersey, with a nameplate capacity of 30.5 MW. Milford seeks certain waivers and blanket approvals under the Commission's regulations. Milford also seeks expedited review and a waiver of the 60-day pre-filing requirement under 18 CFR 35.3 (2003).

Comment Date: December 31, 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. E3–00599 Filed 12–19–03; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0001; FRL–7340–3]

National Pollution Prevention and Toxics Advisory Committee; Notice of Public Meeting Change of Dates

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 change of date to the January 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 January 7, 2004, from 10 a.m. to 5:30 p.m. only. The NPPTAC will not meet January 8, 2004, as announced on December 3, 2003, in the **Federal Register**.

ADDRESSES: The meeting will be held at the Four Points by Sheraton Hotel, 1201 K Street, NW., Washington, DC.

For address information concerning registration, the submission of written comments, and requests to present oral comments, refer to the December 3, 2003 **Federal Register** Notice.

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, 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, 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**.

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

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPPT–2002–0001. 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.

List of Subjects

Environmental protection, NPPTAC, Pollution prevention, Toxics, Toxic chemicals, Chemical health and safety.

Dated: December 17, 2003.

Charles M. Auer,

Director, Office of Pollution, Prevention, and Toxics.

[FR Doc. 03–31571 Filed 12–18–03; 1:46 pm]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7599–6]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act; Lagoon Drive Chemical Removal Site

AGENCY: Environmental Protection Agency.

ACTION: Notice, request for public comments.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed Administrative Order on Consent (''AOC,'' Region 9, Docket No. 2004–0001) pursuant to Section 122(h) of CERCLA concerning the Lagoon Drive Chemicals Removal Site (the ''Site''), located in Chula Vista, California. The respondent to the AOC is Gary Rasmussen (''Rasmussen''). The AOC provides Rasmussen with a covenant not to sue and contribution protection for the removal action at the Site. To date, EPA has incurred approximately $49,000.00 in response costs related to the Site. Rasmussen is reimbursing $5,000.00 of the incurred response costs to EPA, consistent with EPA's determination of Rasmussen's ability to pay. For thirty (30) days following the date of publication of this Notice, the Agency will receive written comments relating to the proposed AOC. The Agency's response to any comments will be available for public inspection at EPA's Region IX offices, located at 75 Hawthorne Street, San Francisco, California 94105.

DATES: Comments must be submitted on or before January 21, 2004.

ADDRESSES: The proposed Agreement may be obtained from Judith Winchell, Environmental Protection Specialist, telephone (415) 972–3124. Comments regarding the proposed Agreement should be addressed to Judith Winchell (SFD–7) at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105, and should reference the Lagoon Drive Chemicals Superfund Removal Site, Chula Vista, California, and USEPA Docket No. 2004–0001

FOR FURTHER INFORMATION CONTACT: J. Andrew Helmlinger, Office of Regional Counsel, telephone (415) 972–3904, USEPA Region IX, 75 Hawthorne Street, San Francisco, California 94105.

Dated: December 9, 2003.

Daniel A. Meer,

Chief Response, Planning & Assessment Branch, Superfund Division (SFD–9).

[FR Doc. 03–31472 Filed 12–19–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 03–3907]

First Meeting of the Advisory Committee for the 2007 World Radiocommunication Conference (WRC–07 Advisory Committee)

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the initial meeting of the WRC–07 Advisory Committee will be held on January 30, 2004, at the Federal Communications Commission. The purpose of the meeting is to begin preparations for the 2007 World Radiocommunication Conference.

DATES: January 30, 2004; 10 a.m.–12 noon.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Alexander Roytblat, FCC International Bureau, Strategic Analysis and Negotiations Division, at (202) 418–7501.

SUPPLEMENTARY INFORMATION: As it initiates preparations for the next World Radiocommunication Conference that has been preliminarily scheduled for the year 2007 (WRC–07), the Federal Communications Commission (FCC) has amended the charter of its Advisory Committee for the 2003 Radiocommunication Conference. The Advisory Committee has been renamed the Advisory Committee for the 2007 Radiocommunication Conference (or simply, WRC–07 Advisory Committee), and its scope of activities have been amended to address issues contained in the agenda for WRC–07. The Federal Communications Commission (FCC) established the WRC–07 Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2007 World Radiocommunication Conference (WRC–07).

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the first meeting of the WRC–07 Advisory Committee. The WRC–07 Advisory Committee has an open membership. All interested parties are invited to participate in the Advisory Committee and to attend its meetings. The proposed agenda for the first meeting is as follows:

Agenda

First Meeting of the WRC–07 Advisory Committee, Federal Communications Commission, 445 12th Street, SW., Room TW–C305, Washington, DC 20554.

January 30, 2004; 10 a.m.–12 noon

1. Opening Remarks
2. Approval of Agenda
3. Advisory Committee Structure
4. Report on Recent WRC–07 Preparatory Meetings
5. WRC–07 Preparatory Process Timeline
6. Other Business

Federal Communications Commission.

Don Abelson,

Chief, International Bureau.

[FR Doc. 03–31388 Filed 12–19–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974, as Amended; Addition of a New System of Records

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed addition of a new system of records.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is issuing public notice of its intent to add a new category of records to its Privacy Act system of records. This action is necessary to meet the requirement of the Privacy Act of 1974, as amended, for the publication in the **Federal Register** of notices identifying the various systems of records maintained by the FDIC. The new system of records is named ''Beneficial Ownership Filings (Securities Exchange Act).''

DATES: Comments on the addition of this new system of records, including comments concerning the proposed routine uses included in this notice, must be received by the FDIC on or before January 21, 2004. The amendments, revisions and consolidations that are the subject of this notice will become effective 45 days following publication in the **Federal Register**, unless a superseding notice to the contrary is published before that date.

ADDRESSES: You may submit comments by any of the following methods:

- Agency Web site: *http://www.fdic.gov/regulations/laws/federal/propose.html.* Follow instructions for submitting comments on this Web site.
- Email: *comments@fdic.gov.* Include ''Beneficial Ownership Filings (Securities Exchange Act)'' in the subject line.
- Mail: Fredrick L. Fisch, Supervisory Counsel, Attention: Comments, FDIC, 550 17th Street, NW., Washington, DC 20429.

Instructions: All submissions should refer to ''Beneficial Ownership Filings (Securities Exchange Act)''. Comments may be posted without change to the FDIC internet site at *http://www.fdic.gov/regulations/laws/federal/propose.html,* including any personal information provided. Comments may also be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street NW., Washington, DC 20434, between 9 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Fredrick L. Fisch, Supervisory Counsel, FOIA/Privacy Act Group, FDIC, 550 17th Street NW., Washington, DC 20429, (202) 736–0526.

SUPPLEMENTARY INFORMATION: Section 16 of the Securities Exchange Act of 1934 (''Exchange Act'') requires that insiders of FDIC-insured depository institutions with a class of securities registered under section 12 of the Exchange Act file reports regarding their beneficial ownership of securities. In general, under section 16, an ''insider'' is a director, officer or beneficial owner of more than 10% of an issuer's equity securities. Under section 12(i) of the Exchange Act, (15 U.S.C. 78l), the FDIC and the other Federal banking agencies

are authorized to enforce all provisions of section 16 of the Exchange Act that are applicable to securities issued by FDIC-insured depository institutions. Historically, these reports have been filed on paper. Pursuant to section 403 of the Sarbanes-Oxley Act of 2002 (''Sarbanes-Oxley''), which amended section 16 of the Exchange Act, the FDIC has established an electronic filing system on its public Internet website to receive beneficial ownership filings from filers and to display them to the public. The FDIC's public Internet website permits the electronic search and retrieval of these reports. The search can be by date, or by name or location of the related financial institution. The FDIC intends to upgrade the search capability in the near future to allow for a search by name of a reporting person. In addition to requiring the electronic filing and display of these reports, section 403 of Sarbanes-Oxley accelerated the time for making certain beneficial ownership filings, and establishes the time period in which they must be made accessible to the public.

During a transitional period, beneficial ownership reports will continue to be filed in paper form. This provision for paper filing will be phased out, except for limited ''hardship'' exceptions. Except where indicated, this notice describes the system as it will exist when paper filing, except for ''hardship'' paper filing, is eliminated. There are three types of electronically filed forms accessible through the Beneficial Ownership Filings system on the FDIC's public Internet Web site. They are titled: ''Initial Statement of Beneficial Ownership of Securities,'' ''Statement of Changes in Beneficial Ownership of Securities'' and ''Annual Statement of Beneficial Ownership of Securities.''

Comments: FDIC will consider comments received within 30 days of the publication of this Notice. A revised notice of changes made in response to comments will be forthcoming, if applicable.

30—64—0025

SYSTEM NAME:

Beneficial Ownership Filings (Securities Exchange Act).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The records are stored at the Accounting & Securities Disclosure Section, Division of Supervision and Consumer Protection, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Any director or officer of an FDIC-insured depository institution with a class of equity securities registered pursuant to section 12 of the Securities Exchange Act of 1934, and (2) Any person who is directly or indirectly the beneficial owner of greater than 10% of a class of equity securities issued by an FDIC-insured depository institution that are registered under section 12 of the Securities Exchange Act of 1934; including any trust, trustee, beneficiary or settlor required to report pursuant to Securities and Exchange Commission Rule 16a–8.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reporting persons submit electronically or on paper reports on any of the following three forms: ''Initial Statement of Beneficial Ownership of Securities,'' ''Statement of Changes in Beneficial Ownership of Securities'' and ''Annual Statement of Beneficial Ownership of Securities.'' Reporting persons are required to use these forms to disclose ownership and transactional information relative to their beneficial ownership of securities of FDIC-insured depository institutions with securities registered under the Securities Exchange Act of 1934. Under section 403 of the Sarbanes-Oxley Act of 2002, these forms must be submitted in electronic form and must be made available to the public on a Federal agency's external Internet Web site. The forms require disclosure of the name of the financial institution, relationship of reporting person to the financial institution, reporting person's name and street address, date of form or amendment, and filer's signature and date. A description of the securities' terms and transactional information including transaction date, type of transaction, amount of securities acquired or disposed, price, aggregate amount of securities beneficially owned, and form and nature of beneficial ownership must also be disclosed on the forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 12(i) and 16(a) of the Securities Exchange Act of 1934 (respectively, 15 U.S.C. 78l(i) and 78p(a)).

PURPOSES:

In accordance with section 16(a) of the Securities Exchange Act of 1934, as amended by section 403 of the Sarbanes-Oxley Act of 2002, this information is being made available to the public on the FDIC's external Internet website in order to facilitate the more efficient transmission, dissemination, analysis, storage and retrieval of insider ownership and transaction information in a manner that will benefit investors, filers and bank regulatory agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in this system of records is publicly accessible. Additionally, as routine uses subject to the Privacy Act of 1974, the FDIC may disclose information maintained in this system to:

(1) An appropriate governmental or self-regulatory organization when relevant and necessary to the organization's regulatory or supervisory responsibilities or if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(2) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the FDIC determines that the information is relevant and necessary to a proceeding in which the FDIC, any FDIC employee in his or her individual capacity represented by the Department of Justice or the FDIC, or the United States is a party or has an interest;

(3) A congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained; or

(4) A contractor or agent who needs to have access to this system of records to perform an assigned activity.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in electronic media or on paper format in file folders.

RETRIEVABILITY:

Electronically filed reports are indexed and retrieved by the name of the reporting party. Paper-filed reports are indexed by the name of the depository institution issuing the securities being reported, with sub-indexing by the filer's name.

SAFEGUARDS:

Access to the information in this electronic system of records is unrestricted. The filing and amendment of electronic records is restricted to authorized users who have been issued non-transferable user id's and passwords.

RETENTION AND DISPOSAL:

Electronic media and paper files will be retained for fifteen years from the date of filing and then will be deleted or destroyed in accordance with the FDIC's publicly available Records Retention Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting & Securities Disclosure Section, Division of Supervision and Consumer Protection, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

NOTIFICATION PROCEDURE:

Individuals with access to the Internet may directly enter the interagency Beneficial Ownership Filings system in order to determine if they are named in this system of records as well as to obtain the records maintained in this system. Individuals may also do so by submitting their request in writing to the Accounting & Securities Disclosure Section, Room F–6043, Division of Supervision and Consumer Protection, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

RECORDS ACCESS PROCEDURES:

Same as ''Notification'' above.

CONTESTING RECORD PROCEDURES:

The filer may directly amend information maintained in the interagency Beneficial Ownership Filings system by submitting an amended beneficial ownership filing. The original filing remains in the Beneficial Ownership Filings system and continues to be accessible through the FDIC's external Web site. In the alternative, pursuant to 12 CFR 310.7, individuals to whom the information pertains may submit requests for the amendment of records in writing to the Federal Deposit Insurance Corporation, FOIA/PA Group, 550 17th Street, NW., Washington, DC 20429. Under 12 CFR 310.8, such requests will be reviewed by the system manager of the system of records. Denials of requests for amendments may be appealed to the General Counsel of the FDIC as provided in 12 CFR 310.9.

RECORD SOURCE CATEGORIES:

Information originates from (1) any director or officer of an FDIC-insured depository institution with a class of equity securities registered pursuant to section 12 of the Securities Exchange Act of 1934; and (2) any beneficial owner of greater than 10% of an FDIC-insured depository institution with a class of equity securities registered under the Securities Exchange Act of 1934, including any trust, trustee, beneficiary or settlor required to report pursuant to SEC Rule 16a–8.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, this 2nd day of December 2003.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 03–31402 Filed 12–19–03; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board–approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–I's and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Clearance Officer Cindy Ayouch—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202)452–3829.

OMB Desk Officer Joseph Lackey—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503

Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

1. Report title: Semiannual Report of Derivatives Activity.

Agency form number: FR 2436.

OMB Control number: 7100–0286.

Frequency: Semiannual.

Reporters: Large U.S. dealers of over–the–counter (OTC) derivatives.

Annual reporting hours: 1,400.

Estimated average hours per response: 100.

Number of respondents: 7.

General description of report: This information collection is voluntary (12 U.S.C. §§ 248(a), 353–359, and 461) and is given confidential treatment (5 U.S.C. § 552(b)(4)).

Abstract: The FR 2436 collects derivatives market statistics from seven large U.S. dealers of over–the–counter (OTC) derivatives. Data are collected on notional amounts and gross market values of the volumes outstanding of broad categories of foreign exchange, interest rate, equity– and commodity–linked over–the–counter derivatives contracts across a range of underlying currencies, interest rates, and equity markets.

This collection of information complements the ongoing triennial Survey of Foreign Exchange and Derivatives Market Activity (FR 3036; OMB No. 7100–0285). The FR 2436 collects similar data on the outstanding volume of derivatives, but not on derivatives turnover. As with the FR 3036, the Federal Reserve conducts this report in coordination with other central banks and forwards the aggregated data furnished by U.S. reporters to the Bank for International Settlements (BIS), which publishes global market statistics that are aggregations of national data.

2. Report title: Domestic Branch Notification.

Agency form number: FR 4001.

OMB Control number: 7100–0097.

Frequency: On occasion.

Reporters: State member banks.

Annual reporting hours: 599 hours.

Estimated average hours per response: 30 minutes for expedited notifications; 1 hour for nonexpedited notifications.

Number of respondents: 474 expedited; 362 nonexpedited.

General description of report: This information collection is mandatory (12 U.S.C. 321) and is not given confidential treatment.

Abstract: The Federal Reserve System requires a state member bank to file a notification whenever it proposes to establish a domestic branch. There is no formal reporting form; banks notify the Federal Reserve by letter prior to making the proposed investment. The Federal Reserve uses the information to fulfill its statutory obligation to supervise state member banks.

Final approval under OMB delegated authority of the implementation of the following report:

Report title: Central Bank Survey of Foreign Exchange and Derivatives Market Activity.

Agency form number: FR 3036.
OMB control number: 7100–0285.
Frequency: One–time.
Reporters: Financial institutions that serve as intermediaries in the wholesale foreign exchange and derivatives market and dealers.
Annual reporting hours: 3,945.
Estimated average hours per response: Turnover survey: 51 hours; outstandings survey: 15 hours for FR 2436 reporters, 60 hours for non–FR 2436 reporters.
Number of respondents: 60.
General description of report: This information collection is voluntary (12 U.S.C. 248(a), 353–359, and 461) and is given confidential treatment (5 U.S.C. § 552(b)(4)).
Abstract: The FR 3036 is the U.S. part of a global data collection that is conducted by central banks every three years. More than fifty central banks plan to conduct the survey in 2004. The Bank for International Settlements (BIS) compiles national data from each central bank to produce global market statistics.
The Federal Reserve System and other government agencies use the survey to monitor activity in the foreign exchange and derivatives markets. Respondents use the published data to gauge their market share.

Board of Governors of the Federal Reserve System, December 16, 2003.

Jennifer J. Johnson,
Secretary of the Board.
[FR Doc. E3–00603 Filed 12–19–03; 8:45 am]
BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *http://www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 16, 2004.

A. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30303:

1. Community Bancshares of Mississippi, Inc., Brandon, Mississippi; to acquire 100 percent of the voting shares of Security Bancshares, Inc., and thereby indirectly acquire Security Bank of Amory, both of Amory, Mississippi.

Board of Governors of the Federal Reserve System, December 17, 2003.

Robert deV. Frierson,
Deputy Secretary of the Board.
[FR Doc. E3–00607 Filed 12–19–03; 8:45 am]
BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–04–17]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210. CDC is requesting an emergency clearance for this data collection with a two week public comment period. CDC is requesting OMB approval of this package 7 days after the end of the public comment period.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Seleda M. Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-E11, Atlanta, GA 30333. Written comments should be received within 14 days of this notice.

Proposed Project: State-based Evaluation of the Alert Notification Component of CDC's Epidemic Information Exchange (Epi-X) Secure Public Health Communications Network—New—Epidemiology Program Office (EPO), Centers for Disease Control and Prevention (CDC). Great attention has been focused on improving secure public health communications networks for the dissemination of critical disease outbreak and/or bioterrorism-related events, which may have multi-jurisdictional involvement and cause disease and death within a short time-frame.

CDC proposes an information gathering training exercise to evaluate the extent to which new registrants and currently authorized users of the Epidemic Information Exchange (Epi-X) are able to utilize alert notification functionality to minimize or prevent unnecessary injury or disease-related morbidity and mortality through the use of secure communications and rapid notification systems. In this case, notification alerts would be sent to targeted public health professionals through a ''barrage'' of office and cell phones, home telephones, and pager calls to rapidly inform key health authorities from multidisciplinary backgrounds and multiple jurisdictions of evolving and critical public health information, to assist in a decision making process.

Presently, the necessity of this evaluation process is timely because of the threat of a national influenza epidemic in the coming months. Information will be gathered through an online questionnaire format. The information will help evaluate user comprehension and facility with the notification and rapid alerting functionalities of Epi-X. The

questionnaire will consist of both closed- and open-ended items, and will be administered through Zoomerang, an online questionnaire program. If these measures fail, respondents will be contacted by telephone.

During the first 6 months, approximately 500 Epi-X users from every state of the union will be asked to volunteer input (in a 5–10 question format) about their experiences using the alert notification functionalities of the Epi-X communications system. There will be no cost to respondents, participation will be voluntary.

Respondents	No. of respondents	No. of responses per respondnet	Average burden per response (in hours)	Total burden (in hours)
State and Local Health Professionals	500	1	15/60	125
Total				125

Dated: December 16, 2003.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 03–31434 Filed 12–19–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director, Centers for Disease Control and Prevention

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following advisory committee meeting.

Name: Advisory Committee to the Director, CDC.

Time and Date: 8:30 a.m.–4 p.m., February 5, 2004.

Place: Centers for Disease Control and Prevention, Roybal Campus, 1600 Clifton Road, NE, Auditorium B, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 350 people.

Purpose: The committee will provide advice to CDC Director on strategic and other broad issues facing CDC.

Matters to Be Discussed: Agenda items will include discussion of the CDC Futures Initiative and updates on CDC priorities with discussions of program activities including updates on CDC scientific and programmatic activities.

Agenda items are subject to change as priorities dictate.

For More Information Contact: Robert Delaney, Executive Secretary, Advisory Committee to the Director, CDC, 1600 Clifton Road, NE., M/S D–14, Atlanta, Georgia 30333. Telephone 404/639–7000.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: December 14, 2003.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 03–31433 Filed 12–19–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for the opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of title 44, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed grant information collection activity or to obtain a copy of the data collection plan and draft instruments, call the HRSA Reports Clearance Officer at (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for proper performance of grantee functions including whether the information will have practical utility; (b) the accuracy of the burden estimate 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 information collection burden on respondents, including the use of automated collection methods or other types of information technology.

Proposed Project: Ryan White Comprehensive AIDS Resources Emergency (CARE) Act Title II Grant Application Supplements: In Use Without Approval

The CARE Act (codified under Title XXVI of the Public Health Service Act) was first enacted by Congress in 1990, and reauthorized in 1996 and 2000. It addresses the unmet health needs of persons living with HIV disease by funding primary health care and support services that enhance access to and retention in care. The CARE Act funded services reach over 500,000 individuals; after Medicaid and Medicare, it is the largest single source of Federal funding for HIV/AIDS care for low-income, uninsured, and underinsured Americans. The Title II Care Grant Program (CGP) provides formula grants to all 50 States; the District of Columbia; the Commonwealth of Puerto Rico; the Territories of the Virgin Islands, Guam, and American Samoa; the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands. Funding is disbursed to these grantees by HRSA based on a Congressionally mandated formula.

The purpose of the Title II CGP is to assist States and Territories in developing and/or enhancing access to a comprehensive continuum of high quality, community based care for low-income individuals and families living with HIV. Grantees may allocate funds to five legislatively authorized program components: (1) HIV Care Consortia, to provide comprehensive outpatient health and support services, such as early intervention services, outpatient medical care, case management, substance abuse treatment, mental health services, transportation; (2)

Home- and Community-Based Care; (3) Health-Insurance Continuation, including risk pools; (4) Provision of Treatments for HIV disease or to prevent the serious deterioration of health arising from HIV disease; and (5) State Direct Services, which are HIV/AIDS outpatient health or support service provided through State delivery mechanisms determined by the grantee to be more effective than providing the service(s) through consortia.

The Title II Grant Application Supplements have been designed to collect information from States and Territories in a consistent, standard way when they apply for a grant. This information is needed to determine that funds are being used as intended by the Congress and in compliance with CARE Act mandates. This includes requirements that grantees: (a) Obligate Title II funds quickly, closely monitor their use, and ensure that they are used as the payer of last resort (Supplement 1); (b) satisfy the Maintenance of Effort requirement and ensure that Title II funds are used to supplement, and not supplant, existing State expenditures for HIV-related care and treatment services (Supplement 2); (c) include a determination of the size and demographics of the population of people living with HIV in the State/Territory (Supplement 3); and (d) have prepared a comprehensive plan describing the organization and delivery of HIV health care and support services to be funded under Title II that is based on the size and demographics of the population of individuals with HIV and their needs, the availability of other non-governmental and governmental resources (including Medicaid and SCHIP), any capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities, and the efficiency of the administrative mechanism of the State for rapidly allocating funds to areas of greatest need within the State/Territory).

In addition, HRSA uses the collected information as a benchmark for monitoring grantee performance during the fiscal year; to identify individual and cross cutting grantee technical assistance needs; and to detect emerging HIV/AIDS care services issues that may require changes in existing program policies or procedures.

The Title II Application Supplements will be transmitted by mail and electronically to all States and Territories and made available through the HRSA web site. Applicants will submit the Supplements electronically along with Form PHS–5161–1 (Revised 7/00), SF–424 and the program narrative portion of their application, using the Grants Management electronic transmission mechanisms established by HRSA. The Supplements will include check box responses; fields for reporting numeric fiscal and epidemiological data; and text boxes for describing other required information. The Supplements will automatically generate totals when appropriate, and have other automated fields to minimize the time required to insert identifying information.

The Supplements will require Title II applicants/grantees to report local epidemiological information and some fiscal and programmatic data collected from Title II funded contractors (sub-grantees), which grantees have been collecting and reporting since FY 1995 or earlier. The approximate response burden for applicants/grantees is estimated as:

Estimated number of grantee respondents	Estimated responses per grantee	Total number of responses	Hours per response	Estimated total hour burden
59	1	59	8	472

Send comments to Susan G. Queen, PhD, HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: December 16, 2003.

Tina M. Cheatham,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 03–31428 Filed 12–19–03; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for the opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of title 44, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed grant information collection activity or to obtain a copy of the data collection plan and draft instruments, call the HRSA Reports Clearance Officer at (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for proper performance of grantee functions including whether the information will have practical utility; (b) the accuracy of the burden estimate 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 information collection burden on respondents, including the use of automated collection methods or other types of information technology.

Proposed Project: Ryan White Comprehensive AIDS Resources Emergency (CARE) Act Title I Grant Application Supplements: In Use Without Approval

The CARE Act (codified under Title XXVI of the Public Health Service Act) was first enacted by Congress in 1990, and reauthorized in 1996 and 2000. It addresses the unmet health needs of persons living with HIV disease by funding primary health care and support services that enhance access to and retention in care. The CARE Act funded services reach over 500,000 individuals; after Medicaid and Medicare, it is the largest single source of Federal funding for HIV/AIDS care for low-income, uninsured, and underinsured Americans. Title I under the CARE Act provides emergency assistance to eligible metropolitan areas (EMAs) that have been most severely affected by the HIV epidemic, for the purpose of developing or enhancing a continuum of high quality, community-based care for low-income individuals and families. HRSA disburses approximately one-half of the Title I

funds among 51 EMAs based on a Congressionally mandated formula. The remaining funds are available on a competitive basis to those same EMAs that demonstrate severe need for supplemental assistance to combat the HIV epidemic, and an ability to disburse and use supplemental resources in a manner that is immediately responsive to the local epidemic and cost effective.

The CARE Act requires local planning councils to establish Title I priorities and allocate funds, taking into account critical factors. These include the: size and demographics of the local HIV epidemic; demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions; priorities of the communities with HIV disease for whom the services are intended; coordination of HIV care services delivery with HIV prevention programs and programs for the prevention and treatment of substance abuse; availability of other governmental and nongovernmental resources; and capacity development needs resulting from disparities in the availability of treatment and services in underserved communities. Other planning council duties include developing a comprehensive plan for the delivery of services and evaluating the effectiveness of administrative mechanisms used by the grantee to disburse (contract) the funds locally.

The *Title I Grant Application Supplements* have been designed to collect information from EMAs in a consistent, standard way when they apply for new or competing continuation grant funds in a combined formula and supplemental grant application. This information is needed to determine that funds are being used as intended by the Congress and in compliance with CARE Act mandates, and that supplemental funds are awarded to grantees on the basis of objective criteria consistent with CARE Act requirements. This includes requirements that grantees demonstrate: (a) Severity of need for emergency assistance to combat the HIV epidemic, including the unmet needs of persons who know their HIV status but are not yet in care, (Supplements 1, 4 and 5); (b) a functioning planning council that is in conformance with statutory membership requirements and carrying out mandated duties and responsibilities, (Supplement 2); (c) an ability to use Title I grant resources in a manner that is immediately responsive to the local epidemic and cost effective, and in compliance with payer of last resort, maintenance of effort and related requirements, (Supplements 3 and 6); and (d) a comprehensive plan for the delivery of HIV/AIDS care services that is responsive to the local epidemic and unmet needs, (Supplements 7 and 8).

In addition, HRSA uses the collected information as a benchmark for monitoring grantee performance during the fiscal year; to identify individual and cross-cutting grantee technical assistance needs; and to detect emerging HIV/AIDS care services issues that may require changes in existing program policies or procedures.

The *Title I Application Supplements* will be transmitted by mail and electronically to all Title I EMAs and made available through the HRSA web site. Applicants will submit the Supplements electronically along with Form PHS–5161–1 (Revised 7/00), SF–424 and the program narrative portion of their application, using the Grants Management electronic transmission mechanisms established by HRSA. The Supplements will include check box responses; fields for reporting numeric fiscal and epidemiological data; and text boxes for describing other required information. The Supplements will automatically generate totals when appropriate, and have other automated fields to minimize the time required to insert identifying information.

The Supplements will require Title I applicants/grantees to report local epidemiological information and some fiscal and programmatic data collected from Title I funded contractors (sub-grantees), which grantees have been collecting and reporting since FY 1995 or earlier. The approximate response burden for applicants/grantees is estimated as:

Estimated number of grantee respondents	Estimated responses per grantee	Total number of responses	Hours per response	Estimated total hour burden
51	1	51	16	816

Send comments to Susan G. Queen, PhD, HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 day of this notice.

Dated: December 16, 2003.

Tina M. Cheatham,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 03–31429 Filed 12–19–03; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: The National Health Service Corps Scholarship Program Deferment Request Forms and Associated Reporting Requirements (OMB No. 0915–0179)—Revision

The National Health Service Corps (NHSC) Scholarship Program was established to assure an adequate supply of trained primary care health professionals (allopathic physicians, osteopathic physicians, dentists, nurse practitioners, nurse midwives, physician assistants, and, if needed by the NHSC program, other health professionals), to provide services in Health Professional Shortage Areas (HPSAs) throughout the United States. Under the Program, the Secretary has entered into contracts with health professions students agreeing to pay the total school tuition, required fees and a stipend for living expenses. In exchange, the scholarship recipients agreed to provide full-time clinical services at a site in a federally designated HPSA.

To assure that scholars are adequately trained to provide primary health services to the underserved, individuals receiving a degree from a school of medicine (allopathic or osteopathic) are required by law to request a deferment of their service obligation to complete primary care postgraduate training (*e.g.*, a residency) approved by the NHSC. Scholars in other disciplines (*e.g.*, dentistry) may request a deferment of their service obligation to pursue postgraduate training approved by the NHSC. The Deferment Request Form solicits information (including the period and type of training for which the deferment is requested), so that the NHSC is able to annually determine if a deferment will be approved. In special circumstances (*e.g.*, switching residency programs, requesting a chief residency position, etc.), the scholar may also be asked to submit additional documentation (*e.g.*, a letter from the new program director, a description of the chief residency position and how it would benefit the NHSC, etc.)

The estimated response burden is as follows:

Form	Number of respondents	Responses per respondent	Hours per response	Total hour burden
Deferment Request Forms	600	1	1	600
Letters of Intent and Request	100	1	1	100
Total	700	.....	.....	700

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 16C–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: December 16, 2003.

Tina M. Cheatham,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 03–31430 Filed 12–19–03; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: The National Health Service Corps Scholarship Program In-School Worksheets (OMB No. 0915–0250)—Revision

The National Health Service Corps (NHSC) Scholarship Program was established to help alleviate the geographical maldistribution of physicians and other health practitioners in the United States. Under this program, health professions students are offered scholarships in return for future services in a federally-designated Health Professional Shortage Area. If awarded an NHSC scholarship, the program will require the scholar and the scholar's school to review and complete relevant data collection worksheets for each year that the student is an NHSC scholar.

The *Data Sheet Form* requests that the NHSC scholar review the form for accuracy of pertinent information such as, social security number, contact information, current curriculum, and date of graduation. If scholars find the printed information to be accurate, they must sign the form and return it to the NHSC Scholarship Program in the envelope provided. If NHSC scholars find the information to be inaccurate, they are to make the necessary changes directly on the form. If the inaccurate information pertains to their curriculum or date of graduation, the scholars are also asked to include written supporting documentation from their schools.

The *Verification Sheet Form* is sent to the schools along with a list of the NHSC scholars that are enrolled at their school for the current academic year. The schools are asked to verify and/or correct the enrollment status of each of the scholars on the list, sign and date the form, and return it to the NHSC Scholarship Program in the envelope provided.

The *Contact Sheet Form* is sent to the schools and it requests the contact information of pertinent school officials. This information is used by the NHSC Scholarship Program for future contacts with the schools.

The estimated burden is as follows:

Form name	Number of respondents	Responses per respondent	Hours per response	Total burden hours
Data Sheet	800	1	10 mins	134
Verification Sheet	800	1	10 mins	134
Contact Sheet	800	1	10 mins	134
Total	2400	.....	.....	402

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 16C–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: December 16, 2003.

Tina M. Cheatham,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 03–31431 Filed 12–19–03; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on the National Health Service Corps; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following Federal advisory committee meeting. The meeting will be open to the public.

Name: National Advisory Council on the National Health Service Corps

Date and Time: January 29, 2004; 5 p.m.–7 p.m. January 30, 2004; 8:30 a.m.–5 p.m. January 31, 2004; 9 a.m. to 5:30 p.m. February 1, 2004; 8 a.m.–10:30 a.m.

Place: Sheraton Premier at Tysons Corner, 8661 Leesburg Pike, Vienna, Virginia 22182, (703) 448–1234.

Agenda: The Council will be meeting in conjunction with the 2004 National Health Service Corps Placement Cycle Conference. This meeting will provide an opportunity to meet with program participants and gain greater understanding of the placement process.

For Further Information Contact: Tira Robinson, Division of National Health Service Corps, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8A–55, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 594–4140.

Dated: December 16, 2003.

Tina M. Cheatham,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 03–31427 Filed 12–19–03; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; The Atherosclerosis Risk in Communities Study (ARIC)

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Heart, Lung and Blood Institute (NHLBI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on July 14, 2003, pages 41591–41592, and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: The Atherosclerosis Risk in Communities Study (ARIC). *Type of Information Collection Request:* Revision of a currently approved collection (OMB No. 0925–0281). *Need and Use of Information Collection:* This project involves annual follow-up by telephone of participants in the ARIC study, review of their medical records, and interviews with doctors and family to identify disease occurrence. Interviewers will contact doctors and hospitals to ascertain participants' cardiovascular events. Information gathered will be used to further describe the risk factors, occurrence rates, and consequences of cardiovascular disease in middle aged and older men and women. *Frequency of Response:* The participants will be contacted annually. *Affected Public:* Individuals or households: Businesses or other for profit; Small Businesses or organizations. *Type of Respondents:* Middle aged and elderly adults; doctors and staff of hospitals and nursing homes. The annual reporting burden is as follows: Estimated Number of Respondents: 13,640; *Estimated Number of Responses per Respondent:* 1.0; *Average Burden Hours Per Response:* 0.1667; and *Estimated Total Annual Burden Hours Requested;* 6,865. The annualized cost to respondents is estimated at $25,808, assuming respondents' time at the rate of $16.50 per hour for family and patient respondents, and $75 per hour for physicians. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

ESTIMATE OF ANNUAL HOUR BURDEN

Type of response	Number of respondents	Frequency of response	Average time per response	Annual hour burden
Participant Follow-up	13,050	1.0	0.1667	6,525
Physician, hospital, nursing home staff [1]	180	1.0	0.2500	135
Participant's next-of-kin [1]	410	1.0	0.1667	205
Total	13,640	1.0	.....	6,865

[1] Annual burden is placed on doctors, hospitals, nursing homes, and respondent relatives/informants through requests for information which will help in the compilation of the number and nature of new fatal and nonfatal events.

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC. 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Merle Myerson, NIH, NHLBI, 6701 Rockledge Drive, MSC 7934, Bethesda, MD 20892–7934, or call non-toll-free number 301–435–0707 or e-mail your request, including your address to: *MyersonM@nhlbi.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: December 11, 2003.

Peter Savage,

Director, DECA, NHLBI, National Institutes of Health.

[FR Doc. 03–31403 Filed 12–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Use of Mutants of Human Insulin-Like Growth Factor Binding Protein-3 (IGFBP–3) in Treatment of Cancer

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the Food and Drug Administration and the Department of Health and Human Services is contemplating the grant of an exclusive license to practice the inventions embodied in International Patent Application PCT/US02/40561, ''Use of Mutants of Human Insulin-Like Growth Factor Binding Protein-3 (IGFBP–3) in Treatment of Cancer'', by Matthew Rechler, filed on December 17, 2002, and claiming priority to U.S. provisional patent application 60/341,920 filed December 17, 2001, to Actis Biologics Inc., which is located in Livermore, California. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory will be worldwide and the field of use may be limited to human therapeutics for the treatment of prostate and breast cancers.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before February 20, 2004 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments and other materials relating to the contemplated exclusive license should be directed to: Brenda J. Hefti, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–4632; Facsimile: (301) 402–0220; E-mail: *heftib@od.nih.gov.*

SUPPLEMENTARY INFORMATION: In this invention, human IGFBP–1 has been genetically modified so that its affinity for IGF–I and IGF–II is greatly reduced, and it can act only through a novel direct mechanism. These human IGFBP–3 mutants still can inhibit DNA synthesis and stimulate apoptosis, and have been shown to induce apoptosis in human prostate cancer cells. The current invention could selectively exert anti-proliferative action without interfering with IGF actions, and may have therapeutic uses as an anti-tumor agent.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: December 16, 2003.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 03–31404 Filed 12–19–03; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Directorate of Science and Technology; Notice of Establishment of Homeland Security Science and Technology Advisory Committee (HSSTAC)

AGENCY: Office of the Undersecretary for Science and Technology, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Section 311 of the Homeland Security Act of 2002, Pub. L. 107–296, established within the Department of Homeland Security the Homeland Security Science and Technology Advisory Committee (HSSTAC). The mission of the HSSTAC is to be a source of independent, scientific and technical planning advice for the Under Secretary for Science and Technology.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald Taylor, Director, Office of Studies and Analysis, Department of Homeland Security Science and Technology Directorate, Washington, DC 20528, telephone (202) 205–5041, fax (202) 772–9916.

SUPPLEMENTARY INFORMATION:

Purpose

The HSSTAC shall make recommendations with respect to the activities of the Under Secretary for Science and Technology, including identifying research areas of potential importance to the security of the Nation. The HSSTAC is to be a source of independent, scientific and technical planning advice for the Under Secretary for Science and Technology.

Membership

The HSSTAC consists of 20 members appointed by the Under Secretary for Science and Technology. The HSSTAC members are (1) eminent in fields such as emergency response, research, engineering, new product development, business, and management consulting; (2) selected solely on the basis of established records of distinguished service; (3) not employees of the Federal Government; and, (4) selected as to provide representation of a cross-section of the research, development, demonstration, and deployment activities supported by the Under Secretary for Science and Technology.

Meetings

The HSSTAC will meet at least quarterly at the call of the Chair or whenever one-third of the members so request in writing.

Duration

The HSSTAC is expected to be needed on a continuing basis. However, the HSSTAC will terminate on November 25, 2005, pursuant to section 311(j) of the Homeland Security Act of 2002 unless extended.

Dated: December 16, 2003.

Charles E. McQueary,

Under Secretary for Science and Technology, Department of Homeland Security.

[FR Doc. 03–31447 Filed 12–19–03; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Directorate of Science and Technology; Notice of Homeland Security Science and Technology Advisory Committee (HSSTAC) Vacancy and Call for Applications

AGENCY: Office of the Undersecretary for Science and Technology, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Pursuant to section 311 of the Homeland Security Act of 2002, Pub. L. 107–296, the Secretary of the Department of Homeland Security is seeking nominations to fill a vacant seat on the Homeland Security Science and Technology Advisory Committee (HSSTAC). Section 311(b)(1) of the statute requires that the committee include among its membership ''Representatives of citizens groups, including economically disadvantaged communities.'' Therefore, we are requesting qualified individuals that meet this criterion and are interested in serving on this committee to apply for membership. Nominees should send a letter of interest and brief biography to *hsstac@dhs.gov* or fax to the attention of Dr. Ron Taylor at 202–772–9916. Applicants selected for appointment will be required to pass an appropriate security background check prior to appointment to the committee.

DATES: Your letter of interest and brief biography should reach the Department of Homeland Security on or before January 15, 2004.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald Taylor, Director, Office of Studies and Analysis, Department of Homeland Security Science and Technology Directorate, telephone 202–205–5041, fax 202–772–9916.

SUPPLEMENTARY INFORMATION:

Purpose

The HSSTAC shall make recommendations with respect to the activities of the Under Secretary for Science and Technology, including identifying research areas of potential importance to the security of the Nation. The HSSTAC is to be a source of independent, scientific and technical planning advice for the Under Secretary for Science and Technology.

Membership

The HSSTAC consists of 20 members appointed by the Under Secretary for Science and Technology. The HSSTAC also includes emergency first-responders or representatives of organizations or associations of emergency first-responders. (We are not requesting applicants for these positions in this notice.) The HSSTAC also includes representatives of citizens groups, including economically-disadvantaged communities. The HSSTAC members are (1) eminent in fields such as emergency response, research, engineering, new product development, business, and management consulting; (2) selected solely on the basis of established records of distinguished service; (3) not employees of the Federal Government; and, (4) selected as to provide representation of a cross-section of the research, development, demonstration, and deployment activities supported by the Under Secretary for Science and Technology.

Members will serve terms of office of 3 years. However, to permit orderly turnover of the committee's membership, the original members of the HSSTAC will be appointed to three groups of approximately equal numbers each, and their terms of office will be staggered. One group will have a term of 1 year, 1 a term of 2 years, and the other a term of 3 years.

While attending meetings or otherwise engaged in Committee business, Committee members are authorized travel and subsistence or *per diem* allowances (as appropriate) in accordance with Federal government regulations.

Meetings

The HSSTAC will meet at least quarterly at the call of the Chair or whenever one-third of the members so request in writing.

Duration

The HSSTAC is expected to be needed on a continuing basis. However, the HSSTAC will terminate on November 25, 2005, pursuant to section 311(j) of the Homeland Security Act of 2002 unless extended.

Dated: December 16, 2003.

Charles E. McQueary,

Under Secretary for Science and Technology, Department of Homeland Security.

[FR Doc. 03–31448 Filed 12–19–03; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2003–16728]

Maritime Security Directives (MARSEC Directives) 104–1, 104–2, 104–3, 104–4, 105–1, 105–2, 105–3 and 106–1; Performance Standards for Cruise Ships and Facilities, Passenger Vessels/Ferryboats and Facilities, Cargo/Other Commercial Vessels and Facilities, Mobile Oil Drilling Units/Off-Shore Supply Vessels, and Outer Continental Shelf (OCS) Facilities

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the availability of MARSEC Directives 104–01, 104–02, 104–03, 104–4, 105–01, 105–02, 105–03, and 106–1. The MARSEC Directives provide performance standards to assist facility and vessel owners/operators with developing facility and vessel security plans that comport with national maritime security initiatives. Information within the MARSEC Directives is designated sensitive security information (SSI) and is not subject to public release.

DATES: The MARSEC Directives listed above will be available on December 22, 2003.

ADDRESSES: The MARSEC Directives listed above are available at the following U.S. Coast Guard Marine Safety Offices:

Boston; Tel (617) 223–3000, 455 Commercial St., Boston, MA 02109–1096.
Portland; Tel (207) 780–3251, 103 Commercial St., Portland, ME 04101–4726.
Providence; Tel (401) 435–2300, 20 Risho Ave. East, Providence, RI 02914–1208.
Group/MSO Long Island Sound; Tel (203) 468–4400, 120 Woodward Ave., New Haven, CT 06512–3698.
New York; Tel (718) 354–4003 212, Coast Guard Dr, Staten Ils, NY 10305.
Baltimore; Tel (410) 576–2561, 2401 Hawkins Point Rd, Baltimore, MD 21226–5000.
Philadelphia; Tel (215) 271–4800, One Washington Ave., Philadelphia, PA 19147–4395.
Hampton Roads; Tel (757) 668–5510, Norfolk Federal Bldg., 200 Granby Mall, Suite 700, Norfolk, VA 23510–1888.
Wilmington; Tel (910) 772–2200, 400 Medical Center Dr., Wilmington, NC 28405–1816.
Miami; Tel (305) 535–8705, 100 MacArthur Cswy, Miami, FL 33139.
Tampa; Tel (813) 228–2191, 155 Columbia Dr., Tampa, FL 33606–3598.
Jacksonville; Tel (904) 232–2640, 7820 Arlington Expy. Suite 400, Jacksonville, FL 32211–7445.
Savannah; Tel (912) 652–4353, Juliette G. Low Federal Bldg., 100 W. Oglethorpe Ave., Suite 1017, Savannah, GA 31401.
Charleston; Tel (843) 724–7683, 196 Tradd St., Charleston, SC 29401–1817.
San Juan; Tel (787) 706–2400, P.O. Box 71526, San Juan, PR 00936–8626.
St. Louis; Tel (314) 539–3091, 1222 Spruce St., St. Louis, MO 63103–2835.
Memphis; Tel (901) 544–3941, 200 Jefferson Ave., Suite 1301, Memphis, TN 38103–2300.
Paducah; Tel (270) 442–1621, 225 Tully St. Paducah, KY 42003–0170.
Pittsburgh; Tel (412) 644–5808, Suite 1150, Kossman Bldg., 100 Forbes Ave., Pittsburgh, PA 15222–1371.
Huntington; Tel (304) 529–5524, 1415 6th Ave., Huntington, WV 25701–2420.
Louisville; Tel (502) 582–5194, 600 Martin Luther King Jr. Place Rm. 360, Louisville, KY 40202–2230.
Mobile; Tel (251) 441–5201, South Broad St., Bldg. 102, Mobile, AL 36615–1390.
Corpus Christi; Tel (361) 888–3162, 555 N. Carancahua Street, Suite 500, Corpus Christi, TX 78478.
Port Arthur; Tel (409) 723–6509, Federal Bldg, 2875 Jimmy Johnson Blvd., Port Arthur, TX 77640–2099.
Houston-Galveston; Tel (713)671–5199, 9640 Clinton Drive, Galena Park, TX 77029.
New Orleans; Tel (504) 589–6196, 1615 Poydras St. #77, New Orleans, LA 70112–1254.
Morgan City; Tel (985) 380–5305, 800 David Dr., Rm. 232 Morgan City, LA 70380–1304.
Sault Ste. Marie; Tel (906) 635–3220, 337 Water Street, Sault Ste. Marie, MI 49783–9501.
Chicago; Tel (630) 986–2155, 215 West 83rd St., Suite D, Burr Ridge, IL 60521–7059.
Milwaukee; Tel (414) 747–7155, 2420 S. Lincoln Memorial Dr., Milwaukee, WI 53207–1997.
Detroit; Tel (313) 568–9580, 110 Mt. Elliott Ave., Detroit, MI 48207–4380.
Toledo; Tel (419) 259–6372, 420 Madison Ave., Suite 700, Toledo, OH 43604–1265.
Cleveland; Tel (216) 937–0111, 1055 East Ninth St., Cleveland, OH 44114–1092.
Buffalo; Tel (716) 843–9570, 1 Fuhrmann Blvd., Buffalo, NY 14203–3189
Duluth; Tel (218) 720–5286, 600 S. Lake Ave., Duluth, MN 55802–2352.
San Diego; Tel (619) 683–6500, 2716 North Harbor Dr., San Diego, CA 92101–1064.
San Francisco Bay; Tel (510) 437–3135, Coast Guard Island, Bldg. 14 Alameda, CA 94501–5100.
Los Angeles-Long Beach; Tel (562) 980–4429, 1001 S. Seaside Ave, Bldg 20, San Pedro, CA 90731–0208.
Portland; Tel (503) 240–9310, 6767 N. Basin Ave., Portland, OR 97217–3992.
Puget Sound; Tel (206) 217–6200, 1519 Alaskan Way South Bldg. 1, Seattle, WA 98134–1192.
Honolulu; Tel (808) 522–8251, 433 Ala Moana Blvd., Pier 4, Honolulu, HI 96813–4909.
Guam; Tel (671) 339–2001, PSC 455, Box 176, FPO AP 96540–1056.
Anchorage; Tel (907) 271–6700, 510 L. St., Suite 100, Anchorage, AK 99501–1946.
Juneau; Tel (907) 463–2450, 2760 Sherwood Lane, Suite 2A, Juneau, AK 99801–8545.
Prince William Sound; Tel (907) 835–7200, P.O. Box 486, 105 Clifton Dr., Valdez, AK 99686–0486.

FOR FURTHER INFORMATION CONTACT: If you have questions regarding this notice, call LT Bruce Walker, U.S. Coast Guard, telephone 202–267–4148.

SUPPLEMENTARY INFORMATION:

What Action Is the Coast Guard Taking?

The Coast Guard is promulgating MARSEC Directives for those owners and operators of vessels and facilities subject to 33 CFR parts 104, 105, or 106.

(a) MARSEC Directives 104–1 and 104–2 applies to U.S. and foreign cruise ships, passenger vessels, and ferryboats that are subject to 33 CFR Part 104 that operate in U.S. waters.

(b) MARSEC Directive 104–3 applies to U.S. cargo, towing, and other commercial vessels subject to 33 CFR Part 104 that operate in U.S. waters. Foreign cargo and other commercial vessels subject to the International Ship and Port Facility Security (ISPS) Code are not subject to the MARSEC Directives; however, implementation of their security plans will be reviewed during Port State Control examinations.

(c) MARSEC Directive 104–4 applies to U.S. Mobile Offshore Drilling Units and offshore supply vessels subject to 33 CFR part 104 that operate in waters subject to U.S. jurisdiction.

(d) MARSEC Directive 105–1 applies to facilities in the U.S. subject to 33 CFR part 105 that receive U.S. and foreign cruise ships.

(e) MARSEC Directive 105–2 applies to facilities in the U.S. subject to 33 CFR part 105 that receive U.S. and foreign passenger vessels and ferryboats.

(f) MARSEC Directive 105–3 applies to cargo and other commercial facilities in the U.S. subject to 33 CFR Part 105 that receive vessels and barges subject to 33 CFR 104.105.

(g) MARSEC Directive 106–1 applies to Outer Continental Shelf facilities operating in U.S. waters and not subject to 33 CFR part 104.

Owners and operators have the primary responsibility for ensuring the security of their vessels and facilities. Owners and operators must include the performance standards listed in the MARSEC Directives in their vessel and facility security plans.

The performance standards do not impose new industry requirements but provide supplemental direction to assist with the development of vessel and facility security plans required by 33 CFR parts 104, 105, and 106.

To ensure these performance standards are disseminated efficiently and consistently, Coast Guard Area/District Commanders and COTPs will notify appropriate owners and operators of vessels and/or facilities regulated under 33 CFR parts 104, 105 and 106. The COTP or Area/District Commander will confirm, prior to distributing the MARSEC Directive, that the

individual(s) is a ''covered person'' with a ''need to know'', and that the MARSEC Directive will be safeguarded as SSI as defined in 49 CFR part 1520.

Owners/operators of vessels and facilities regulated under 33 CFR parts 104, 105, and 106 may also contact the local COTP to obtain a copy of the applicable MARSEC Directive. Local COTP contact information can be found in the **ADDRESSES** section of this notice.

Why Is the Coast Guard Taking This Action?

The Coast Guard is issuing these MARSEC Directives to assist owners and operators of the affected maritime industries in developing vessel and security plans required by 33 CFR parts 104 through 106.

Each MARSEC Directive contains SSI. If disclosed, the SSI could be used to subvert or exploit the security programs of vessels, facilities, or ports. Therefore, the MARSEC Directives are not subject to public disclosure, in accordance with 46 U.S.C. 40119.

Since MARSEC Directives 104–1 thru 104–4, 105–1 thru 105–3, and 106–1 are issued to protect national security and to preserve the rights and obligations of the U.S. with regards to maritime security, the Coast Guard has determined that the issuance of these MARSEC Directives do not fall within the requirements of the Administrative Procedure Act by virtue of the military and foreign affairs exemption (5 U.S.C. 553(a)(1)). Furthermore, the basis for the MARSEC Directives would also constitute ''good cause'' within the meaning of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B) and (d)(3)) regarding notice and comment rulemaking and effective dates since it would be contrary to the public interest and impracticable to provide SSI relating to maritime security and methods of detection, deterrence, and response in a public forum.

Dated: December 15, 2003.

L.L. Hereth,

Rear Admiral, U.S. Coast Guard, Director of Port Security.

[FR Doc. 03–31390 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2003–16682]

Interpretations of Vessel Tonnage Measurement Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: This notice addresses the use of a Marine Safety Center Technical Note (MTN) for interpreting the Coast Guard's vessel tonnage measurement regulations. While the regulations provide the necessary framework for assigning gross and net tonnages and registered dimensions to vessels, detailed interpretations of the regulations must be periodically made and disseminated to organizations authorized to perform tonnage measurement on the Coast Guard's behalf. This notice advises the public on how an MTN on tonnage measurement may be obtained and the process by which this MTN is periodically updated.

EFFECTIVE DATE: This notice is effective on December 22, 2003.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call Peter Eareckson, Chief, Tonnage Division, United States Coast Guard, (202) 366–6502. If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone (202) 366–0271.

SUPPLEMENTARY INFORMATION:

Comments

If you have comments on how the Marine Safety Center Technical Note (MTN) on tonnage measurement may be obtained and the process by which the MTN is periodically updated, please submit your comments, identified by Coast Guard docket number USCG–2003–16682, to the Docket Management Facility located at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) Web site: *http://dms.dot.gov.*

(2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

(3) Fax: (202) 493–2251.

(4) Delivery: Room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.

(5) Federal eRulemaking Portal: *http://www.regulations.gov.*

Viewing Comments and Documents

To view comments, as well as documents mentioned in this notice as being available in the docket, go to *http://dms.dot.gov* at any time and conduct a simple search using the docket number. You may also visit the Docket Management Facility in room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Background

The Coast Guard is responsible for maintaining regulations for assigning gross and net tonnages and registered dimensions to vessels. These regulations are found in title 46, Code of Federal Regulations (CFR), part 69, Measurement of Vessels. As was true for predecessor Federal agencies responsible for interpreting the tonnage measurement regulations, the Coast Guard has found it necessary to establish interpretations of these regulations to respond to novel situations, on a case-by-case basis, through policy decisions. Periodically, these policy decisions are evaluated as to their appropriateness for incorporation into the tonnage measurement regulations.

MTN 01–99, Tonnage Technical Policy

MTN 01–99, Tonnage Technical Policy, is the current vehicle for ensuring that policy decisions are available to organizations authorized to perform tonnage measurement on behalf of the Coast Guard. MTNs are policy documents developed and issued by the Coast Guard Marine Safety Center (MSC), a Coast Guard headquarters unit responsible for tonnage measurement, plan review, and a number of other technical functions. All MTNs, including MTN 01–99, are posted on the MSC's Web site at *www.uscg.mil/hq/msc.* A copy of the current version of MTN 01–99 is available in the docket (*see* ''Viewing Comments and Documents,'' above.) While MTN 01–99 is intended for use by organizations authorized to perform tonnage measurement on behalf of the Coast Guard, we recognize that it contains information that may affect decisions on vessel designs and that the public may benefit by our making it widely available to parties other than authorized measurement organizations.

Changes to MTN 01–99

The MSC periodically issues changes to MTN 01–99 to keep it up-to-date with relevant policy decisions. Since it was first published in 1999, MTN 01–99 has undergone six changes. The current version of the document (MTN 01–99 Change 6) includes interpretations summarized as follows:

1. Clarifications on the treatment of uncovered spaces with high sides under the convention measurement system.

2. Interpretations of the International Maritime Organization (IMO) Tonnage Measurement Circular (TM. 5/Circ. 5), dated June 10, 1994.

3. Interpretations relating to methods of calculating volumes that are considered to be accepted naval architectural practice.

4. Novel Craft interpretations for offshore supply vessels (OSVs) that provide for ignoring uncovered cargo deck space when determining the total volume of all enclosed space.

5. Clarifications on the number of allowed ''zero area'' tonnage stations under the standard measurement system.

6. Criteria for tonnage length termination points.

7. Criteria relative to ordinary frames including, maximum frame spacing and treatment of the frame openings and other discontinuities.

8. Interpretations on establishing breadth measurements under the standard measurement system for multi-hull vessels.

9. Interpretations eliminating the prohibition against using tonnage openings to exempt passenger space that is located on the uppermost complete deck.

10. Interpretations relative to the progression of open space in structures under the standard measurement system.

12. A procedure for calculating the tonnage of exemptible under-deck water-ballast spaces.

13. Clarification that a two-deck vessel cannot be assigned single tonnages under the dual measurement system, unless a load line is assigned.

14. Interpretations relative to hull measurement termination points under the simplified measurement system.

15. Clarifications addressing the treatment of various atypical shapes under the simplified measurement system, such as pontoon hulls, cathedral/multi-''vee'' hulls, and drydocks.

To provide a mechanism for notification when a change to the MTN has been issued, the MSC's Web site has been recently updated to allow members of the public to add their e-mail addresses to an electronic mailing list for such notification. Also, in the future, we will notify the public via a notice in the **Federal Register** of changes to MTN 01–99 that are believed to be of significant interest to the maritime industry.

Dated: December 16, 2003.

Joseph J. Angelo,

Director of Standards, Marine Safety, Security and Environmental Protection.

[FR Doc. 03–31389 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Agency Information Collection Activities: Proposed Collection; Comments Requested

Action: 30-day notice of information collection under review: Arrival Record, Form I–94AOT.

The Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** at 68 FR 55408 on September 25, 2003, allowing for a 60-day public review and comment period. No comments were received by DHS.

A second notice was published in the **Federal Register** at 68 FR 69713 on December 15, 2003, allowing for an additional 30 days for public review and comment. The second notice incorrectly listed Immigration and Customs Enforcement (ICE) as the DHS component responsible for this information collection. The second notice should have listed CBP as the DHS component responsible for this information collection. Accordingly, the public has 30 days until January 21, 2004 to submit comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Homeland Security Officer, 725–17th Street, NW., Suite 10102, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Arrival Record.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–94AOT, U.S. Customs and Border Protection.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households. The information collected is captured electronically as part of a pilot program established by the legacy Immigration and Naturalization Service in cooperation with two participating carriers to streamline document handling and data processing. The information collected will be used by DHS to document an alien's arrival and departure to and from the United States and may be evidence of registration under certain provisions of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 25,000 responses at 3 minutes (.05 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,250 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202–514–3291, Director, Regulations and Forms

Services Division, Department of Homeland Security, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Steve Cooper, PRA Clearance Officer, Department of Homeland Security, Office of Chief Information Officer, Regional Office Building 3, 7th and D Streets, SW., Suite 44636–26, Washington, DC 20202.

Dated: December 17, 2003.

Richard A. Sloan,

Department Clearance Officer, Department of Homeland Security.

[FR Doc. 03–31449 Filed 12–19–03; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

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

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed information collection. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning State Administrative Plans for the Hazard Mitigation Grant Program (HMGP).

SUPPLEMENTARY INFORMATION: The development of the State Administrative Plan is required as a condition of receiving HMGP funding under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988. Section 404 mandates that FEMA must approve the plan before awarding any project grant assistance to a community or State applicant. The regulations for the State Administrative Plan are codified in 44 CFR 206.437, implementing the provisions to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288 as amended.

Collection of Information

Title: State Administrative Plan for the Hazard Mitigation Grant Program.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 1660–0026.

Abstract: The State Administrative Plan is a procedural guide that details how the State will administer the HMGP funding. The Administrative Plan may take any form including a chapter within a comprehensive State mitigation program strategy. The State may forward an Administrative Plan to the Regional Director for approval at any time or prior to or immediately after the request for a disaster declaration. Independent of the frequency of disaster declarations, each State should review and update the plan at least annually.

Affected Public: State, local, or tribal government, and Federal government.

Estimated Total Annual Burden Hours: 383.

Estimated Cost: The estimated annual wage rates cost to States and territories for the burden hours associated with State Administrative Plan updates is $9,141 ($23.88 per hour x 383 total annual burden hours).

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments via mail, email or facsimile to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, U.S. Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472, or e-mail address: *InformationCollections@dhs.gov*, or facsimile number (202) 646–3347.

FOR FURTHER INFORMATION CONTACT: Contact Kathleen Wissmann, Program Specialist, Mitigation Division, (202) 646–4372 for additional information. You may contact Ms. Anderson for copies of the proposed information collection at the above e-mail address or facsimile number.

Dated: December 12, 2003.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–31394 Filed 12–19–03; 8:45 am]

BILLING CODE 9110–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Open Meeting/Conference Call, Board of Visitors for the National Fire Academy

AGENCY: Fire Administration (USFA), FEMA, Emergency Preparedness and Response, Homeland Security.

ACTION: Notice of open meeting via conference call.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, FEMA announces the following committee meeting:

Name: Board of Visitors (BOV) for the National Fire Academy.

Dates of Meeting: January 29, 2004.

Place: Building H, Room 300, National Emergency Training Center, Emmitsburg, Maryland.

Time: January 29, 2004, 2–4 p.m.

Proposed Agenda: Review National Fire Academy Program Activities.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public in the Emmitsburg commuting area with seating available on a first-come, first-served basis. The meeting is open to the public; however, teleconference lines are limited. Members of the general public who plan to participate in the meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1117, on or before January 23, 2004. Dial-in information will be provided to those wishing to participate via telephone.

Minutes of the meeting will be prepared and will be available for public viewing in the Office of the U.S.

Fire Administrator, U.S. Fire Administration, Federal Emergency Management Agency, Emmitsburg, Maryland 21727. Copies of the minutes will be available upon request within 60 days after the meeting.

Dated: December 5, 2003.

R. David Paulison,

U.S. Fire Administrator, Director of the Preparedness Division.

[FR Doc. 03–31393 Filed 12–19–03; 8:45 am]

BILLING CODE 9110–17–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–102]

Notice of Proposed Information Collection: Comment Request; Customer Satisfaction Surveys

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: February 20, 2004.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Q, Department or Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 800a, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374(this is not a toll-free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Customer Satisfaction Surveys.

OMB Control Number, if applicable: 2535–New.

Respondents: Individuals, Business, or other for-profit, Not-for profit institutions, State, Local or Tribal Government.

Description of the need for the information and proposed use: Executive Order 12862, ''Setting Customer Service Standards'' requires that Federal agencies provide the highest quality service to our customers by identifying them and determining what they think about our services. The surveys covered in the request for a generic clearance will provide HUD a means to gather this data directly from our customers.

Agency form numbers, if applicable: None.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The burden hours per response will vary with each survey; however, we estimate an average burden of sixty minutes for each survey. We estimate that HUD will survey respondents on occasion. Therefore, the total annual estimate is one burden hour per respondent.

Status of the proposed information collection: This is a new collection.

Authority: Sec. 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: December 12, 2003.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 03–31400 Filed 12–19–03; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4815–N–103]

Notice of Submission of Proposed Information Collection to OMB: Rural Housing and Economic Development Grant Application

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The proposed information collection is to be used for selection of applicants for Rural Housing and Economic Development program grant funds to develop the capacity for housing and economic development activities in rural areas and for innovative grants for housing and economic development.

DATES: Comments Due Date: January 21, 2004.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and OMB approval number (2506–0169) and should be sent to: Lauren Wittenberg, OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395–6974; e-mail *Lauren_Wittenberg@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins or on HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the

information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Rural Housing and Economic Development Grant Application.

OMB Approval Number: 2506–0169.

Form Numbers: SF 424, HUD.

Description of the Need for the Information and Its Proposed Use: The proposed information collection is to be used for selection of applicants for Rural Housing and Economic Development program grant funds to develop the capacity for housing and economic development activities in rural areas and for innovative grants for housing and economic development.

Respondents: Not-for-profit institutions, State, Local or Tribal Government.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	627	1,047	....	42	....	43,590

Status: Reinstatement, without change, of previously approved collection for which approval has expired.

Authority: Sec. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: December 15, 2003.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 03–31401 Filed 12–19–03; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4882–N–02]

America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Proposals for Incentive Criteria on Barrier Removal in HUD's Funding Allocations; Extension of Public Comment Deadline

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: On November 25, 2003, HUD published a notice that announced HUD's intention to establish in the majority of its FY2004 Notices of Funding Availability (NOFAs), including HUD's SuperNOFA, a policy priority for increasing the supply of affordable housing through the removal of regulatory barriers. This new policy priority will be added to the list of policy priorities that HUD traditionally includes in its NOFAs. As a policy priority (and like the other policy priorities), higher rating points will be available to governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing, and to nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers. HUD also solicited comment on the November 25, 2003, notice. The purpose of this notice is to announce that the public comment due date has been extended to January 12, 2004.

DATES: *Comment Due Date:* January 12, 2004.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500. Comments should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours (weekdays 8 a.m. to 5 p.m. Eastern time) at the above address. Facsimile (FAX) comments are not acceptable.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Room 10282, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500, telephone (202) 708–1793 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: As noted in the Summary portion of this notice, on November 25, 2003 (68 FR 66294), HUD announced its intention to establish in the majority of its FY2004 Notices of Funding Availability (NOFAs), including HUD's SuperNOFA, a policy priority for increasing the supply of affordable housing through the removal of regulatory barriers. The November 25, 2003, notice describes in detail the proposal and also solicited public comment, and provided a public comment through December 29, 2003. The purpose of this notice published in today's **Federal Register** is to announce that the public comment due date has been extended to January 12, 2004.

Dated: December 16, 2003.

A. Bryant Applegate,

Senior Counsel and Director of America's Affordable Communities Initiative.

[FR Doc. 03–31399 Filed 12–19–03; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

List of Programs Eligible for Inclusion in Fiscal Year 2004 Annual Funding Agreements To Be Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice lists programs or portions of programs that are eligible for inclusion in Fiscal Year 2004 annual funding agreements with self-governance tribes and lists programmatic targets for each of the non-BIA bureaus, pursuant to section 405(c)(4) of the Tribal Self-Governance Act.

DATES: This notice expires on September 30, 2004.

ADDRESSES: Inquiries or comments regarding this notice may be directed to the Office of Self-Governance (MS–2548, MIB), 1849 C Street, NW., Washington, DC 20240–0001. Telephone (202) 219–0240 or to the bureau points of contact listed below.

SUPPLEMENTARY INFORMATION:

I. Background

Title II of the Indian Self-Determination and Education Assistance Act Amendments of 1994 (Pub. L. 103–413, the ''Self-Governance Act'' or the ''Act'') instituted a permanent tribal self-governance program at the Department of the Interior (DOI). Under the self-governance program certain programs, services, functions, and activities, or portions thereof, in Interior bureaus other than BIA are eligible to be planned, conducted, consolidated, and administered by a self-governance tribal government.

Under section 405(c) of the Self-Governance Act, the Secretary of the Interior is required to publish annually: (1) A list of non-BIA programs, services, functions, and activities, or portions thereof, that are eligible for inclusion in agreements negotiated under the self-governance program; and (2) programmatic targets for these bureaus.

Under the Self-Governance Act, two categories of non-BIA programs are eligible for self-governance funding agreements:

(1) Under section 403(b)(2) of the Act, any non-BIA program, service, function or activity that is administered by Interior that is ''otherwise available to Indian tribes or Indians,'' can be administered by a tribal government through a self-governance agreement. The Department interprets this provision to authorize the inclusion of programs eligible for self-determination contracting under Title I of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). Section 403(b)(2) also specifies that ''nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions and activities, or portions thereof, unless such preference is otherwise provided for by law.''

(2) Under section 403(c) of the Act, the Secretary may include other programs, services, functions, and activities, or portions thereof, that are of ''special geographic, historical, or cultural significance'' to a self-governance tribe.

Under section 403(k) of the Self-Governance Act, annual agreements cannot include programs, services, functions, or activities that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the tribe. However, a tribe (or tribes) need not be identified in the authorizing statutes in order for a program or element to be included in a self-governance agreement. While general legal and policy guidance regarding what constitutes an inherently Federal function exists, we will determine whether a specific function is inherently Federal on a case-by-case basis considering the totality of circumstances.

Response to Comments

The Department provided the proposed list to the Self-Governance Tribes on April 23, 2003 for their review and comment. No comments were received. Several minor editorial and technical changes provided by Interior's bureaus were incorporated.

II. Annual Funding Agreements Between Self-Governance Tribes and Non-BIA Bureaus of the Department of the Interior

A. Bureau of Land Management (none)
B. Bureau of Reclamation (4)
  Gila River Indian Community
  Chippewa Cree Tribe of the Rocky Boy's Reservation
  Karuk Tribe of California
  Yurok Tribe
C. Minerals Management Service (none)
D. National Park Service (4)
  Grand Portage Band of Lake Superior Chippewa Indians
  Lower Elwha S'Klallam Tribe
  Tanana Chiefs Conference, Inc.
  Yurok Tribe
E. Office of Surface Mining and Reclamation Enforcement (none)
F. U.S. Fish and Wildlife Service (none)
G. U.S. Geological Survey (none)

III. Eligible Programs of the Department of the Interior Non-BIA Bureaus

Below is a listing by bureau of the types of non-BIA programs, or portions thereof, that may be eligible for self-governance annual funding agreements because they are either ''otherwise available to Indians'' under Title I and not precluded by any other law, or may have ''special geographic, historical, or cultural significance'' to a participating tribe. The lists represent the most current information on programs potentially available to Tribes under a Self-Governance agreement.

The Department will also consider for inclusion in annual funding agreements other programs or activities not included below, but which, upon request of a self-governance tribe, the Department determines to be eligible under either sections 403(b)(2) or 403(c) of the Act. Tribes with an interest in such potential agreements are encouraged to begin discussions with the appropriate non-BIA bureau.

A. Eligible Programs of the Bureau of Land Management (BLM)

BLM management responsibilities cover a wide range of areas, such as recreational activities, timber, range and minerals management, wildlife habitat management and watershed restoration. In addition, BLM is responsible for the survey of certain Federal and tribal lands. Two programs provide tribal services: (1) Tribal and allottee minerals management; and (2) Survey of tribal and allottee lands.

BLM carries out some its activities in the management of public lands through contracts and cooperative agreements. These and other activities, dependent upon availability of funds, the need for specific services, and the Self-Governance tribe demonstrating a special geographic, cultural, or historical connection, may also be available for inclusion in self-governance agreements. Once a tribe has made initial contact with BLM, more specific information will be provided by the respective BLM State office.

Tribal Services

1. *Minerals Management.* Inspection and enforcement of Indian oil and gas operations, and inspection, enforcement and production verification of Indian coal and sand and gravel operations: are already available for contracts under Title I of the Act and therefore may be available for inclusion in an annual funding agreement.

2. *Cadastral Survey.* Tribal and allottee cadastral survey services are already available for contracts under Title I of the Act and therefore may be available for inclusion in an annual funding agreement.

Other Activities

1. *Cultural Heritage.* Cultural heritage activities, such as research and inventory, may be available in specific States.

2. *Forestry Management.* Activities, such as environmental studies, tree planting, thinning and similar work, may be available in specific States.

3. *Range Management.* Activities, such as re-vegetation, noxious weed control, fencing, construction and maintenance of range improvements, grazing management experiments, range monitoring, and similar activities, may be available in specific States.

4. *Riparian Management.* Activities, such as facilities construction, erosion control, rehabilitation, and similar activities, may be available in specific States.

5. *Recreation Management.* Activities, such as facilities construction and

maintenance, interpretive design and construction, and similar activities, may be available in specific States.

6. *Wildlife and Fisheries Habitat Management.* Activities, such as construction and maintenance, interpretive design and construction, habitat protection and improvement projects, and similar activities, may be available in specific States.

7. *Wild Horse Management.* Activities such as wild horse round ups, removal, and disposition, including operation and maintenance of wild horse facilities may be available in specific States.

The above programs under ''Other Activities'' are available in many states for competitive contracting. However, if they are of special geographic, historical or cultural significance to a participating Self-Governance tribe, they may be available for annual funding agreements. Tribes may also discuss additional BLM-funded activities with the relevant State office in relation to negotiating specific self-governance agreements.

For questions regarding Indian Self-Governance, contact Jerry Cordova, Bureau of Land Mangement, 1849 C Street, NW., Washington, DC 20240–0001, telephone: (202) 452–7756, fax: (202) 452–7701. General information on all contracts available in a given year through the BLM can be obtained from the BLM National Business Center, P.O. Box 25047, Bldg 50, Denver Federal Center, Denver, CO 80225–0047.

B. Eligible Programs of the Bureau of Reclamation

Reclamation operates a wide range of water resource management projects for irrigation, hydroelectric power generation, municipal and industrial water supplies, flood control, outdoor recreation, enhancement of fish and wildlife habitats, and research. Most of Reclamation's activities involve construction, operations and maintenance, and management of water resources projects and associated facilities. Components of the following water resource management and construction projects may be eligible for inclusion in self-governance agreements.

1. Klamath Project—CA, OR
2. Trinity River Restoration Program—CA
3. Central Valley Project (Trinity Division)—CA
4. Central Arizona Project—AZ, NM
5. Colorado River Front Work/Levee System—AZ, CA, NV
6. Lower Colorado Indian Water Management Study—AZ, CA, NV
7. Yuma Area Projects—AZ, CA
8. Middle Rio Grande Project—NM
9. Rocky Boy's/North Central Montana Regional Water System—MT
10. Indian Water Rights Settlement Projects—as Congressionally authorized.

For questions regarding self-governance contact Barbara White, Reclamation Self-Governance Coordinator, Native American Affairs Office, Bureau of Reclamation (W–6100), 1849 C Street, NW., Washington, DC 20240–0001, telephone: (202) 513–0631, fax: (202) 513–0311.

C. Eligible Programs of the Minerals Management Service (MMS)

MMS provides stewardship of America's offshore resources and collects revenues generated from mineral leases on Federal and Indian lands. MMS is responsible for the management of the Federal Outer Continental Shelf, which are submerged lands off the coasts that have significant energy and mineral resources. Within the offshore minerals management program, environmental impact assessments and statements, and environmental studies, may be available if a self-governance tribe demonstrates a special geographic, cultural, or historical connection.

MMS also offers mineral-owning tribes other opportunities to become involved in MMS's Minerals Revenue Management functions. These programs address the intent of Indian self-governance but are available regardless of self-governance intentions or status and are a good prerequisite for assuming other technical functions. Generally, minerals revenue management programs are available to tribes because of their status as Indians. Minerals revenue management programs that may be available to self-governance tribes are as follows:

1. *Audit of tribal royalty payments.* Audit activities for tribal leases, except for the issuance of orders, final valuation decisions, and other enforcement activities. (For tribes already participating in MMS delegated audits, this program is offered as an optional alternative.)

2. *Verification of tribal royalty payments.* Financial compliance verification and monitoring activities, production verification, and appeals research and analysis.

3. *Tribal royalty reporting, accounting and data management.* Establishment and management of royalty reporting and accounting systems including document processing, production reporting, reference data (lease, payor, agreement) management, billing and general ledger.

4. *Tribal royalty valuation.* Preliminary analysis and recommendations for valuation and allowance determinations and approvals.

5. *Royalty Management of Allottee Leases.* Royalty management of allottee leases, provided that MMS consults with and obtains written approval from affected individual Indian mineral owners to delegate this responsibility to the Tribe.

6. *Online monitoring of royalties and accounts.* Online computer access to reports, payments, and royalty information contained in MMS accounts. MMS will install equipment at tribal locations, train tribal staff, and assist tribe in researching and monitoring all payments, reports, accounts, and historical information regarding their leases.

7. *Royalty Internship Program.* An orientation and training program for auditors and accountants from mineral producing tribes to acquaint tribal staff with royalty laws, procedures, and techniques. This program is recommended for tribes that are considering a self-governance agreement but have not yet acquired mineral revenue expertise via a FOGRMA section 202 contract.

For questions regarding self-governance contact David Izon, Royalty Liaison Office, Minerals Management Service (MS–4241), 1849 C Street, NW., Washington, DC 20240–0001, telephone: (202) 208–3512, fax: (202) 208–3982.

D. Eligible Programs of the National Park Service (NPS)

The National Park Service administers the National Park System made up of national parks, monuments, historic sites, battlefields, seashores, lake shores and recreation areas. NPS maintains the park units, protects the natural and cultural resources, and conducts a range of visitor services such as law enforcement, park maintenance, and interpretation of geology, history, and natural and cultural resources.

Some elements of these programs may be eligible for inclusion in a self-governance annual funding agreement. The listing below was developed considering the geographic proximity to, and/or traditional association of a self-governance tribe with, units of the National Park system, and the types of programs that have components that may be suitable for contracting through a self-governance annual funding agreement. This listing is not all inclusive, but is representative of the types of programs which may be eligible for tribal participation through annual funding agreements.

1. *Ongoing Programs and Activities.* Components of the following programs are potentially eligible for inclusion in a self-governance annual funding agreement.

a. Archeological surveys
b. Comprehensive management planning
c. Cultural resource management projects
d. Ethnographic studies
e. Erosion control
f. Fire protection
g. Gathering baseline subsistence data—AK
h. Hazardous fuel reduction
i. Housing construction and rehabilitation
j. Interpretation
k. Janitorial services
l. Maintenance
m. Natural resource management projects
n. Operation of campgrounds
o. Range assessment—AK
p. Reindeer grazing—AK
q. Road repair
r. Solid waste collection and disposal
s. Trail rehabilitation
t. Watershed restoration and maintenance

2. *Special Programs.* Aspects of these programs may be available if a self-governance tribe demonstrates a geographical, cultural, or historical connection.

a. Beringia Research
b. Elwha River Restoration

Locations of National Park System Units in Close Proximity to Self-Governance Tribes. Aspects of ongoing programs and activities may be available at park units with known geographic, cultural, or historical connections with a self-governance tribe.

1. Lake Clark National Park and Preserve—AK
2. Katmai National Park and Preserve—AK
3. Glacier Bay National Park and Preserve—AK
4. Klondike Gold Rush National Historical Park—AK
5. Sitka National Historical Park—AK
6. Kenai Fjords National Park—AK
7. Wrangell-St. Elias National Park & Preserve—AK
8. Western Arctic Parklands—AK
9. Gates of the Arctic National Park& Preserve—AK
10. Yukon-Charley Rivers National Preserve—AK
11. Casa Grande Ruins National Monument—AZ
12. Joshua Tree National Park—CA
13. Redwood National Park—CA
14. Whiskeytown National Recreation Area—CA
15. Hagerman Fossil Beds National Monument—ID
16. Bear Paw Battlefield, Nez Perce National Historical Park—ID
17. Boston Harbor Islands, a National Park Area—MA
18. Cape Cod National Seashore—MA
19. New Bedford Whaling National Historical Park—MA
20. Sleeping Bear Dunes National Lakeshore—MI
21.Voyageurs National Park—MN
22. Grand Portage National Monument—MN
23. Glacier National Park—MT
24. Great Basin National Park—NV
25. Bandelier National Monument—NM
26. Fort Stanwix National Monument—NY
27. Cuyahoga Valley National Park—OH
28. Hopewell Culture National Historical Park—OH
29. Chickasaw National Recreation Area—OK
30. Effigy Mounds National Monument—IA
31. Olympic National Park—WA
32. San Juan Islands National Historic Park—WA
33. Mt. Rainier National Park—WA
34. Ebey's Landing National Historical Reserve—WA

For questions regarding self-governance contact Dr. Patricia Parker, Chief, American Indian Liaison Office, National Park Service (Org. 2560), 1849 C Street, NW., Washington, DC 20240–0001; telephone: (202) 354–6965, fax: (202) 371–6609.

E. Eligible Programs of the Office of Surface Mining and Reclamation Enforcement (OSM)

OSM regulates surface coal mining and reclamation operations, and reclaims abandoned coal mines, in cooperation with States and Indian tribes.

1. *Abandoned Mine Land Reclamation Program.* This program which restores eligible lands mined and abandoned or left inadequately restored is available to Indian tribes.

2. *Control of the Environmental Impacts of Surface Coal Mining.* This program includes analyses, NEPA documentation, technical reviews, and studies. Where surface coal mining exists on Indian land, certain regulatory activities that are not inherently Federal are available to Indian tribes.

For questions regarding self-governance contact Maria Mitchell, Office of Surface Mining Reclamation and Enforcement (MS–210–SIB), 1951 Constitution Ave., NW., Washington, D.C. 20240, telephone: (202) 208–2865, fax: (202) 291–3111.

F. Eligible Programs of the U.S. Fish and Wildlife Service (FWS)

The mission of FWS is to conserve, protect, and enhance fish, wildlife, and their habitats for the continuing benefit of the American people. Primary responsibilities are for migratory birds, endangered species, freshwater and anadromous fisheries, and certain marine mammals. FWS also has a continuing cooperative relationship with a number of Indian tribes throughout the National Wildlife Refuge System and the Service's fish hatcheries. Any self-governance tribe may contact a National Wildlife Refuge or National Fish Hatchery directly concerning participation in Service programs under the Self-Governance Act.

Some elements of the following programs may be eligible for inclusion in a self-governance annual funding agreement. The listing below was developed considering the proximity of an identified self-governance tribe to a National Wildlife Refuge or National Fish Hatchery, and the types of programs that have components that may be suitable for contracting through a self-governance annual funding agreement. This listing is not all-inclusive but is representative of the types of programs which may be eligible for tribal participation through an annual funding agreement.

1. *Subsistence Programs within Alaska*
2. *Fish & Wildlife Technical Assistance, Restoration & Conservation*
   a. Fish & wildlife population surveys
   b. Habitat surveys
   c. Sport fish restoration
   d. Capture of depredating migratory birds
   e. Fish & wildlife program planning
   f. Habitat restoration activities
3. *Endangered Species Program*
   a. Cooperative management of conservation programs
   b. Development and implementation of recovery plans
   c. Conducting status surveys for high priority candidate species
   d. Participation in the development of habitat conservation plans, as appropriate
4. *Education Programs*
   a. Interpretation
   b. Outdoor classrooms
   c. Visitor center operations
   d. Volunteer coordination efforts on- and off-refuge
5. *Environmental Contaminants Program*
   a. Analytical devices
   b. Removal of underground storage tanks
   c. Specific cleanup activities

d. Natural resource economic analysis
e. Specific field data gathering efforts
6. *Hatchery Operations*
a. Egg taking
b. Rearing/feeding
c. Disease treatment
d. Tagging
e. Clerical/facility maintenance
7. *Wetland & Habitat Conservation and Restoration*
a. Construction
b. Planning activities
c. Habitat monitoring and management
8. *Conservation Law Enforcement*
a. All law enforcement efforts under cross-deputization
9. National Wildlife Refuge Operations & Maintenance
a. Construction
b. Farming
c. Concessions
d. Maintenance
e. Comprehensive management planning
f. Biological program efforts
g. Habitat management
h. Fire Management

Locations of Refuges and Hatcheries with close proximity to Self-Governance Tribes

1. Alaska National Wildlife Refuges—AK
2. Alchesay National Fish Hatchery—AZ
3. Humboldt Bay National Wildlife Refuge—CA
4. Kootenai National Wildlife Refuge—ID
5. Agassiz National Wildlife Refuge—MN
6. Mille Lacs National Wildlife Refuge—MN
7. Rice Lake National Wildlife Refuge—MN
8. National Bison Range—MT
9. Ninepipe National Wildlife Refuge—MT
10. Pablo National Wildlife Refuge—MT
11. Mescalero National Fish Hatchery—NM
12. Sequoyah National Wildlife Refuge—OK
13. Tishomingo National Wildlife Refuge—OK
14. Bandon Marsh National Wildlife Refuge—OR
15. Dungeness National Wildlife Refuge—WA
16. Makah National Fish Hatchery—WA
17. Nisqually National Wildlife Refuge—WA
18. Quinault National Fish Hatchery—WA
19. San Juan Islands National Wildlife Refuge—WA

For questions regarding self-governance contact Patrick Durham, Fish and Wildlife Service (MS3012), 1849 C Street NW., Washington, DC 20240–0001, telephone: (202) 208–4133, fax: (202) 501–3524.

G. Eligible Programs of the U.S. Geological Survey (USGS)

The mission of the U.S. Geological Survey is to provide information on biology, geology, hydrology, and cartography that contributes to the wise management of the Nation's natural resources and to the health, safety, and well-being of the American people. Information includes maps, data bases, and descriptions and analyses of the water, plants, animals, energy, and mineral resources, land surface, underlying geologic structure and dynamic processes of the earth. Information on these scientific issues is developed through extensive research, field studies, and comprehensive data collection to: evaluate natural hazards such as earthquakes, volcanoes, landslides, floods, droughts, subsidence and other ground failures; assess energy, mineral, and water resources in terms of their quality, quantity, and availability; evaluate the habitats of animals and plants; and produce geographic, cartographic, and remotely-sensed information in digital and non-digital formats. No USGS programs are specifically available to American Indians or Alaska Natives. Components of the following programs may have a special geographic, cultural, or historical connection with a self-governance tribe:

1. *Mineral, Environmental, and Energy Assessments.*
2. *USGS Earthquake Hazards Reduction Program.*
3. *Water Resources Data Collection and Investigations.*
4. *Biological Resources Inventory, Monitoring, Research and Information Transfer Activities.*

For questions regarding self-governance contact Sue Marcus, American Indian/Alaska Native Liaison, U.S. Geological Survey, 104 National Center, Reston, VA 20192, telephone: (703) 648–4437, fax: (703) 648–5470., e-mail address: *smarcus@usgs.gov.*

IV. Programmatic Targets

During Fiscal Year 2004, upon request of a self-governance tribe each non-BIA bureau will negotiate annual funding agreements for its eligible programs beyond those already negotiated.

Dated: December 5, 2003.

William A. Sinclair,

Director, Office of Self-Governance.

[FR Doc. 03–31162 Filed 12–19–03; 8:45 am]

BILLING CODE 4310–W8–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Blackstone River Valley National Heritage Corridor Commission; Notice of Meeting

Notice is hereby given in accordance with Section 552b of Title 5, United States Code, that a meeting of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission will be held on Thursday, February 05, 2004.

The Commission was established pursuant to Pub. L. 99–647. The purpose of the Commission is to assist Federal, State and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene on February 5, 2004 at 4:30 p.m. at Mendon Town Hall located at 20 Main Street, Mendon, MA for the following reasons:

1. Approval of Minutes
2. Chairman's Report
3. Executive Director's Report
4. Financial Budget
5. Public Input

It is anticipated that about twenty-five people will be able to attend the session in addition to the Commission members.

Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made prior to the meeting to: Michael Creasey, Executive Director, John H. Chafee, Blackstone River Valley National Heritage Corridor Commission, One Depot Square, Woonsocket, RI 02895, Tel.: (401) 762–0250.

Further information concerning this meeting may be obtained from Michael Creasey, Executive Director of the Commission at the aforementioned address.

Michael Creasey,

Executive Director, BRVNHCC.

[FR Doc. 03–31435 Filed 12–19–03; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Final Comprehensive Conservation Plan and Summary for the Alamosa-Monte Vista National Wildlife Refuges Complex, Alamosa, CO

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service announces that the final Comprehensive Conservation Plan (CCP) and Summary are available for the Alamosa-Monte Vista National Wildlife Refuges Complex. This CCP, prepared

pursuant to the National Wildlife Refuge System Improvement Act of 1997 and the National Environmental Policy Act of 1969, describes how the U.S. Fish and Wildlife Service intends to manage the Complex for the next 15 years.

ADDRESSES: Requests for copies of the CCP or Summary should be addressed to: Alamosa-Monte Vista NWR, 7393 El Rancho Lane, Alamosa, Colorado 81101. Requests may also be submitted via electronic mail to: *adam_misztal@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Adam Misztal, Planning Team Leader at (303) 236–4383; fax (303) 236–4792 or Mike Blenden, Complex Manager, Alamosa/Monte Vista National Wildlife Refuge Complex (719) 589–4021; fax (719) 587–0595.

SUPPLEMENTARY INFORMATION:

Background: Alamosa and Monte Vista National Wildlife Refuges were established under the authority of the Migratory Bird Conservation Act ''* * * for use as inviolate sanctuaries, or for any other management purpose, for migratory birds.'' The purpose for managing habitats on the Alamosa and Monte Vista National Wildlife Refuge (the Complex) is to provide a biologically diverse area that complements the San Luis Valley (SLV) ecosystem.

Ten different plant communities/habitat types exist on the Complex: upland shrub, tall-emergent, short-emergent, saltgrass, short-grass, shallow seasonal wetland, semipermanent wetland, riparian, riverine, and agriculture. These habitats support a variety of mammals, reptiles, amphibians, and birds. Mammals include coyote, red fox, black bear, mountain lion, bobcat, elk, mule deer, pronghorn, raccoon, mink, American badger, and other small mammals. Birds commonly seen on these Refuges include numerous waterfowl species, including ten that nest on the Complex: mallard, gadwall, cinnamon, green-winged and blue-winged teal, northern pintail, northern shoveler, American wigeon, redheads, and ruddy ducks, and one species of goose (Canada). The Monte Vista NWR (MVNWR) has one of the highest densities of nesting waterfowl in the continent. On average, 15,000 ducks are produced on MVNWR annually, which constitutes a major contribution to the State's population and, subsequently, to the Central Flyway's duck population.

Other birds using the Complex include great blue heron, little blue heron, snowy and cattle egret, sandhill crane, northern harrier, Swainson's hawk, ring-necked pheasant, Ross' goose, black-bellied plover, greater yellowlegs, willet, and Wilson's phalarope. Two endangered species, the whooping crane and southwestern willow flycatcher, and one threatened species, the bald eagle, utilize the Complex. In addition, five species of management concern to the U.S. Fish and Wildlife Service's National Migratory Bird Office also use the Complex: American bittern, black tern, burrowing owl, ferruginous hawk, and white-faced ibis.

The CCP identifies the proposed management of the Alamosa and Monte Vista National Wildlife Refuges in the San Luis Valley of southwestern Colorado. The CCP describes how the habitat management tools, water management, rest, prescribed burning, prescribed grazing, farming, and habitat protection will be used to provide wildlife habitat. Also described is the management of public use, cultural resources, and elk.

Water Management: efforts would focus on improving efficiency of surface water application, monitoring of water usage, better understanding of water rights, historical processes, subsurface and surface interactions, and improving knowledge of groundwater and its role in maintaining wetlands. Better methods and capabilities for monitoring habitat responses to water application will be developed to facilitate an adaptive habitat management program.

Efforts will be taken to restore meandering streambeds and their associated hydrology and riparian habitats on Refuge lands. Although such actions will not have major impacts on either the unconfined or confined aquifers of the Valley, they can positively impact localized groundwater tables and artesian wells, and increase efficiency of irrigation during the following season.

Irrigation systems in all Refuge units will be upgraded as funding allows to enact more precise and efficient management of irrigation water. Currently, wetland vegetation is maintained using flood irrigation practices where water is applied at the highest elevation of a unit from a supply ditch or well head and is allowed to flow across the unit to lower elevations.

Rest: The ratio of periods of rest to disturbance in order to provide the optimum cover of vegetation for nesting ducks and other species is largely unknown for the San Luis Valley and needs to be examined. A successful program will help managers determine when areas of either Refuge need disturbance, the most effective tool to use, and when. An active adaptive management strategy would be implemented. This program would be based on monitoring of prescribed rest to document how different vegetation types respond to different rest strategies. This will allow for increasingly effective application of rest to meet habitat goals.

Prescribed Burning: Management will implement two new initiatives. First, formation of an interagency fire team would be pursued. This idea has been discussed among the various State and Federal land management agencies, but no action has been taken. This team would be responsible for conducting prescribed burns and suppressing wildfires on member agency lands. Secondly, Refuge management will pursue the hiring of additional staff to develop a burn monitoring program and detailed burn criteria in an effort to better understand the impacts of prescribed burning and to better implement its use in meeting management objectives.

Prescribed Grazing: Future use of prescribed grazing on the Refuges will be largely dictated by the results of research currently being conducted. In the future, if and when grazing is used, prescriptions will delineate the location of the site to be grazed and specific objectives and purposes of the tool such as to control weeds, increase new growth, and provide a competitive advantage to certain vegetation. This site-by-site evaluation and planning will allow for maximum control and flexibility of this tool as well as ensuring that only delineated sites are affected by the tool and that all factors and interests are considered.

Farming: Migrating birds will be provided with the same amount of small grain food from crops currently provided. The existing mixed organic/non-organic farming program operated by Refuge staff will be converted to a cooperative farming program. Farming will continue but Refuge staff will only be responsible for irrigation of the crops. The cooperating farmer would continue the crop rotation of two years of small grains followed by two years of alfalfa and then one year fallow.

The cooperating farmer will be allowed to keep all or a portion of the alfalfa crop based on yields of the small grain crops.

Refuge staff will also augment the farming program with a moist soil plant management program to diversify the types of feed available to the birds. The farming and moist soil plant programs would be monitored and managed through the adaptive management concept. Research will be encouraged to help identify the amount and kinds of high energy food sources the Refuge

could and should be providing for migrating and wintering avian species.

Habitat Protection: Current support for the Service's Partners for Wildlife program will continue in order to ensure the program's growth and success. The Refuge will also continue to be an active partner in Colorado Wetlands Initiative Legacy project led by the Colorado Division of Wildlife.

Public Use: Educating the public as to the nature and value of wetlands will focus on contrasting the intensely managed wetlands of Monte Vista NWR with the more natural aspects on the Alamosa NWR wetlands. To assure compliance with public use minimum standards, money will be targeted for projects through RONS (Refuge Operating Needs System) and MMS (Maintenance Management System). Currently, funding proposals are developed for projects that will improve the quality of visitor experiences.

Hunting: Current waterfowl and small game hunting will continue to be supported and encouraged. To the extent feasible, the hunting experience will be further tailored to meet the desires of hunters using the Refuges based on periodic questioning of waterfowl hunters and other public input. The limited amount of overnight use currently available in parking lots during waterfowl hunting seasons will be continued.

Fishing: The shallow water in Refuge wetlands does not support a viable fishery. Wetlands either dry up or freeze solid annually which eliminates all fish that have entered the system. Therefore, fishing is not allowed on the Refuges.

Wildlife Observation: Support for the Crane Festival will continue. On the Monte Vista NWR, public and scientific input will be sought regarding the seasonal expansion of the auto tour route, development of wildlife observation sites at Parker Pond, and development of wildlife observation decks along County Road 3E. Opinion and information will also be sought regarding the development of an observation deck adjacent to the Refuge Headquarters at the Alamosa NWR and near the proposed visitor center and education facility at the Monte Vista NWR.

Wildlife Photography: Photography will continue to be allowed, with no additional Refuge support provided to photographers.

Interpretation: A multi-purpose education and visitor center facility on the Monte Vista NWR is the highest educational priority for the Complex. Also, the Refuge staff will implement an interpretation program centered around the cultural resources found on the Complex and around the Valley. Interpretation of past human use will focus on the theme that humans have always, and still depend upon natural resources for survival.

Environmental Education: Volunteer and/or contractor led environmental education programs for local schools will continue to be provided, both as Refuge field trips and classroom presentations.

Universal Access and Design: Developments will include new rest room facilities and wildlife observation blinds and/or platforms. Universally accessible hunting blinds will be built on both Refuges. All of these projects will follow the Americans with Disabilities Accessibility Guidelines.

Cultural Resources: Archaeological work on the Complex will be expanded to include work needed to determine the eligibility of four documented sites for nomination to the National Register of Historic Places. Management will also include a sample archaeological inventory of Refuge lands over a 15-year period.

Elk Management: The resident elk will be managed to discourage their use of Monte Vista NWR in large numbers with the intent to prevent habitat degradation.

Dated: August 29, 2003.

John A. Blankenship,

Deputy Regional Director, Region 6, Denver, Colorado.

[FR Doc. 03–31436 Filed 12–19–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Revised Recovery Plan for the 'Alalā (*Corvus hawaiiensis*)

AGENCY: 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 a draft revised recovery plan for the 'Alalā, or Hawaiian Crow (*Corvus hawaiiensis*) for public review. This endemic Hawaiian bird, a member of the family Corvidae, is now believed to be extinct in the wild and survives only in captivity. The 'Alalā was listed as an endangered species in 1967 (32 FR 4001). The original recovery plan for the 'Alalā was published in 1982.

DATES: Comments on the draft revised recovery plan must be received on or before February 20, 2004 to receive our consideration.

ADDRESSES: Copies of the draft revised recovery plan are available for inspection, but appointment, during normal business hours at the following locations: U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Honolulu, Hawaii 96850 (telephone 808–792–9400) and Hawaii State Library, 478 S. King Street, Honolulu, Hawaii 96813. Requests for copies of the draft revised recovery plan and written comments and materials regarding this plan should be addressed to the Field Supervisor, Ecological Services, at the above Honolulu address. An electronic copy of the draft revised recovery plan is also available at: *http://endangered.fws.gov/recovery/index.html#plans.*

FOR FURTHER INFORMATION CONTACT: Jay Nelson, Fish and Wildlife Biologist, at the above Honolulu 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 pronounce 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. Comments may result in changes to the plan. Comments regarding recovery plan implementation 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.

The Hawaiian Crow, or 'Alalā, is an omnivorous, forest-dwelling bird endemic to dry and mesic forests on the island of Hawaii. Although 'Alalā were still abundant in the 1890's, their numbers decreased sharply throughout

the twentieth century despite legal protection conferred by the Territory of Hawaii in 1931, the Act in 1973, and the State of Hawaii Endangered Species Act in 1982. Progressive range reduction and population fragmentation have characterized the decline. By 1987, the wild 'Alalā population was reduced to a single bird in north Kona, and an unknown number in central Kona, on the west slope of Mauna Loa volcano, Hawaii. The last reproduction of birds in the wild was in 1996, and the wild population declined from 12 birds in 1992 to 2 birds (possibly 3) in 2002, and apparent extinction in the wild in 2003.

Today, the 'Allalā is believed to survive only in captivity. Small population size and inbreeding are the primary threats to the species at present, fertility and hatching success in captivity are currently low, and the incidence of congenital abnormalities is increasing.

Many factors contributed to the decline of 'Allalā in the wild. Destruction of most of the lowland forests restricted the bird's ability to follow seasonal fruiting up and down the mountains. The upland forests have been thinned and fragmented, and many fruiting plants lost, due to logging, ranching, and the effects of grazing by feral pigs, cattle, and sheep. Mongooses, cats, and rats prey on 'Allalā eggs and fledglings. Diseases carried by introduced mosquitoes may have cause the mortality of many 'Allalā, as they did other forest birds. The role of 'Io in this decline, however, is unknown, despite their known effect on released birds. However, 'Io densities are higher, and vulnerability of 'Allalā may be greater, in areas where ungulate grazing has reduced understory cover.

The overall objective of this plan is to provide a framework for the recovery of the 'Allalā so that its protection under the Act is no longer necessary. Recovery is contingent upon protecting and managing suitable habitat for reintroduction of 'Allalā. Recovery actions include measures to protect habitat where the taxa occurred and habitat where the species is not known to have occurred but which may be suitable, restoration of degraded habitat, removal of feral ungulates from habitat areas, predator control, captive propagation and reintroduction, development of strategies to reduce mortality of reintroduced 'Allalā by 'Io predation, and the development of means to address threats of avian disease. Key to recovery will be propagation of 'Allalā in captivity; removal of feral ungulates that degrade forest habitat, spread introduced nonnative plant species, and create breeding sites for disease-carrying mosquitoes; control of introduced rodents; removal of feral cats that carry toxoplasmosis; and control of invasive plant species. Habitat management and restoration will increase foods available to released 'Allalā and provide better cover for escape in areas with 'Io.

Significant features of the 'Allalā's life history, behavior, ecological interactions, and habitat needs remain unknown. These unknowns, combined with the pressing need to successfully maintain and augment the last remaining population of the species in captivity, led us to develop a draft revised recovery plan that focuses primarily on actions to conserve the 'Allalā in the short-term while working within the framework of a broader long-term recovery strategy. This draft revised recovery plan is therefore presented in three sections: (1) An Introduction and Overview provides information on the biology of the species; (2) a Strategic Plan outlines the overall long-term goals and broad strategies which we anticipate shall remain effective throughout the recovery process for this species; and (3) a 5-year Implementation Plan which sets short-term goals for recovery efforts and research essential to conservation of the species. It is anticipated that new Implementation Plans will be prepared and published as addenda to the revised recovery plan every 3 to 5 years as we gain further knowledge of the 'Allalā and are better able to determine the parameters and techniques for the effective recovery of this species in the wild.

Public Comments Solicited

We solicit written comments on the draft revised recovery plan described. All comments received by the date specified above will be considered in developing a final revised recovery plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: October 16, 2003.

David J. Wesley,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 03–31467 Filed 12–19–03; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for a Proposed Commercial Development in Palm Beach County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

Jupiter Island Development Company (Applicant) requests an incidental take permit (Permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicant anticipates taking one family of the threatened Florida scrub-jay (*Aphelocoma coerulescens*) incidental to the clearing of 0.85 acre of occupied habitat associated with the development of a commercial facility. The proposed commercial development would occur in section 31, Township 40 South, Range 43 East, in the town of Jupiter, Palm Beach County, Florida. A more detailed description of the mitigation and minimization measures to address the effects of the Project to the protected species are outlined in the Applicant's Habitat Conservation Plan (HCP), the Service's Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of an environmental assessment (EA) and HCP for the incidental take application. Copies of the EA and/or HCP may be obtained by making a request to the Regional Office (*see* **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as amended. The Finding of No Significant Impact (FONSI) is based on information contained in the EA and HCP. The final determination will be made no sooner than 60 days from the date of this notice. This notice is provided pursuant to section 10 of the Act and NEPA regulations (40 CFR 1506.6).

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (*see* **ADDRESSES**). You may also comment via the Internet to *david_dell@fws.gov*.

Please submit comments over the Internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your Internet message. If you do not receive a confirmation from the Service that we have received your Internet message, contact us directly at either telephone number listed below (*see* **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (*see* **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written comments on the permit application, supporting documentation, EA and HCP should be sent to the Service's Regional Office (*see* **ADDRESSES**) and should be received on or before February 20, 2004.

ADDRESSES: Persons wishing to review the application, supporting documentation, EA, and HCP, may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida 32960–3559. Written data or comments concerning the application, supporting documentation, EA, or HCP should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Comments must be submitted in writing to be adequately considered in the Service's decision-making process. Please reference permit number TE065793–0 in such comments, or in requests for the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional Coordinator, (*see* **ADDRESSES** above), telephone: (404) 679–7313, facsimile: (404) 679–7081; or Ms. Sharon Tyson, South Florida Ecological Services Field Office (*see* **ADDRESSES** above), telephone: (772) 562–3909 extension 324.

SUPPLEMENTARY INFORMATION: The Florida scrub-jay (scrub-jay) is geographically isolated from other species of scrub-jays found in Mexico and the Western United States. The scrub-jay is found exclusively in peninsular Florida and is restricted to xeric uplands (predominately in oak dominated scrub). Increasing urban and agricultural development have resulted in habitat loss and fragmentation which has adversely affected the distribution and numbers of scrub-jays. The total estimated population is between 7,000 and 11,000 individuals.

The decline in the number and distribution of scrub-jays in southeastern Florida has been greater than in most other regions of the State. Southeastern Florida has experienced tremendous urban growth in the past 50 years and much of commercial and residential development has occurred on the dry soils which historically supported scrub-jay habitat. Based on existing soils data, much of the historic and current scrub-jay habitat of coastal east Florida occurs along a narrow stretch of historic sand dunes that are situated on a north-south axis from Dade to Flagler County. Much of this area of Florida was settled early because few wetlands restricted urban and agricultural development. Due to the effects of urban and agricultural development over the past 100 years, much of the remaining scrub-jay habitat is now relatively small and isolated. What remains is largely degraded due to the exclusion of fire which is needed to maintain xeric uplands in conditions suitable for scrub-jays.

Scrub-jays using the Project site and adjacent lands are considered part of a larger complex of scrub-jays that occupy xeric uplands of southeastern Florida. This complex of scrub-jay families ranges from about east-central Martin County south to northeastern Palm Beach County. The majority of scrub-jays within this complex are found within Jonathan Dickinson State Park which is located about eight miles north of the Project site. The continued survival of scrub-jays in this area may depend on the maintenance of suitable habitat and the restoration of unsuitable habitat in northeastern Palm Beach and southeastern Martin counties.

Scrub-jay use of the Project site and adjacent lands has been assessed on several occasions. In February 1998, field investigations by Fish and Wildlife Service staff determined that one scrub-jay family comprising three individual birds used portions of the Project site as well as adjacent lands. Systematic surveys conducted by the Applicant subsequently found scrub-jays using 0.85 acre of the 1.00-acre Project site.

The Project site represents one of the few remaining undeveloped private parcels supporting scrub-jays in northern Palm Beach County. Several tracts of public conservation lands are also located in the vicinity of the Project site, but much of the remaining landbase has been developed for commercial or residential uses. The Project site is bounded on two sides by major roadways and on another by commercial development. The Project site and surrounding lands have been negatively influenced by previous land clearing activities, off-road vehicle use, and invasion by exotic species. Due to the proximity of the Project site to existing commercial development and urban infrastructure, fire has been actively excluded because of safety concerns. As a result, the condition of the xeric habitat within the Project site is degraded; periodic fire or land management practices that mimic fire are required to maintain habitat conditions suitable for the scrub-jay.

Land clearing in preparation for commercial construction will destroy habitat and result in death of, or injury to, scrub-jays, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed commercial development will reduce the availability of feeding, nesting, and sheltering habitat for scrub-jays.

The Applicant's HCP and the Service's EA describes the following minimization and mitigation strategy to be employed by the Applicant to offset the impacts of the Project to the scrub-jay:

- The Applicant agrees to contribute $95,978 to the Florida Scrub-jay Conservation Fund for use in conservation of this species.
- The Applicant agrees to avoid land clearing activities during the scrub-jay nesting season.

The EA considers the environmental consequences of one action alternative which would result in issuance of the Permit. The no action alternative (not issue the Permit) would ultimately result in loss of scrub-jay habitat within the Project site due to habitat degradation. The no action alternative may also expose the Applicant under

Section 9 of the Act. The preferred alternative would affect about 0.85 acre of occupied scrub-jay habitat. The Applicant's financial contribution to the Florida Scrub-jay Conservation Fund would provide funding to assist in the conservation of this species by assisting in land acquisition and/or habitat management.

The proposed action alternative is issuance of the Permit according to the HCP as submitted and described above. Under the proposed alternative, the effect of the proposed minimization and mitigation measures will be a contribution of funding for scrub-jay conservation. The contribution of mitigation funding will provide the Service opportunities to protect and manage other suitable habitat in southeastern Florida. Mitigation funding will likely be used in combination with other matching sources of money to target the purchase of larger tracts of habitat. As a result, the immediate acquisition of habitat with the mitigation funding provided by the Applicant is not anticipated. However, any future acquisition made with all or portions of this funding is expected to benefit scrub-jays since habitat protection and management has been identified as one of the most important conservation tasks for this species.

As stated above, the Service has made a preliminary determination that the issuance of the Permit is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP.

The Service will also evaluate whether the issuance of a section 10(a)(1)(B) Permit complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the Permit.

Dated: December 3, 2003.

Jackie Parrish,

Acting Regional Director.

[FR Doc. 03–31437 Filed 12–19–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Land Acquisitions; Skokomish Tribe of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Final Agency Determination to take land into trust under 25 CFR part 151.

SUMMARY: The Assistant Secretary—Indian Affairs made a final agency determination to acquire approximately 3.0 acres, of land into trust for the Skokomish Tribe of Washington on December 8, 2003. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

FOR FURTHER INFORMATION CONTACT: George Skibine, Office of Indian Gaming Management, Bureau of Indian Affairs, MS–4543 MIB, 1849 C Street, NW., Washington, DC 20240; Telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: This notice is published to comply with the requirement of 25 CFR 151.12(b) that notice be given to the public of the Secretary's decision to acquire land in trust at least 30 days prior to signatory acceptance of the land into trust. The purpose of the 30-day waiting period in 25 CFR part 151.12(b) is to afford interested parties the opportunity to seek judicial review of final administrative decisions to take land in trust for Indian tribes and individual Indians before transfer of title to the property occurs. On December 8, 2003, the Assistant Secretary—Indian Affairs decided to accept approximately 3.0 acres, of land into trust for the Skokomish Tribe of Washington under the authority of the Indian Reorganization Act of 1934, 25 U.S.C. 465. The 3.0 acre parcel is located within the exterior boundaries of the Skokomish Indian Tribe in Mason County, Washington. The parcel is currently used for the Tribe's gaming facility. No change in use is anticipated following conveyance of the parcel to the United States in trust for the Tribe.

The real property consists of a 3.0 acre tract known as ''Parcel 1 of the Jackpot Property'' situated in Mason County, Washington. The legal description of the property is as follows:

All that portion of the East half (E½) Northeast quarter (NE¼) of the Northwest quarter (NW¼) of the Southwest quarter (SW¼) of Section two (2), Township twenty-one (21) North, Range four (4) West, W.M., lying Easterly of the Easterly right-of-way line of U.S. Highway No. 101.

Excepting therefrom all that portion thereof which lies Southerly of the Northerly line of a tract of land particularly described as follows:

The Northerly 210 feet of the Southerly 401 feet of the East half (E½) Northeast quarter (NE¼) of the Northwest quarter (NW¼) of the Southwest quarter (SW¼) of Section two (2), Township twenty-one (21) North, Range four (4) West, W.M., lying Easterly of the Easterly right-of-way line of U.S. Highway No. 101, more particularly described as follows:

Commencing at the centerwest sixteenth corner of said Section two (2), which is an iron pipe; thence South 1°10′50″ West, 215.95 feet, along the East line of the Northeast quarter (NE¼) of the Northwest quarter (NW¼) of the Southwest quarter (SW¼) of said Section two (2), to the point of beginning of the tract of land hereby described; thence continuing South 1°10′50″ West, along said East line, 210.00 feet; thence North 88°50′03″ West, parallel with the South line of said Northeast quarter (NE¼) of the Northwest quarter (NW¼) of the Southwest quarter (SW¼), 244.14 feet, more or less, to the Easterly right-of-way line of U. S. Highway No. 101, as located on August 31, 1972; thence North 0°46′28″ East, along said Easterly right-of-way line, 210.00 feet, thence South 88°50′03″ East, 245.61 feet, more or less, to the point of beginning.

Also, excepting therefrom road rights-of-way.

Parcel No. 42102 32 00000.

Dated: December 8, 2003.

Aurene M. Martin,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 03–31473 Filed 12–19–03; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved tribal-state gaming compacts.

SUMMARY: Under section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register**, notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Principal Deputy Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Tribal-State Compacts between the Santa Ysabel Band of Diegueno Mission Indians and the La Posta Band of Mission Indians and the State of California. The Compacts authorize a 350 machine Gaming Facility on the tribes' existing

reservations, requires a 5% payment of net win from the operation of gaming devices to the State for the exclusive right to operate Class III gaming devices in the State of California, and as part of the Tribes' commitment to mitigate any significant, adverse impacts resulting from the casino development, the Tribes and the State, through San Diego County, have agreed to conclude one or more written agreements. All such agreements shall be concluded prior to the commencement of the Project, and shall provide for the identification and implementation of feasible mitigation measures and feasible project alternatives concerning problem and pathological gambling and significant environmental effects.

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: December 9, 2003.

Aurene M. Martin,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 03–31474 Filed 12–19–03; 8:45 am]

BILLING CODE 4310–4N–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: December 29, 2003, at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436. Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: none.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–1059 (Preliminary) (Hand Trucks from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on December 29, 2003; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before January 6, 2004.)
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: December 17, 2003

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03–31509 Filed 12–17–03; 4:33 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-day notice of information collection under review: eForm 6 Access Request.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 68, Number 122, page 37865 on June 25, 2003, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until January 21, 2004. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* eForm 6 Access Request.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form Number: ATF F 5013.3. Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. Respondents must complete the eForm 6 Access Request form in order to receive a user ID and password to obtain access to ATF's eForm 6 system. The information is used by the Government to verify the identity of the end users prior to issuing passwords.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 500 respondents will complete the form in approximately 18 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden associated with this application is 150 hours.

If additional information is required contact: Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: December 16, 2003.

Brenda E. Dyer,

Deputy Clearance Officer, Department of Justice.

[FR Doc. 03–31413 Filed 12–19–03; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,738]

Aaden Aaberg Setnet Operation, Anchorage, AK; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 8, 2003 in response to a petition filed by a company official on behalf of workers of the Aaden Aaberg setnet operation, Anchorage, Alaska.

The investigation revealed that the subject firm did not separate or threaten to separate a significant number or proportion of workers as required by section 222 of the Trade Act of 1974. Significant number or proportion of the workers means that at least three workers in a firm with a workforce of fewer than 50 workers would have to be affected. Separations by the subject firm did not meet this threshold level; consequently the investigation has been terminated.

Signed at Washington, DC this 10th day of December 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31466 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,797]

Alcatel, Allen, TX; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on September 11, 2003, in response to a worker petition filed on behalf of workers at Alcatel, Allen, Texas.

The petitioners did not supply information sufficient to create a valid petition. The product affected by imports was not identified. Allegations regarding job loss due to imports at Allen, Texas, are also omitted. Thus, the petition is invalid and the investigation has been terminated.

Signed at Washington, DC, this 8th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31455 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,522]

Avery Dennison, Office Products Group, Flowery Branch, GA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 13, 2003, in response to a worker petition which was filed by a company official on behalf of workers at Avery Dennison, Office Products Group, Flowery Branch, Georgia.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 8th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31459 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than January 2, 2004.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than January 2, 2004.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 24th day of November 2003.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX.—PETITION INSTITUTED BETWEEN 11/10/2003 AND 11/14/2003

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
53,493	Derby Industries, LLC (Comp)	Galesburg, IL	11/10/2003	10/30/2003
53,494	Avery Dennison (Comp)	Chicopee, MA	11/10/2003	11/07/2003
53,495	Fisher Controls International, LLC (Wkrs)	Sherman, TX	11/10/2003	11/05/2003
53,496	Pass and Seymour (Comp)	San Antonio, TX	11/10/2003	11/03/2003
53,497	Eljer Plumbing Ware (Comp)	Salem, OH	11/10/2003	11/07/2003
53,498	Anadarko Petroleum Corp. (Comp)	The Woodlands, TX	11/10/2003	10/31/2003
53,499	Supreme Elastic Corp. (Comp)	Hickory, NC	11/10/2003	11/02/2003

APPENDIX.—PETITION INSTITUTED BETWEEN 11/10/2003 AND 11/14/2003—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
53,500	Intertape Polymer Group (Comp)	Green Bay, WI	11/10/2003	11/09/2003
53,501	Fishing Vessel (F/V) Exception (Comp)	Homer, AK	11/12/2003	11/01/2003
53,502	D'Vron Ceramic Studio, Inc. (Comp)	New Castle, PA	11/12/2003	10/22/2003
53,503	NTN—BCA Corporation (Comp)	Greensburg, IN	11/12/2003	11/11/2003
53,504	Coe Manufacturing (IBT)	Tigard, OR	11/12/2003	11/10/2003
53,505	Hunt Corporation (Comp)	Statesville, NC	11/12/2003	11/07/2003
53,506	Romac Industries, Inc. (Comp)	Sultan, WA	11/12/2003	11/10/2003
53,507	Northern Aluminum Foundry (Wkrs)	N. Fond Du Lac, WI	11/12/2003	11/11/2003
53,508	Paper Magic Group, Inc. (The) (Comp)	Troy, PA	11/12/2003	11/07/2003
53,509	Armstrong Floor Co. (AR)	Warren, AR	11/12/2003	11/10/2003
53,510	CB and I (Wkrs)	Provo, UT	11/12/2003	11/10/2003
53,511	Rusch, Inc. (Comp)	Decatur, GA	11/12/2003	11/04/2003
53,512	Plus Mark, Inc. (UNITE)	Greenville, TN	11/12/2003	11/07/2003
53,513	Amphenol Backplane Systems (Wkrs)	Nashua, NH	11/12/2003	11/05/2003
53,514	Art Leather Mfg. Co., Inc. (Comp)	Elmhurst, NY	11/13/2003	10/29/2003
53,515	Thomasville Furniture Ind., Inc. (Comp)	Thomasville, NC	11/13/2003	11/07/2003
53,516	Delphi Mechatronic Systems (Wkrs)	Downers Grove, IL	11/13/2003	11/12/2003
53,517	Howell-Penncraft (Wkrs)	Howell, MI	11/13/2003	10/28/2003
53,518	S. Lichtenberg and Co., Inc. (GA)	Waynesboro, GA	11/13/2003	11/10/2003
53,519	Field Container (Comp)	Bellwood, IL	11/13/2003	11/10/2003
53,520	Giddings and Lewis (Wkrs)	Fond Du Lac, WI	11/13/2003	11/11/2003
53,521	Perry Judd's (Comp)	Waterloo, WI	11/13/2003	11/12/2003
53,522	Avery Dennison Office Products (Comp)	Flowery Branch, GA	11/13/2003	10/31/2003
53,523	Wellington Leisure Products, Inc. (Comp)	Madison, GA	11/13/2003	11/03/2003
53,524	Overly Door Company (Wkrs)	Greensburg, PA	11/13/2003	10/15/2003
53,525	Rene Composite (Wkrs)	Pearisburg, VA	11/13/2003	11/12/2003
53,526	Royal Home Fashions (Wkrs)	Mebane, NC	11/13/2003	10/31/2003
53,527	Vandorn Demag (Wkrs)	Strongsville, OH	11/13/2003	11/12/2003
53,528	Ferndale Fasteners/Textron Fastening Sys (UAW)	Madison Hgts., MI	11/13/2003	11/11/2003
53,529	General Binding Corp. (GBC) (Comp)	Booneville, MS	11/14/2003	11/03/2003
53,530	Stone County Garment (Comp)	Crane, MO	11/14/2003	11/04/2003
53,531	GDX Automotive (Wkrs)	Salisbury, NC	11/14/2003	11/12/2003
53,532	Pen-Ro Group (MA)	Pittsfield, MA	11/14/2003	11/07/2003
53,533	International Paper (Comp)	Bucksport, ME	11/14/2003	11/05/2003
53,534	International Paper (Comp)	Augusta, ME	11/14/2003	10/29/2003
53,535	International Paper (Comp)	Auburn, ME	11/14/2003	10/29/2003
53,536	Istonish, Inc. (Wkrs)	Austin, TX	11/14/2003	10/30/2003
53,537	Pacific Rim Log Scaling Bureau (Wkrs)	Lacey, WA	11/14/2003	11/06/2003
53,538	Allegheny Ludlum Corp. (Comp)	Brackenridge, PA	11/14/2003	11/03/2003
53,539	El Mansure (SC)	Clinton, SC	11/14/2003	11/11/2003
53,540	Teikoko Chem Pump (Wkrs)	Warrington, PA	11/14/2003	10/31/2003

[FR Doc. 03–31454 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,369]

Fishing Vessel (F/V) Darlin Michele, Hoonah, AK; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 29, 2003, in response to a petition filed by a company official on behalf of workers of F/V Darlin Michele, Hoonah, Alaska.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31456 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,628]

G & R Transport, St. Joseph, MO; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 25, 2003 in response to a worker petition filed by a company official on behalf of workers at G & R Transport, St. Joseph, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31462 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,656]

Halliburton Energy Services, Screens Manufacturing Facility, Houston, TX; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an

investigation was initiated on November 28, 2003 in response to a petition filed on behalf of workers of Halliburton Energy Services, Screen Manufacturing Facility, Houston, Texas.

The petitioning group of workers is covered by an active certification issued, and which remains in effect until July 15, 2004 (TA–W–41,091E). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 8th day of December, 2003.

Linda G. Poole

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31464 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,672]

Learjet, Inc., A Division of Bombardier, Inc., Wichita, KS; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 1, 2003 in response to a petition filed by an official of the International Association of Machinists and Aerospace Workers, Lodge No. 70, on behalf of workers at Learjet, Inc., a division of Bombardier, Inc., Wichita, KS.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 10th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31465 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,432]

Millennium A.R. Haire, Thomasville, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 4, 2003, in response to a petition filed by a company official on behalf of workers at Millennium A.R. Haire, Thomasville, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31457 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,626]

P & R Trucking Services, Inc., St. Joseph, MO; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 25, 2003 in response to a worker petition filed by a company official on behalf of workers at P & R Trucking Services, Inc., St. Joseph, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31460 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,521]

Perry Judd's, Waterloo, WI; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 13, 2003, in response to a petition filed by a company official on behalf of workers at Perry Judd's, Waterloo, Wisconsin.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 8th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31458 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,629]

Twitchell Corp., Dothan, AL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 25, 2003 in response to a worker petition filed by a company official on behalf of workers at Twitchell Corporation, Dothan, Alabama.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 10th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31463 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,627]

The Washout Co., St. Joseph, MO; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 25, 2003 in response to a worker petition filed by a company official on behalf of workers at The Washout Company, St. Joseph, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–31461 Filed 12–19–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Services

Funding Opportunity: Incarcerated Veterans Transition Program (IV–TP) Pilot Competitive Grants for FY 2004

Announcement Type: Initial announcement of availability of funds and Solicitation for Grant Applications (SGA) for Incarcerated Veteran Transition Programs.

Funding Opportunity Number: SGA 04–01.

Catalogue of Federal Assistance Number: 17–805.

Dates: Applications are due on January 21, 2004. Period of Performance is February 24, 2004, through February 23, 2005.

Application and Amendments: If copies of the standard forms are needed, they can be downloaded from *http://www.whitehouse.gov/omb/grants/grants_forms.html.*

To receive amendments to this solicitation (please reference SGA 04–01) all applicants must register their name and address with the Grant Officer at below listed address.

Cassandra Willis, Department of Labor: Procurement Services Center, Room N–5416, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone (202) 693–4570.

Summary: Applicants for grant funds should read this notice in its entirety. The U.S. Department of Labor, Veterans' Employment and Training Service (VETS), announces a grant competition for up to four pilot programs that comply with the requirements of 38 U.S.C. section 2022, as added by section 5 of Pub. L. 107–95. Pub. L. 107–95, the Homeless Veterans Comprehensive Assistance Act (HVCAA) of 2001 requires the Department of Labor and the Department of Veteran Affairs to partner in the development, support, and operation of at least six demonstration projects designed to support incarcerated veterans at risk of homelessness. This demonstration is being funded under the authority of the Homeless Veterans Reintegration Program, 38 U.S.C. section 2021.

Applicants will be required to design programs which assist eligible veterans (who are incarcerated and at risk of homelessness) that provide career counseling, employment training, job search assistance, and life skills support services.

Under this solicitation, VETS anticipates that up to $250,000 will be available for each of the grant awards in fiscal year (FY) 2004 and expects to award up to four (4) grants. Projects will be selected that provide services to incarcerated veterans at one or more levels of the correctional system, *i.e.*, Federal, State and local. This notice contains all of the necessary information and forms needed to apply for grant funding.

The Incarcerated Veterans Transition Programs (IV–TP) are to be designed to be flexible in addressing the national, regional, and/or local issues that prevent previously incarcerated veterans from reintegrating into the workforce.

VETS will seek applicants that provide direct services through a case management approach that networks with Federal, State, and local resources for veteran support programs that have clear strategies for employment and retention and/or life skills treatment of the previously incarcerated veteran.

I. Funding Opportunity Description (Background)

Section 5 of Pub. L. 107–95, the Homeless Veterans Comprehensive Assistance Act (HVCAA) of 2001 amended title 38, United States Code, ''to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans' and required that the Department of Labor and Department of Veteran Affairs partner in at least six (6) demonstration projects to serve incarcerated veterans at risk of homelessness. The Homeless Veterans' Reintegration Project (HVRP) was the first nationwide Federal program that concentrated on placing homeless veterans into jobs. This extension of the HVRP project, designed to support and evaluate programs that focus principally on previously incarcerated veterans, will provide invaluable information on approaches that assist in the prevention of homelessness among that population.

II. Award Information

Under this solicitation, VETS anticipates that up to $250,000 will be available for each grant awarded in Fiscal Year (FY) 2004 and expects to award up to four (4) grants.

Projects will be selected that provide services to incarcerated veterans at one or more levels of the correctional system, *i.e.*, Federal, State and local, in order for the participants to transition into the workforce. VETS will seek applicants that provide direct services through a case management approach that networks with Federal, State, and local resources for veteran support programs that have clear strategies for employment and retention and/or life skills treatment of the previously incarcerated veteran.

We anticipate awarding at least one (1) grant for each type of correctional facility program (Federal, State, and local).

III. Eligibilty Information

1. Eligible Applicants

Applications for funds will be accepted from State and local Workforce Investment Boards (WIBS), public agencies, for-profit/commercial entities, and nonprofit organizations, including faith-based and community organizations, who are familiar with the population to be served and can demonstrate expertise in administering an effective program. Eligible applicants will fall into one of the following categories:

A. State and local Workforce Investment Boards (WIBS), established under section 111 and 117 of the Workforce Investment Act.

B. Public agencies meaning any public agency of a State or of a general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers. (This typically refers to cities and counties.) A State agency may propose in its application to serve one or more of the potential jurisdictions located in its State. This does not preclude a city or county agency from submitting an application to serve its own jurisdiction.

Applicants are encouraged to utilize, through partnerships or sub-awards, experienced public agencies, private nonprofit organizations, private businesses and faith-based and community organizations that have an understanding of unemployment and the barriers to employment unique to previously incarcerated veterans, a familiarity with the area to be served, and the capability to effectively provide the necessary services.

C. For-profit/commercial entities and private nonprofit organizations that have operated a VWIP, HVRP or similar employment and training program for the homeless or veterans and have a proven competence to manage grants and have or will provide the necessary linkages with other service providers.

D. Non-profit organizations that have received 501(c) (3) status from the Internal Revenue Service (IRS). If claiming 501(c) (3) status, the IRS statement indicating 501(c) (3) status approval must be submitted.

Entities described in section 501(c)(4) of the Internal Revenue Codes that engage in lobbying activities are not eligible to receive funds under this

announcement as section 18 of the Lobbying Disclosure Act of 1995, Pub. L. 104–65, 109 Stat. 691, prohibits the award of Federal funds to these entities.

2. Cost Sharing

Cost sharing and matching funds are not required for this SGA.

3. Other

A. Funding Levels

The total funding available for this solicitation is up to $1,000,000. It is anticipated that up to four (4) awards will be made under this solicitation. Awards are expected to range from $200,000 to a maximum of $250,000. The Department of Labor reserves the right to negotiate the amounts to be awarded under this competition. Please be advised that requests exceeding the $250,000 will be considered non-responsive.

B. Period of Performance

The period of performance will be for twelve (12) months from date of award unless modified. It is expected that successful applicants will begin program operations under this solicitation on February 24, 2004. Program funds must be obligated by February 23, 2005; however, a limited amount of funds should be reserved for follow-up activities and closeout.

C. Optional Year Funding

Should there be action by Congress to appropriate additional funds for this purpose, optional year funding may be considered. The Government does *not,* however, guarantee optional year funding for any Grantee. Should VETS decide that an optional year funding be exercised, the Grantees' performance during the previous period of operations will be taken into consideration (*see* IV. 5.C.).

IV. Application and Submission Information

1. Address To Request Application

Application announcements or forms will not be mailed. The **Federal Register** may be obtained from your nearest government office or library. In addition, a copy of this notice and the application requirements may be downloaded from the Veterans Employment and Training Services Web site at *http://www.dol.gov/vets.* If additional copies of the standard forms are needed, they can also be downloaded from: *http://www.whitehouse.gov/omb/grants/grants_forms.html.*

2. Content and Form of Application Submission

A. A cover letter, an original, and two (2) copies of the proposal must be submitted to: U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room N–5416, Attn: Cassandra Willis, Washington, DC 20210; Phone (202) 693–4570.

It is recommended that applicants confirm application receipt by contacting the above listed point of contact prior to the closing date (this is not a toll-free number). Applicants are advised that postal reaction to anthrax contamination of U.S. mail occasionally caused mail delivery delays that must be considered when taking into account the application deadline.

B. The proposal must consist of two (2) separate and distinct parts, the Technical Proposal and the Cost Proposal as well as the Standard Form 424. All proposals will include:

(1) One completed, blue ink-signed original SF 424, Application for Federal Assistance;

(2) An original and two (2) copies of the Technical Proposal; including proposed Technical Performance Goals Form in Appendix D; and

(3) An original and two (2) copies of the Cost Proposal.

C. The information provided in these two parts is essential to gain an understanding of the programmatic and fiscal contents of the grant proposal.

1. *Part 1—The Technical Proposal* consists of a narrative proposal that demonstrates: the applicant's knowledge of the need for this particular grant program, an understanding of the services and activities proposed to obtain successful outcomes for the ex-offender veterans served; and evidence of the applicant's ability to accomplish the expected outcomes of the proposed project design. The technical proposal narrative must not exceed fifteen (15) pages double-spaced, font size no less than 11 pt., and typewritten on one side of the paper only. (The applicant also must complete the forms, *i.e.,* Technical Performance Goals chart provided in the SGA, Appendix D.)

Note: Resumes, charts, standard forms, transmittal letters, MOUs, agreements, lists of contracts and grants and letters of support are not included in the page count. If provided, include these documents as attachments to the technical proposal.

The proposal must include an outreach component that uses either DVOP/LVER staff or a trained outreach cadre and must include correctional personnel to provide information and ''inreach'' within the correctional institution. Coordination with the Department of Veterans' Affairs Regional Benefits Office, DVOPs and LVERs in the jurisdiction is required. Programs must be ''employment focused''. The services provided will be directed toward: (a) Increasing the employability of incarcerated veterans through training or arranging for the provision of services which will enable them to work after release; and (b) matching veteran ex-offenders with potential employers. The following format for the technical proposal is strongly recommended:

(a) *Need for the program.* The applicant must identify the geographical area to be served and provide an estimate of the number of incarcerated veterans in the designated area. Include poverty and unemployment rates in the area and identify the disparities in the local community infrastructure that exacerbate the employment barriers faced by the targeted veterans. Indicate how the project would respond to these obstacles and include labor market information (LMI) on the prospect for job opportunities in emerging areas, *i.e.,* service area.

(b) *Approach or strategy to increase employment and job retention:* Applicants must be responsive to the Rating Criteria contained in section IX and address all of the rating factors as thoroughly as possible in the narrative. The applicant must: (a) Indicate the type(s) of training available to include its applicability to the jobs that are in demand, length of training, training curriculum and how the training will improve the eligible veterans' employment opportunities within that geographical area; (b) describe the specific supportive, employment and training services to be provided under this grant and the sequence or flow of such services—flow charts may be provided; (c) provide a follow-up plan that addresses retention after 30, 90 and 180 days with participants who have entered employment (*see* discussion on results in section V.c.); and (d) include the required chart of proposed performance goals and planned expenditures listed in Appendix D.

(c) *Linkages with correctional programs, services and facilities that serve the homeless veterans:* Describe program and resource linkages with correctional services and facilities that will be involved in identifying potential clients for this program. Describe any networks with other related resources and/or other programs of a correctional nature that serves incarcerated veterans. Indicate how the program will be coordinated with any correctional

efforts that are conducted by public and private agencies in the community. If a Memoranda of Understanding (MOU) or other service agreements exist with service providers, copies should be provided.

(d) *Linkages with other providers of employment and training services to the homeless veterans:* Describe the networks the program will have with other providers of services to homeless veterans other than the IV–TP grant; include a description of the relationship with other employment and training programs such as DVOP, the Local Veterans' Employment Representative (LVER) program, and programs under the Workforce Investment Act; and list the type of services that will be provided by each. Note the type of agreement in place, if applicable. Linkages with the workforce development system must be delineated. Describe any networks with any other resources and/or other programs for incarcerated veterans. Indicate how the program will be coordinated with any efforts for the homeless that are conducted by agencies in the community. If a Memoranda of Understanding (MOU) or other service agreements exists with other service providers, copies should be provided.

(e) *Linkages with other Federal agencies:* Describe program and resource linkages with Department of Housing and Urban Development (HUD), Department of Health and Human Services (HHS), and Department of Veterans Affairs (VA) for the veteran population to include the Compensated Work Therapy (CWT) and Per Diem programs. Indicate how the applicant will coordinate with any ''continuum of care'' efforts for the homeless among agencies in the community. If a Memoranda of Understanding (MOU) or other service agreements exists with other service providers, copies should be provided.

(f) *Proposed supportive service strategy for veterans:* Describe how supportive service resources for veterans will be obtained and used. If resources are provided by other sources or linkages, such as Federal, State, local or faith-based and community programs, the applicant must fully explain the use of these resources and how they will be applied. If a Memoranda of Understanding (MOU) or other service agreements exists with other service providers, copies should be provided.

(g) *Organizational capability to provide required program activities:* The applicant's relevant current or prior experience in operating employment and training programs should be clearly described. A summary narrative of program experience and employment and training performance outcomes is required. The applicant must provide information showing outcomes of all past programs in terms of enrollments and placements. An applicant that has operated a HVRP, other Homeless Employment and Training program, or VWIP program, must include the final or most recent technical performance reports. The applicant must also provide evidence of key staff capability. It is preferred that grantees be well established and not in the start-up phase or process. If claiming 501(c)(3) status, the Internal Revenue Service statement indicating 501(c)(3) status approval must be submitted.

(h) *Proposed housing strategy for previously incarcerated veterans:* Describe how housing resources for incarcerated veterans will be obtained or accessed. These resources must be from linkages or sources other than the IV–TP grant such as HUD, HHS, community housing resources, VA leasing, or other programs.

2. *Part 2—The Cost Proposal must contain:*

a. Standard Form (SF) 424, ''Application for Federal Assistance'', (original and signed in blue-ink) in Appendix A; and

b. The organizational unit section of Block 5 of the SF 424 must contain the Dun and Bradstreet number of the applicant. Please note that beginning October 1, 2003, all applicants for Federal grant funding opportunities are required to include a Dun and Bradstreet (DUNS) number with their application. *See* OMB Notice of Final Policy Issuance, 68 FR 38402 (June 27, 2003). Applicants' DUNS numbers should be entered into Block 5 of SF 424. The DUNS number is a nine digit identification number that uniquely identifies business entities. There is no charge for obtaining a DUNS number (although it may take 14–30 days). To obtain a DUNS number, access the following Web site: *http://www.dunandbradstreet.com/* or call 1–866–705–5711. Requests for exemption from the DUNS number requirement must be made to OMB; and

c. Standard Form (SF) 424A ''Budget Information Sheet'' in Appendix B; and

d. A detailed cost break out of each line item on the Budget Information Sheet. Please label this page or pages the ''Budget Narrative'' and ensure that costs reported on the SF 424A correspond accurately with the Budget Narrative; and

e. Direct Cost Description for Applicants and Sub-Applicants in Appendix E.

f. A completed Survey on Ensuring Equal Opportunity for Applicants in Appendix F; and

g. Assurance and Certification signature page (original signed in blue ink) in Appendix C.

Copies of all required forms with instructions for completion are provided as appendices to this SGA.

All applicants must submit evidence of satisfactory financial management capability, which must include recent financial and/or audit statements. Grantees are required to utilize Generally Accepted Accounting Practices, maintain a separate accounting for these grant funds, and have a checking account. The Catalog of Federal Domestic Assistance number for this program is 17.805. It must be entered on the SF 424, Block 10.

All applicants must include, as a separate appendix, a list of all government employment and training grants and contracts that it has had in the past three (3) years, including grant/contract officer contact information. Veterans' Employment and Training Service reserves the right to have a DOL representative within each State review and verify this data. *Applicants can expect that the cost proposal will be reviewed for allocations, allowances, and reasonableness.*

3. *The Cost Proposal Narrative Information:* As an attachment to the Budget Information Sheet (SF 424A), the applicant must provide, at a minimum, and on separate sheet(s), the following information:

(a) Breakout of all personnel costs by position, title, salary rates, and percent of time of each position to be devoted to the proposed project (including Sub-grantees) (Appendix E);

(b) Explanation and breakout of extraordinary fringe benefit rates and associated charges (*i.e.*, rates exceeding 35% of salaries and wages), if necessary;

(c) Explanation of the purpose and composition of, and method used to derive the costs of each of the following: travel, equipment, supplies, sub-grants/contracts, and any other costs. The applicant must include costs of any required travel described in this Solicitation. Mileage charges may not exceed 36 cents per mile, or the current federal rate;

(d) All associated costs, for retaining participant information pertinent to a follow-up survey, six (6) months after the program performance period ends;

(e) Description/specification of and justification for equipment purchases, if any. Tangible, non-expendable, personal property having a useful life of more than one year and a unit acquisition cost

of $5,000 or more per unit must be specifically identified; and

(f) Identification of all sources of leveraged or matching funds and an explanation of the derivation of the value of matching/in-kind services. If resources/matching funds and/or the value of in-kind contributions are made available please show in section B of the Budget Information Sheet.

(g) Complete the Survey on Ensuring Equal Opportunity for Applicants (Appendix F).

3. Submission Dates and Times (Acceptable Methods of Submission)

The grant application package must be received at the designated place by the date and time specified or it will not be considered. Any application received at the Office of Procurement Services after 4:45 p.m. e.s.t., January 21, 2004, will not be considered unless it is received before the award is made and:

A. It was sent by registered or certified mail not later than the fifth calendar day before January 21, 2004; or

B. It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5 p.m. at the place of mailing two (2) working days, excluding weekends and Federal holidays, prior to January 21, 2004; and

C. It is determined by the government that the late receipt was due solely to mishandling by the government after receipt at the U.S. Department of Labor at the address indicated.

4. Intergovernmental Review

N/A.

5. Funding Restrictions

A. Funding Levels

The total funding available for this solicitation is up to $1,000,000. It is anticipated that up to four (4) awards will be made under this solicitation. Awards are expected to range from $200,000 to a maximum of $250,000. The Department of Labor reserves the right to negotiate the amounts to be awarded under this competition. Please be advised that requests exceeding the $250,000 will be considered non-responsive. Further, there will not be reimbursement of pre-award costs.

B. Period of Performance

The period of performance will be for twelve (12) months from date of award unless modified. It is expected that successful applicants will begin program operations under this solicitation on February 24, 2004. Program funds must be obligated by February 23, 2005; however, a limited amount of funds should be reserved for follow-up activities and closeout.

C. Optional Year Funding

Should there be action by Congress to appropriate additional funds for this purpose, optional year funding may be considered. The government does *not,* however, guarantee optional year funding for any Grantee. Should VETS decide that an optional year funding be exercised, the Grantees' performance during the previous period of operations will be taken into consideration as follows:

(1) The Grantee must meet at minimum 85% of planned goals for Federal expenditures, enrollments, and placements in each quarter; and

(2) The Grantee must be in compliance with all terms identified in the Solicitation for Grant Application (SGA) general and special provisions.

(3) All program and fiscal reports must have been submitted by the established due date and must be verifiable for accuracy.

(4) All instructions for modifications and announcement of fund availability will be issued at a later date.

D. Limitation on Indirect Costs

(1) Indirect costs claimed by the applicant must be based on a federally approved rate. A copy of the negotiated approved, and signed indirect cost negotiation agreement must be submitted with the application.

(2) If the applicant does not presently have an approved indirect cost rate, a proposed rate with justification may be submitted. Successful applicants will be required to negotiate an acceptable and allowable rate with the appropriate DOL Regional Office of Cost Determination within 90 days of grant award.

(3) Indirect cost rates traceable and trackable through the State Workforce Agency's Cost Accounting System represent an acceptable means of allocating costs to DOL and, therefore, can be approved for use in grants to State Workforce Agencies.

6. Other Submission Requirements

a. The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped or otherwise placed impression (*not* a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

b. The only acceptable evidence to establish the date of mailing of a late application sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee is the date entered by the Post Office receiving clerk on the ''Express Mail Next Day Service-Post Office to Addressee'' label and the postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. ''Postmark'' has the same meaning as defined above. Therefore, applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

c. The only acceptable evidence to establish the time of receipt at the U.S. Department of Labor is the date/time stamp of the Procurement Services Center on the application wrapper or other documentary evidence or receipt maintained by that office. Applications sent by other delivery services, such as Federal Express, UPS, etc., will also be accepted.

d. All applicants are advised that U.S. mail delivery in the Washington, DC area has been erratic due to the concerns involving anthrax contamination. All applicants must take this into consideration when preparing to meet the application deadline, as you assume the risk for ensuring a timely submission, that is, if, because of these mail problems, the Department does not receive an application or receives it too late to give proper consideration, even if it was timely mailed, the Department is not required to consider the application.

V. Application Review Information

1. Criteria

A. Applications will be reviewed by a DOL panel using the point scoring system specified below. Applications will be ranked based on the score assigned by the panel after careful evaluation by each panel member. The ranking will be the primary basis to identify applicants as potential Grantees. Although the government reserves the right to award on the basis of the initial proposal submissions, the government may establish a competitive range and/or a minimum qualifying score, based upon the proposal evaluation, for the purpose of selecting qualified applicants. The panel's conclusions are advisory in nature and

not binding on the Grant Officer. The government reserves the right to ask for clarification or hold discussions, but is not obligated to do so. The government further reserves the right to select applicants out of rank order if such a selection would, in its opinion, result in the most effective and appropriate combination of funding, program and administrative costs, *e.g.*, cost per enrollment and placement, demonstration models, and geographic service areas. While points will not be awarded for cost issues, cost per entered employment will be given serious consideration in the selection of awardees. The Grant Officer's determination for award under SGA 04–01 is the final agency action.

B. Program Concept and Emphasis

The Incarcerated Veterans Transition Program (IV–TP) pilot program grants under section 5 of the Homeless Veterans Comprehensive Assistance Act (HVCAA) of 2001 are intended to address two objectives, (1) To provide services to assist in reintegrating incarcerated veterans into meaningful employment within the labor force, and (2) to stimulate the development of effective service delivery systems that will address the complex problems facing ex-offender veterans. The Incarcerated Veterans Transition Program (IV–TP) is designed to be flexible in addressing the national, regional, and/or local issues that prevent previously incarcerated veterans from reintegrating into the workforce. VETS in Fiscal Year (FY) 2004 will seek applicants that provide direct services through a case management approach that networks with Federal, State, and local resources for veteran support programs that have clear strategies for employment and retention of the previously incarcerated.

C. Community Awareness Activities

In order to promote networking between the program and local service providers (and thereby eliminate gaps or duplication in services and enhance the provision of assistance to participants), the Grantee must provide project orientation workshops and/or program awareness activities that it determines are the most feasible for the providers listed below. Grantees are encouraged to demonstrate strategies for incorporating small faith-based and community organizations (defined as organizations with social services budgets of approximately $300,000 or 7 or fewer full-time employees) into their outreach plans. Project orientation workshops conducted by Grantees have been an effective means of sharing information and informing the community of the availability of other services; they are encouraged but not mandatory. Rather, the Grantee will have the flexibility to attend service provider meetings, seminars, and conferences, to outstation staff, and to develop individual service contracts as well as to involve other agencies in program planning. The Grantee will be responsible for providing project awareness, program information, and orientation activities to the following:

(1) Direct providers of services to veterans and ex-offenders to include but not be limited to inmate families, jail and prison ministry groups, shelter and soup kitchen operators to make them aware of the services available to incarcerated veterans to make them job-ready and to aid their placement into jobs.

(2) Federal, State and local entitlement service such as the Social Security Administration (SSA), Department of Veterans' Affairs (VA), State Employment Security Agencies (SESAs) and their local Job Service offices, One-Stop Centers (which integrate WIA, Labor Exchange, and other employment and social services), mental health services, and healthcare detoxification facilities to familiarize them with the nature and needs of previously incarcerated veterans.

(3) Civic and private sector groups in particular Veterans' Service Organizations (VSOs), inmate family support groups, job training and employment services, and community-based organizations (including faith-based organizations) to portray previously incarcerated veterans and their needs.

D. Scope of Program Design

(1) Outreach, intake, assessment, peer counseling to the degree practical, and employment services. Outreach must be provided in the subject correctional institutions. Program staff providing outreach services should have experience in dealing with, and an understanding of the needs of the incarcerated and/or ex-offender veterans. Applicants proposing to use peer counselors who are themselves veterans will be awarded five (5) of the available points in the scoring criteria.

(2) Coordination with veterans' services programs, including Disabled Veterans' Outreach Program Specialists (DVOPs), Local Veterans' Employment Representatives (LVERs) in the State Employment Security/Job Service Agencies (SESAs) or in the workforce development system's One-Stop Centers, as well as Veterans' Workforce Investment Programs (VWIPs) and Homeless Veteran Reintegration Programs (HVRP), Department of Veterans' Affairs (VA) services, including its Health Care for Homeless Veterans, Domiciliary Care, Regional Benefits Assistance Program, and Transitional Housing under Homeless Provider Grant and *per diem* programs.

(3) Grantees will perform a preliminary assessment of each participants' eligibility for Department of Veterans Affairs (DVA) service connected disability, compensation, and/or pension benefits. As appropriate, grantees will work with the Veterans Service Organizations (VSO) or refer the participants to DVA in order to file a claim for compensation or pension. Grantees will track progress of claim and report outcome in case management records.

(4) Association with Veteran Service Organizations such as the American Legion, Disabled American Veterans, the Veterans of Foreign Wars, Vietnam Veterans of America, and the American Veterans (AMVETS).

(5) Coordination with offender re-entry and transitional programs, such as pre-release facilities, work/training release facilities, halfway houses, community supervision, and community justice offices.

(6) Referral as necessary to health care, counseling and rehabilitative services, including, but not limited to: Alcohol and drug rehabilitation; Therapeutic; Post Traumatic Stress Disorder; Mental Health Services; Coordinating with McKinney Homeless Assistance Act (MHAA) Title VI programs for health care for the homeless or health care programs under the HVCAA.

(7) Referral to housing assistance, as appropriate, provided by: Local shelters; Federal Emergency Management Administration (FEMA) food and shelter programs; Transitional housing programs and single room occupancy housing programs funded under MHAA Title IV (and under HVCAA); Permanent housing programs for the handicapped homeless funded under MHAA Title IV (and under HVCAA); and

(8) Employment and training services such as: Basic skills instruction; Remedial education activities; Job search activities, including job search workshops; Job counseling; Job preparatory training, including resume writing and interviewing skills; Subsidized trial employment (Work Experience); On-the-Job Training; Classroom Training; Job placement in unsubsidized employment, Placement follow-up services; and Services provided under WIA.

E. Panel Review Criteria

(1) *Need for the project:* 15 points.

The applicant will document the need for this project, as demonstrated by: (a) the number of previously and/or current incarcerated veterans in the proposed project area, (b) the rates of poverty and/or unemployment in the proposed project area as determined by the census or other surveys; and (c) the extent of the obstacles in the local infrastructure to effectively address the employment barriers that characterize the target population.

(2) *Overall strategy to reduce recidivism by increasing employment and retention:* 30 points.

The application must include a description of the approach to providing comprehensive employment and training services, including job training, job development, obtaining employer commitments to hire, placement, and post-placement follow up services. Applicants must address how they will target occupations in emerging industries. Supportive services provided as part of the strategy of promoting job readiness and job retention must be indicated. The applicant must identify the local services and sources of training to be used for participants. A description of the relationship, if any, with other employment and training programs such as SESAs (including DVOP and LVER Programs), One-stops, VWIP, other WIA programs, and Workforce Investment or Development Boards or entities where in place, must be specified. The application must also include a description of the relationship, if any, with correctional facilities or services to be involved with this project, at the institutional and/or community levels. Applicant must indicate how the activities will be tailored or responsive to the needs of homeless veterans. A participant flow chart may be used to show the sequence and mix of services.

Note: The applicant must complete the chart of proposed program outcomes to include participants served, placement/entered employments and job retention. (*See* Appendix D). Of the 30 points possible in the strategy to increase employment and retention, 5 points will be awarded to grant proposals that demonstrate the ability to maintain a six-month employment retention rate of 50 percent or greater. Applicants proposing to use peer counselors who are themselves veterans will be awarded five (5) of the available points in the scoring criteria.

(3) *Quality and extent of linkages with other providers of services to incarcerated veterans:* 15 points.

The application must provide information on the quality and extent of the linkages this program will have with other providers of services to benefit previously incarcerated veterans in the local community other than the IV-TP grant. For each service, the applicant must specify who the provider is, the source of funding (if known), and the type of linkages/referral system established or proposed. Describe, to the extent possible, how the project would be incorporated into the community's continuum of care approach to respond to homelessness and show any linkages to HUD, HHS or VA programs that will be advantageous to the proposed program.

(4) *Demonstrated capability in providing required program services including programmatically reporting and participant tracking:* 25 points.

The applicant must describe its relevant prior experience in operating employment and training programs and providing services to participants similar to those that are proposed under this solicitation. Specific outcomes previously achieved by the applicant must be described, such as job placements, benefits secured, network coalitions, etc. The applicant must also address its capacity for timely startup of the program, programmatic reporting, and participant tracking. The applicant should describe its staff experience and ability to manage the administrative, programmatic and financial aspects of a grant program. Include a recent (within the last 12 months), financial statement or audit. Final or most recent technical reports for other relevant programs must be submitted if applicable. Because prior grant experience is not a requirement for this grant, some applicants will not have any technical reports to submit.

(5) *Quality of Overall Housing Strategy:* 15 points.

The application must demonstrate how the applicant proposes to obtain or access housing resources for veterans in the program and entering the labor force. This discussion should specify the provisions made to access temporary, transitional, and permanent housing for participants through community resources, HUD, VA lease, or other means. IV–TP funds may not be used to purchase housing or vehicles.

F. Results-Oriented Model

No specific model is mandatory, but the applicant must design a program that is responsive to the needs of the local community, and achieves the objectives of the program—to successfully reintegrate ex-offender veterans into the workforce and stimulate the development of effective service delivery systems that will address the complex problems facing ex-offender veterans.

A data management system to assess ex-offenders is an important element of this program. Data elements to be considered for each program participant include: health, employment and disability status, demographics, veteran's benefits usage, type of most recent criminal conviction, previous criminal history, system entry and discharge, length of time in the program and recidivism measures. Factors to be considered by the review panel are:

(1) Efficient and effective communication between agencies (Department of Labor, Department of Veterans' Affairs, state/local courts, police, other service providers, etc.).

(2) Effective assessment of costs, interventions offered and services provided.

(3) Data standardization/compatibility.

(4) System flexibility, functionality, scalability and ease of use.

(5) Reporting system design and modification.

Under the Government Performance and Results Act (GPRA), Congress and the public are looking for program results rather than program processes.

The suggested conceptual design of the Incarcerated Veterans Transition Program (IV–TP) is shown in Figure 1. Definitions of the elements and Incarcerated Veterans Transition Program (IV–TP) performance goals follow.

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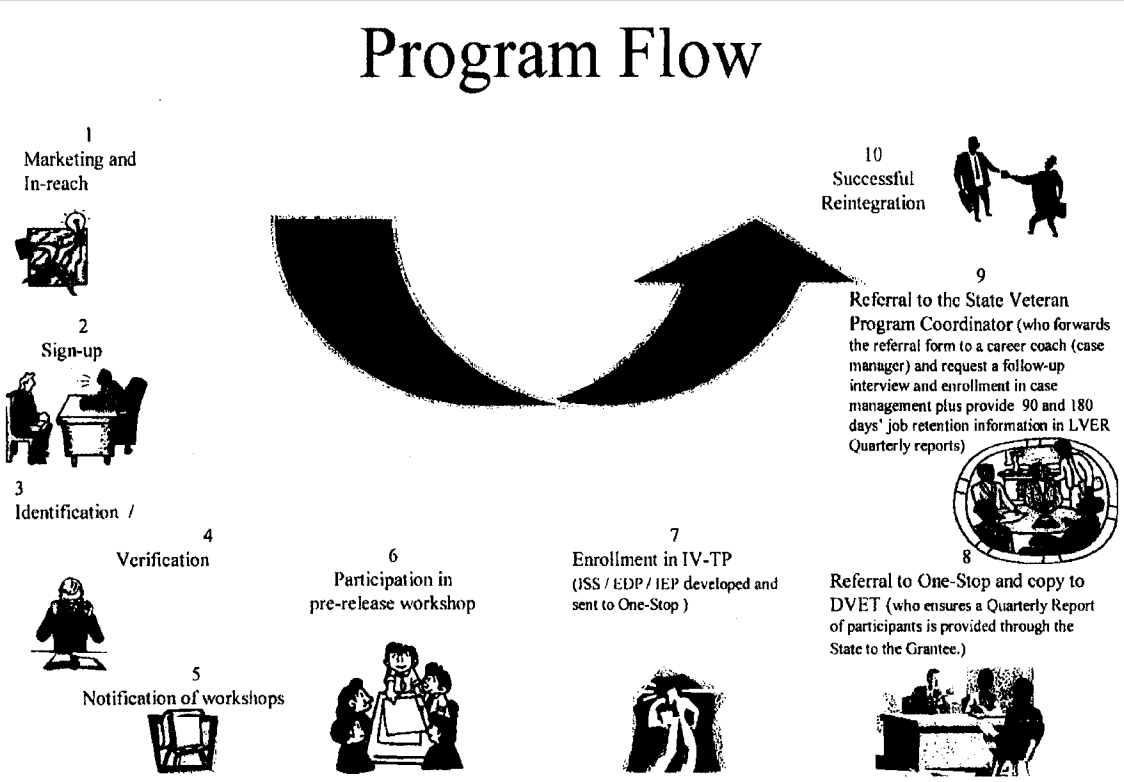

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Figure 1: IV–TP Concept Flowchart

1. *Inreach:* The process of providing veteran benefit information to inmates in correctional facilities to facilitate incarcerated veterans attendance at pre-release transition workshops and/or assessment interviews.

2. *Sign-up:* Initial contact with individual inmates to provide additional information and collect information from inmates who express interest in the program.

3. *Identification:* Reviewing information provided by inmates who completed the sign-up in step two.

4. *Verification:* Verification of information and eligibility of inmates who expressed interest and are attempting to sign up for the program.

5. *Notification of Workshops:* Provide Incarcerated Veterans Transition Program (IV–TP) transition schedule and information to eligible veterans in the incarcerated population.

6. *Workshops:* Addresses the supportive services and employability and training needs of individuals before enrolling them in an IV–TP program. Includes an evaluation and/or measurement of vocational interests and aptitudes, present abilities, previous education and work experience, income requirements, supportive service needs, substance abuse treatment needs, counseling needs, temporary or transitional housing needs, personal circumstances and other related services.

7. *Enrollment* in IV–TP: A client is recorded as having been enrolled when the Intake Form has been completed, and either an Individual Support System (ISS), Employment Development Plan (EDP) or Individual Employment Plan (IEP) has been developed with participant. Referral of participant to One-Stop and copy of referral form to DVET (DVET ensures referral follow-up at One-Stop to obtain 30, 90, 180 day job progress report). There should be an unduplicated count over the year: *i.e.*, each participant is recorded only once, regardless of the number of times she or he receives assistance. Other elements of enrollment/services provided which are counted include:

A. Referral to or receiving services from the Department of Veterans' Affairs.

B. Placement into transitional or permanent housing: permanent housing should be recorded when a veteran served by the program upgrades his/her housing situation during the reporting period from shelter/streets to transitional housing or permanent housing or from transitional housing to permanent housing. Placements resulting from referrals by IV–TP staff shall be counted. This item is however an unduplicated count over the year, except that a participant may be counted once upon entering transitional housing and again upon obtaining permanent housing.

C. Direct placements into unsubsidized employment: direct placement into unsubsidized employment is a referral and placement made by an IV–TP-funded staff member (or DVOP/LVER at the One-Stop office the participant was referred to) with an established employer who covers all employment costs for 20 or more hours per week at or above the minimum wage. Day labor and other very short-term placements should not be recorded as placements into unsubsidized employment.

D. Assisted placements into unsubsidized employment: assisted placements into unsubsidized employment should be recorded when the definition for placement with unsubsidized employment above is met, but the placement was arranged by an agency to which the IV–TP referred the homeless veteran, such as a One-Stop Career Center.

E. Cost per placement: the cost per placement into unsubsidized employment is obtained by dividing the total IV–TP funds expended by the total number of direct placements plus assisted placements.

F. Number retaining job for 30 days: to be counted as retaining a job for 30 days, continuous employment with one or more employers for at least 30 days must be verified and the definition for either direct placement or assisted

placement into unsubsidized employment above is met. This allows clients who have moved into a position with a different employer to be recorded as retaining the job for 30 days as long as the client has been steadily employed for that length of time.

G. Number retaining job for 90 days: to be counted as retaining a job for 90 days, continuous employment with one or more employers for at least 90 days must be verified, and the definition for either placement or assisted placement into unsubsidized employment above is met. This allows clients who have moved into a position with a different employer to be recorded as retaining the job for 90 days as long as the client has been steadily employed for that length of time.

H. Number retaining job for 180 days: to be counted as retaining a job for 180 days, continuous employment with one or more employers for at least 180 days must be verified, and the definition for either placement or assisted placement into unsubsidized employment above is met. This allows clients who have moved into a position with a different employer to be recorded as retaining the job for 180 days as long as the client has been steadily employed for that length of time.

I. Rate of placement into unsubsidized employment: the rate of placement into unsubsidized employment is obtained by dividing the number placed into unsubsidized employment plus the number of assisted placements into unsubsidized employment by the number of clients enrolled.

J. Average hourly wage at placement: the average hourly wage at placement is the average hourly wage rates at placement of all assisted placements plus direct placements.

K. Employability development services. This includes services and activities that will develop or increase the employability of the participant. Includes vocational counseling, classroom and on-the-job training, pre-employment services (such as job seeking skills and job search workshops), temporary or trial employment, sheltered work environments and other related services and activities. Planned services should assist the participant in addressing specific barriers to employment and finding a job. These activities may be provided by the applicant or by a Sub-grantee, contractor or another source such as the local Job Partnership Training Act program or the DVOP personnel or LVERs. Such services are not mandatory but entries should reflect the services described in the application and the expected number of participants receiving or enrolled in such services during each quarter. Participants may be recorded more than once if they receive more than one service.

L. Total planned expenditures (total funds requested): identification of projected expenditures needed for each fiscal quarter.

M. Administrative costs. Administrative costs shall consist of all direct and indirect costs associated with the supervision and management of the program. These costs shall include the administrative costs, both direct and indirect, of Sub-grantees and contractors.

N. Participant services costs. This cost includes supportive, training, or social rehabilitation services which will assist in stabilizing the participant. This category should reflect all costs other than administrative.

The outcome measurement established for IV–TP grants is for Grantees to meet a minimum entered employment rate of 56%, determined by dividing the number of entered employments by the number of enrollments. (These outcomes will be reported quarterly on Technical Performance Goals Form, Appendix D.) While entered employment is a viable outcome, it will be necessary to measure results over a longer term to determine the success of programs.

The following program discussion must be considered in a results-oriented model. The first phase of activity must consist of the level of outreach necessary to introduce the program to eligible incarcerated veterans. This includes ''inreach'' into prisons and jails to find eligible veterans in the inmate population. Outreach also includes establishing contact with other agencies that encounter ex-offender veterans.

After ''inreach'', the incarcerated veteran must sign-up for enrollment into the program by assisting the Grantee in obtaining verification of eligibility for said program. The program operator may enroll participant in pre-release workshop (National Veterans' Training Institute will provide a model if needed) then enroll in referral program outside of facility or provide direct assessment and referral program outside of facility.

Once the eligible participants have been identified, an assessment must be made of the individual's abilities, interests, needs, and barriers to employment. In some cases, participants may require referrals to services such as rehabilitation, drug or alcohol treatment or a temporary shelter before they can be enrolled into core training.

When the individual is ''work ready'', the assessment should concentrate on the employability of the individual and the individual's enrollment into the program. A determination should be made as to whether the individual would benefit from pre-employment preparation such as resume writing, job search workshops, related counseling and case management, or possibly an initial entry into the job market through temporary jobs. Additionally, sheltered work environments, classroom training and/or on-the-job training must be evaluated. Such services should be noted in an Employability Development Plan to facilitate the staff's successful monitoring of the plan.

Entry into full-time employment or a specific job-training program should follow. Supportive services may assist the participant at this point or even earlier. Job development is a crucial part of the employability process and IV–TP participants will be referred to a One-Stop for career counseling and coaching.

Wherever possible, DVOP and LVER staff must be utilized for job development and placement activities for veterans who are ready to enter employment or who are in need of intensive case management services. Many of these staff members have received training in case management at the National Veterans' Training Institute and have as a priority, assisting those most at a disadvantage in the labor market. VETS urges working hand-in-hand with DVOP/LVER staff to achieve economies of resources.

The subsequent program discussion emphasizes the importance of tracking program participants. It begins with the One-Stop referral and continues with the 30, 90, and 180-day follow-up periods after entering employment to determine whether the veteran is in the same or similar job. It is important that the Grantee maintain contact with the veterans after placement to assure that employment related problems are addressed. The 30, 90, and 180-day follow-ups are fundamental to assessing the results of the program success. Grantees need to budget for this activity so that follow-up can and will occur for those placed at or near the end of the grant performance period. Grantees, prior to the end of the grant performance period, must obligate funds to ensure that follow-up activities are completed. Such results will be reported in the final technical performance report.

2. Program Activity Process

There are nine program activities that all applications should consider under this SGA. Programs must be ''employment focused'' with emphasis on referral to counseling services to

address employment barriers. These activities are:

a. Marketing and Inreach;

b. Sign-up;

c. Identification;

d. Verification;

e. Notification of workshops and /or assessment interview;

f. Participation in pre-release workshop and or assessment interview;

g. Enrollment in IV–TP including ISS/EDP/IEP development;

h. Referral to One-Stop/VA facility and copy of the referral sent to DVET who assists the Program Operator by compiling the Quarterly Report of participants;

i. Referral to the State Veteran Program Coordinator (who ensures participant referral follow-up within 30 days and maintains 30, 90, and 180-day job progress reports).

Note the program activities under the flowchart provided above.

3. Anticipated Announcement and Award

N/A.

VI. Award Administration Information

1. Award Notices

A. Notice that an organization has been selected as a grant recipient does not constitute approval of the grant application as submitted. Before the actual grant award, VETS may enter into negotiations concerning such items as program components, funding levels, and administrative systems. If the negotiations do not result in an acceptable submittal, the Grant Officer reserves the right to terminate the negotiation and decline to fund the proposal.

B. A Post-Award conference will be held for those Grantees awarded FY 2004 IV–TP funds from the competition. It is expected to be held in February or March 2004. At least two representatives must be present; a financial and a program representative are recommended. The site of the Post-Award conferences have not yet been determined, for planning and budgeting purposes, please use five days and use Denver, Colorado as the conference site. The conference will focus on providing information and assistance on reporting, record keeping, and grant requirements, and also include best practices from past projects. Costs associated with attending this conference for up to two Grantee representatives will be allowed as long as they were incurred in accordance with Federal travel regulations. Such costs must be charged as administrative costs and reflected in the proposed budget.

2. Administrative and National Policy

A. Limitations on Administrative and Indirect Costs

(1) Indirect costs claimed by the applicant must be based on a federally approved rate. A copy of the negotiated, approved, and signed indirect cost negotiation agreement must be submitted with the application.

(2) If the applicant does not presently have an approved indirect cost rate, a proposed rate with justification may be submitted. Successful applicants will be required to negotiate an acceptable and allowable rate with the appropriate DOL Regional Office of Cost Determination within 90 days of grant award.

(3) Rates traceable and trackable through the State Workforce Agency's Cost Accounting System represent an acceptable means of allocating costs to DOL and, therefore, can be approved for use in grants to State Workforce Agencies.

B. Administrative Standards and Provisions

Unless specifically provided in the grant agreement, DOL's acceptance of a proposal and an award of Federal funds to sponsor any program(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB circulars require and an entity's procurement procedures must provide that all procurement transactions will be conducted, as practical, to provide open and free competition. If a proposal identifies a specific entity to provide the services, the DOL award does not provide the justification or basis to sole-source the procurement, *i.e.*, avoid competition. All grants will be subject to the following administrative standards and provisions, if applicable:

(1) 29 CFR part 93—Lobbying.

(2) 29 CFR part 95—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations, and with Commercial Organizations.

(3) 29 CFR part 96—Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements.

(4) 29 CFR part 97—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

(5) 29 CFR part 98—Federal standards for Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).

(6) 29 CFR part 99—Audit of States, Local Governments, and Non-profit Organization.

(7) 29 CFR parts 30, 31, 32, 33 and 36—Equal Employment Opportunity in Apprenticeship and Training; Nondiscrimination in Federally-Assisted Programs of the Department of Labor, Effectuation of Title VI of the Civil Rights Act of 1964; Nondiscrimination on the Basis of Handicap in Programs and Activities; and Nondiscrimination on the basis of sex in Education programs receiving or benefiting from Federal Financial Assistance.

3. Reporting

The Grantee will submit the reports and documents listed below:

A. Financial Reports

The Grantee must report outlays, program income, and other financial information on a quarterly basis using SF 269A, Financial Status Report, Short Form. This form will cite the assigned grant number and be submitted to the appropriate State Director for Veterans' Employment and Training (DVET) no later than 30 days after the ending date of each Federal fiscal quarter (*i.e.*, October 30, January 30, April 30 and July 30) during the grant period.

B. Program Reports

Grantees must submit a Quarterly Technical Performance Report 30 days after the end of each Federal fiscal quarter to the DVET that contains the following:

(1) A comparison of actual accomplishments to established goals for the reporting period and any findings related to monitoring efforts;

(2) An explanation for variances of plus or minus 15% of planned program and/or expenditure goals, to include: (i) Identification of corrective action that will be taken to meet the planned goals, if required; and (ii) a timetable for accomplishment of the corrective action.

C. 90 Day Follow-Up Report

The Grantee must submit no later than 120 days after the grant performance expiration date a report containing the following:

(1) Financial Status Report (SF–269A) (copy to be provided following grant awards); and

(2) Technical Performance Report—(Program Goals).

D. Six (6) Month Follow-Up/Closeout Report

(1) Final Financial Status Report (SF–269A); and

(2) Final Narrative Report identifying—(a) the total combined (directed/assisted) number of veterans

placed during the entire grant period; (b) the number of veterans still employed after the 6 month follow-up period; (c) if the veterans are still employed at the same or similar job, if not what are the reasons; (d) if the training received was applicable to jobs held; (e) wages at placement and during follow up period; (f) an explanation regarding why those veterans placed during the grant, but not employed at the end of the follow up period, are not so employed; and (g) any recommendations to improve the program.

VII. Agency Contacts

For questions concerning this solicitation please contact: U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room N–5416, Attention: Cassandra Willis, Reference SGA 04–01, Washington, DC 20210; Phone: (202) 693–4570.

VIII. Other Information

To be eligible for participation in the Incarcerated Veterans Transition Program (IV–TP), a veteran must be within 18 months of release from a participating correctional facility; a veteran is defined as follows:

A. The term ''veteran'' means a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable. (Title 38 U.S.C. 101(2))

B. A veteran transitioning from incarceration means a person, as defined in A. above, who is within 18 months of release from a correctional institution or facility.

Notice that an organization has been selected as a grant recipient does not constitute approval of the grant application as submitted. Before the actual grant award, VETS may enter into negotiations concerning such items as program components, funding levels, and administrative systems. If the negotiations do not result in an acceptable submittal, the Grant Officer reserves the right to terminate the negotiation and decline to fund the proposal.

Signed in Washington, DC this 12th day of December, 2003.

Lawrence J. Kuss,

Grant Officer.

Appendices

Appendix A: Application for Federal Assistance SF Form 424
Appendix B: Budget Information Sheet SF 424A
Appendix C: Assurances and Certifications Signature Page
Appendix D: Technical Performance Goals Form
Appendix E: Direct Cost Descriptions for Applicants and Sub-Applicants
Appendix F: Survey on Ensuring Equal Opportunity for Applicants
Appendix G: Glossary of Terms
Appendix H: List of Common Acronyms

BILLING CODE 4910–79–P

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION:		**3. DATE RECEIVED BY STATE**	State Application Identifier
Application ☐ **Construction** ☐ **Non-Construction**	Preapplication ☐ **Construction** ☐ **Non-Construction**	**4. DATE RECEIVED BY FEDERAL AGENCY**	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, State, and zip code):*	Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN):*

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify):*

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ — ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.):*

13. PROPOSED PROJECT		**14. CONGRESSIONAL DISTRICTS OF:**	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

Previous Edition Usable
Authorized for Local Reproduction

Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: -- "New" means a new assistance award. -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges *(sum of 6a-6h)*					
j. Indirect Charges					
k. TOTALS *(sum of 6i and 6j)*	$	$	$	$	$
7. Program Income	$	$	$	$	$

Authorized for Local Reproduction

Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

Previous Edition Usable

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTAL *(sum of lines 8-11)*	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL *(sum of lines 13 and 14)*	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL *(sum of lines 16-19)*	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in *Column* (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost.

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount, Show under the program

INSTRUCTIONS FOR THE SF-424A (continued)

narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11 Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

CERTIFICATIONS AND ASSURANCES

ASSURANCES AND CERTIFICATIONS SIGNATURE PAGE

The Department of Labor will not award a grant or agreement where the grantee/recipient has failed to accept the ASSURANCES AND CERTIFICATIONS contained in this section. By signing and returning this signature page, the grantee/recipient is providing the certifications set forth below:

A. Certification Regarding Lobbying, Debarment, Suspension, Other Responsibility Matters - Primary Covered Transactions and Certifications Regarding Drug-Free/Tobacco-Free Workplace,

B. Certification of Release of Information

C. Assurances - Non-Construction Programs

D. Applicant is not a 501(c)(4) organization

APPLICANT NAME and LEGAL ADDRESS:

If there is any reason why one of the assurances or certifications listed cannot be signed, please explain. Applicant need only submit and return this signature page with the grant application. All other instruction shall be kept on file by the applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL TITLE

APPLICANT ORGANIZATION DATE SUBMITTED

Please Note: **This signature page and any pertinent attachments which may be required by these assurances and certifications shall be attached to the applicant's Cost Proposal.**

RECOMMENDED FORMAT FOR PLANNED QUARTERLY TECHNICAL PERFORMANCE GOALS

(data entered cumulatively)

Performance Goals

	1ST QTR	2ND QTR	3RD QTR	4TH QTR
Assessments				
Participants Enrolled				
Placed Into Transitional Or Permanent Housing				
Direct Placements Into Unsubsidized Employment				
Assisted Placements Into Unsubsidized Employment				
Combined Placements Into Unsubsidized Employment (Direct & Assisted)				
Cost Per Placement				
Number Retaining Jobs For 90 Days				
Number Retaining Jobs For 180 Days				
Rate of Placement Into Unsubsidized Employment				
Average Hourly Wage At Placement				

Employability Development Services - (As Applicable)

Classroom Training				
On-The-Job Training				
Remedial Education				
Vocational Counseling				
Pre-employment Services				
Occupational Skills Training				
_____				
_____				
_____				
_____				

Planned Expenditures

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Total Expenditures	$	$	$	$
Administrative Costs	$	$	$	$
Participant Services*	$	$	$	$

*Services may include training and/or supportive.

Direct Cost Descriptions For Applicants and Sub-Applicants*

Position Title(s)	Annual Salary/Wage Rate	% of Time Charged to Grant	Proposed Administration Costs **	Proposed Program Costs

Sub-Total _____ _____

	Administration	Program
Fringe Benefits For All Positions	_____	_____
Contractual	_____	_____
Travel	_____	_____
Indirect Costs	_____	_____
Equipment	_____	_____
Supplies	_____	_____
Total Costs ----------	_____	_____
	Administration	Program

** Administrative costs are associated with the supervision and management of the program and do not directly or immediately affect participants.

* Direct costs for all funded positions for both applicant and sub-applicant(s) must be provided.

SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

Federal Agency Use Only

OMB No. 1225-0083 Exp. 02/28/2006

NOTE: Please place survey form directly behind the Standard Application for Federal Assistance (SF 424) fact sheet.

Purpose: This form is for applicants that are private nonprofit organizations (not including private universities). Please complete it to assist the federal government in ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for federal funding. Information provided on this form will not be considered in any way in making funding decisions and will not be included in the federal grants database.

1. Does the applicant have 501(c)(3) status?

☐ Yes ☐ No

2. How many full-time equivalent employees does the applicant have? *(Check only one box).*

☐ 3 or Fewer ☐ 15-50
☐ 4-5 ☐ 51-100
☐ 6-14 ☐ over 100

3. What is the size of the applicant's annual budget? *(Check only one box.)*

☐ Less Than $150,000
☐ $150,000 - $299,999
☐ $300,000 - $499,999
☐ $500,000 - $999,999
☐ $1,000,000 - $4,999,999
☐ $5,000,000 or more

4. Is the applicant a faith-based/religious organization?

☐ Yes ☐ No

5. Is the applicant a non-religious community-based organization?

☐ Yes ☐ No

6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?

☐ Yes ☐ No

7. Has the applicant ever received a government grant or contract (Federal, State, or local)?

☐ Yes ☐ No

8. Is the applicant a local affiliate of a national organization?

☐ Yes ☐ No

Survey Instructions on Ensuring Equal Opportunity for Applicants

1. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.

2. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.

3. Annual budget means the amount of money your organization spends each year on all of its activities.

4. Self-identify.

5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.

6. An "intermediary" is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.

7. Self-explanatory.

8. Self-explanatory

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1225-0083**. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** Departmental Clearance Officer, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-1301, Washington, D.C. 20210. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

U.S. Department of Labor
Veterans' Employment and Training Service

GLOSSARY OF TERMS

Adequate Employment – See Unsubsidized Employment.

Administrative Costs - Administrative costs shall consist of all direct and indirect costs associated with the supervision and management of the program. These costs shall include the administrative costs, both direct and indirect, of sub-recipients and contractors.

Adult Basic Education - Education for adults whose inability to speak, read, or write the English language or to effectively reason mathematically, constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level, of education of such individuals with a view to making them less likely to become dependent on others, to improve their ability to benefit from occupational training and otherwise increase their opportunities for more productive and profitable employment, and to make them better able to meet their adult responsibilities.

Ancillary Services – Employment and training related activities other than core training that may enhance a participant's employability.

Apprenticeship Training – A formal occupational training program that combines on-the-job training and related instruction and in which workers learn the practical and conceptual skills required for a skilled occupation, craft, or trade. It may be registered or unregistered.

Assessment/Intake - A process for screening individual applicants for program eligibility making the level of need determinations; making an initial determination what services or programs can best benefit the applicants; providing information about services, program eligibility, and the availability of those services, and the routing or selecting individual applicants for particular service delivery or program participation.

Assisted Placements Into Unsubsidized Employment - Assisted placements into unsubsidized employment should be recorded where the definition for placement with unsubsidized employment above is met, but the placement was arranged by an agency to which the homeless veteran was referred to.

Average Hourly Wage At Placement - The average hourly wage at placement is the average hourly wage rates at placement of all assisted placements plus direct placements.

Assurance and Certifications - The act of signifying intent to comply with applicable federal and State laws and regulations as a condition for receiving and expanding USDOL grant funds.

Barriers to Employment - Characteristics that may hinder an individual's hiring promotion or participation in the labor force. Identification of these barriers will vary by location and labor market. Some examples of individuals who may face barriers to employment include: single parents, women, displaced homemakers, youth, public assistance recipients, older workers, substance abusers, teenage parents, certain veterans, ethnic minorities, and those with limited English speaking ability or a criminal record or with a lack of education, work experience, credential, child care arrangements, transportation or alternative working parents.

Campaign Badge veteran - A veteran who served on active duty during the war (e.g., WWII), action (e.g., Korea, Vietnam), in a campaign, or an expedition for which a campaign badge of an expeditionary medal has been authorized (e.g. Bosnia, Grenada, Haiti, Panama, Southeast Asia, and Somalia).

Case Management - A client centered approach in the delivery of intensive services, designed to prepare and coordinate comprehensive employment plans for participants, to assure access to the necessary training and supportive services, and to provide support during program participation and after job placement.

Case Manager - One who coordinates, facilitates or provides direct services to a client or trainee from application through placement, post placement follow-up, or other case closing, exclusively, through periodic contact and the provision of appropriate assistance.

Classroom Training – Any training of the type normally conducted in an institutional setting, including vocational education, which is designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, throughout the provision of courses such as remedial education, training in the primary language of persons with limited English language proficiency, or English as a second language training.

Close Out – Grant close out is the process by which the Federal grantor agency (in the case of VETS grants, Department of Labor) determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the grantor.

Cognizant Federal Agency - The federal agency that is assigned audit or indirect cost rate approval responsibility for a particular recipient organization by the Office of Management and Budget (OMB Circular A-87 and A-102 [20 CFR, Part 97]).

Community Based Organization – means a private non-profit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment.

Core Training – Core Training activities are employment-focused interventions which address basic vocational skills deficiencies that prevent the participant from accessing appropriate jobs and/or occupations.

Cost Per Placement - The cost per placement into unsubsidized employment is obtained by dividing the total funds expended by the total of direct placements plus assisted placements.

Counseling - A form of assistance which provides guidance in the development of a participant's vocational goals and the means to achieve those goals; and/or assist a participant with the solution to one or more individual problems which may pose a barrier (s) to sustained employment.

Counselor - (Employment/Vocational): A trained and qualified professional authorized to provide direct assistance (beyond advising and informing) through planning, testing, training and otherwise readying an individual for sustained employment.

Customized Training – A training program designed to meet the special requirements of an employer who has entered into an agreement with a Service Delivery Area to hire individuals who are trained to the employer's specifications. The training may occur at the employer's site or may be provided by a training vendor able to meet the employer's requirements. Such training usually requires a commitment from the employer to hire a specified number of trainees who satisfactorily complete the training.

Direct Placements Into Unsubsidized Employment - A direct placement into unsubsidized employment must be a placement made directly by staff with an established employer who covers all employment costs for 20 or more hours per week at or above the minimum wage. Day labor and other very short-term placements should not be recorded as placements into unsubsidized employment.

Disabled Veteran - A veteran who is entitled to compensation under laws administered by the Veterans Administration; or an individual who was medically discharged or otherwise released from active duty, due to service-connected disability.

Disallowed Costs – Disallowed costs are those charges to a grant that the grantor agency (or its representative) determines to be unallowable in accordance with the applicable Federal Cost Principles or other conditions in the grant.

Disabled Veterans' Outreach Program (DVOP) - A program of Federal assistance through grants to States to staff and support in accordance with 38 U.S.C. 4103A, appointed to perform a number of duties chief among which are direct employer contact, particularly with Federal contractors, Federal employers using individualized job development techniques, and with veterans (particularly with disabled veterans) using a case management approach to client-centered services.

Economically Disadvantaged – An individual who (a) receives, or is a member of a family which receives, cash welfare payments under a Federal, state, or local welfare program; (b) has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673 (2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), or (ii) 70 percent of the lower living standard income level; (c) is receiving (or has been determined within the 6-month period prior to the application for

program involved to be eligible to receive) food stamps pursuant to the Food Stamp At of 1977; (d) qualifies as a homeless individual under section 103 of the Stewart B. McKinney Homeless Assistance Acct; (e) is a foster child on behalf of whom state or local government payments are made or (f) in cases permitted by regulations of the Secretary, is an individual with a disability whose income meets the requirements of clause (a) or (b), but who is a member of a family whose income does not meet such requirements.

Eligible - Meeting the minimum requisite qualifications to be considered for the provision of services or entry into a position under a funded program or as required by law.

Employability Development Services (EDS) - This includes services and activities that will develop or increase the employability of the participant. Generally, this includes vocational counseling, classroom and on-the-job training, pre-employment services (such as job seeking skills and job search workshops), temporary or trial employment, sheltered work environments and other related services and activities. Planned services should assist the participant in addressing specific barriers to employment and finding a job. These activities may be provided by the applicant or by a Sub-grantee, contractor or another source such as the local Workforce Investment Act program or the DVOP personnel or LVERs. Such services are not mandatory but entries should reflect the services described in the application and the expected number of participants receiving or enrolled in such services during each quarter. Participants may be recorded more than once if they receive more than one service.

Employment Development Plan (EDP) – An individualized written plan or intervention strategy for serving an individual which, as a result of an assessment of the veteran's economic needs, vocational interests, aptitudes, work history, etc., defines a reasonable vocational or employment goal and the developmental services or steps required to reach the goal and which documents the accomplishments made by the individual.

Employment Service – the state level organization or public labor exchange system affiliated with the Department of Labor's United States Employment Service.

Enlistments - Individuals who have expressed an interest, signed up for a workshop or enrollment in the program.

Entered Employment - Applicants for service who were placed in jobs or otherwise obtained employment as a result of services used or received.

Entered Employment Rate – This is a method used to determine the percentage of participants who become employed. The percentage is calculated by dividing the number of total participants who were enrolled in the program by the number of participants who were placed or entered employment through the program.

Enrolled Veteran – Shall be synonymous with the term participant. A veteran who has been determined eligible for services at intake and who is receiving or scheduled to receive core training.

Follow-up - The tracking of clients for a period of time up to 180 days after initial placement, last referral date for services or completion of training programs to determine current status, outcome or whether to offer additional services (such as additional referral, job retention advisement, etc.).

Full-Time Equivalent (FTE) – a personnel charge to the grant equal to 2,080 hours per year.

FY - Fiscal Year. For federal government purposes, any twelve month period beginning on October 1 and ending on September 30.

General Equivalency Diploma (GED) – A high school equivalency diploma that is obtained by passing the General Educational Diploma Equivalency Test that measures the application of skills and knowledge generally associated with four (4) years of traditional high school instruction.

Grant Officer's Technical Representative (GOTR) - An individual (usually the DVET) serving on behalf of the Grant Officer who maintains and ensures the integrity of the approved grant agreement by reviewing and making recommendations regarding technical matters not involving a change in scope, cost, or conditions.

Homeless or homeless individual – includes persons who lack a fixed, regular, and adequate nighttime residence. It also includes persons whose primary nighttime residence is either supervised public or private shelter designed to provide temporary living accommodations; an institution that provides a temporary residence for individuals intended to be institutionalized; or a private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. [Reference 42 U.S.C., Section 11302 (a)].

Indirect cost - A cost that is incurred for a common or joint purpose benefiting more than one cost objective and that is not readily assignable to the cost objective specifically benefited.

In-kind Services – Property or services which benefit federally assisted project or program and which are contributed without charge to the grantee.

Institutional Skills Training – training conducted in an institutional setting and designed to ensure that individuals acquire the skills, knowledge, and abilities necessary to perform a job or group of jobs in an occupation for which there is a demand.

Intake – A process for screening individual applicants for eligibility; making an initial determination whether the program can benefit the applicants; providing information about the program, its services and the availability of those services; and selecting individual applicants for participation in the program.

Intensive Services - The provision of concentrated staff services to clients who indicate the need for facilitation or interventions to secure lasting employment. The case management approach to service delivery is a viable model for successfully providing such services and obtaining the clients goals.

Job Club Activities – A form of job search assistance provided in a group setting. Usually job clubs provide instruction and assistance in completing job applications and developing resumes and focus on maximizing employment opportunities in the labor market and developing job leads. Many job clubs use telephone banks and provide group support to participants before and after they interview for job openings.

Job Development - The process of marketing a program participant to employers, including informing employers about what the participant can do and soliciting a job interview for that individual with the employer (targeted job development); and the development of one or more job openings or training opportunities with one or more employers using a variety of techniques and means of contact.

Job Placement Services – Job placement services are geared towards placing participants in jobs and may involve activities such as job search assistance, training, or job development. These services are initiated to enhance and expedite participants' transition from training to employment.

Job Search Assistance - An activity, which focuses on building practical skills and knowledge to identify and initiate employer contact and conduct successful interview with employers. Various approaches may be used to include participation in a job club, receive instruction in identifying personal strengths and goals, resume application preparation, learn interview techniques, and receive labor market information. Job search assistance is often self-service activity in which individuals obtain information about specific job openings or general jobs or occupational information.

Labor Exchange - Refers to the services provided to job seekers and employers by the State Employment Services Agencies, or other designated entities. Preparatory services to job seekers may include assessment, testing, counseling, provision of labor market information, targeted job development, resulting in job referral and follow-up with former applicants and prospective employers. Employer-oriented services may include accepting job orders, screening applicants, referring qualified applicants and providing follow-up to foster job retention and develop additional job openings or training opportunities.

Labor Exchange Delivery System (LEDS) - Describes the system of matching jobs and training opportunities with applicants operating with Federal employment and job training funds.

Labor Force - The sum of all civilians classified as employed and unemployed and members of the Armed Forces stationed in the United States. [Bureau of Labor Statistics Bulletin 2175].

Labor Market Area – an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence.

Literacy and Bilingual Training – See Adult Basic Education.

Local Veterans' Employment Representative (LVER) Program - A program of Federal assistance through grants to States to staff in accordance with 38 U.S.C.4104 to perform a number of duties, chief among which are the provision of intensive (case management) services to targeted eligible veterans with emphasis on VA, VR&E, and to functionally supervise without necessarily exercising line supervisor authority over the provision of services to veterans by SDP staff.

Minimum Economic Need – the level of wages paid to a program participant that will enable that participant to become economically self-sufficient.

Minority Veterans – for the purposes of the HVRP and VWIP programs, veterans who are Workforce Investment Act (WIA) eligible and are members of the following ethnic categories: African American, Hispanic, American Indian or Alaskan Native, Asian or Pacific Islander.

National Veterans' Training Institute (NVTI) - An agency contracted with USDOL/VETS to develop and provide skills development and enhancement training to individuals who are determined by the Assistant Secretary for Veterans' Employment and Training and who deliver or monitor the provision of employment and training services to veterans (38 U.S.C. 4109).

Number Retaining Job for 90 Days -To be counted as retaining a job for 90 days, continuous employment with one or more employers for at least 90 days must be verified and the definition for either direct placement or assisted placement into unsubsidized employment above is met. This allows clients who have moved into a position with a different employer to be recorded as retaining the job for 90 days as long as the client has been steadily employed for that length of time.

Number Retaining Job For 180 Days - To be counted as retaining a job for 180 days, continuous employment with one or more employers for at least 180 days must be verified, and the definition for either placement or assisted placement into unsubsidized employment above is met. This allows clients who have moved into a position with a different employer to be recorded as retaining the job for 180 days as long as the client has been steadily employed for that length of time.

Occupational Skills Training – Includes both (1) vocational education which is designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs, and (2) on-the-job training.

Offender – Any adult or juvenile who has been subject to any stage of the criminal justice process for whom services under this program may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

On-the-Job Training (OJT) – means training by an employer that is provided to a paid participant while engaged in productive work in a job that: (a) provides knowledge or skill essential to the full and adequate performance of the job; (b) provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate. Usually in the OJT agreement, there is a promise on the part of the employer to hire the trainee upon successful completion of the training.

On-Site Industry-Specific Training – This is training which is specifically tailored to the needs of a particular employer and/or industry. Participants may be trained according to specifications developed by an employer for an occupation or group of occupations at a job site. Such training is usually presented to a group of participants in an environment or job site representative of the actual job/occupation, and there is often an obligation on the part of the employer to hire a certain number of participants who successfully complete the training.

Outreach - An active effort by program staff to encourage individuals in the designated service delivery area to avail themselves of program services.

Outside Funds – Resources pledged to the grant program that have a quantified dollar value. Such resources may include training funds from programs such as WIA Title I that are put aside for the exclusive use by participants enrolled in a program. Outside funds do not include in-kind services.

Participant – means an individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services) under the program. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began receiving subsidized employment, training, or other services provided under the program. An individual who receives only outreach and/or intake assessment services does not meet this definition.

Participants Enrolled - A client should be recorded as having been enrolled when an intake form has been completed, and services, referral, and/or employment has been received through the program. This should be an unduplicated count over the year, i.e., each participant is recorded only once, regardless of the number of times she or he receives assistance.

Participants Services - This cost includes supportive, training, or social rehabilitation services, which will assist in stabilizing the participant. This category should reflect all costs other than administrative.

Placed Into Transitional Or Permanent Housing - A placement into transitional or permanent housing should be recorded when a veteran served by the program upgrades his/her housing situation during the reporting period from shelter/streets to transitional housing or permanent housing or from transitional housing to permanent housing. Placements resulting from referrals by staff shall be counted. This item is however an unduplicated count over the year, except that a participant may be counted once upon entering transitional housing and again upon obtaining permanent housing.

Placement – the act of securing unsubsidized employment for or by a participant.

Placement Rate - This is a method used to determine the percentage of participants who become employed. The figure is calculated by dividing the number of total participants who were registered for services or enrolled in the program by the number of applicants or program participants who were placed or otherwise entered employment.

Pre-apprenticeship Training – Any training designed to increase or upgrade specific academic, or cognitive, or physical skills required as a prerequisite for entry into a specific trade or occupation.

Pre-enrollment Assessment – The process of determining the employability and training needs of individuals before enrolling them into the program. Individual factors usually addressed during pre-enrollment assessment include: an evaluation and/or measurement of vocational interests and aptitudes, present abilities, previous education and work experience, income requirements, and personal circumstances.

Preference - The application of priorities in the consideration and selection through appointment or assignment of staff to funded positions, or in the provision of direct services and order of referral to listed openings in the order designated by statute regulation, and grant agreement.

Program Resources – Includes the total of both program or grant and outside funds.

Program Year (PY) - The 12-month period beginning July 1 in the fiscal year for which the appropriation is made, and ending on the following June 30.

Qualified - An individual who has been determined to possess the requisite knowledge, skills, and abilities for positions within the context of the selection process used to identify and rank persons possessing those attributes.

Rate of Placement Into Unsubsidized Employment - The rate of placement into unsubsidized employment is obtained by dividing the number placed into unsubsidized employment, plus the number of assisted placements into unsubsidized employment by the number of clients enrolled.

Recently Separated Veteran - Refers to an individual who applies for program participation or assistance within 48 months of separation from active U.S. military service [29 U.S.C. 1503 (27) (c)].

Remedial Education – Education instruction, particularly in basic skills, to raise an individual's general competency level in order to succeed in vocational education or skill training programs, or employment.

Service Connected Disabled - Refers to (1) a veteran who is entitled to compensation under laws administered by the Department of Veterans' Affairs, or (2) an individual who was discharged or released from active duty because of a service-connected disability (38 U.S.C. 4211 (3); 29 U.S.C., Chapter 19, section 1503 (27) (C)

Service Delivery Point (SDP) - Includes offices of the public employment delivery system operated directly or by contract with the State Workforce Agency as grantee within a State and may include One –Stop Career Centers, local employment service offices, and any satellite or itinerant offices at which labor exchange services are available.

Solicitation for Grant Applications (SGA) - A document which provides the requirements and instructions for the submission by eligible applicants identified in the document's text of requests for Federal domestic assistance (funds) for one or more programs or grants-in-aid.

State Workforce Agency (SWA) - The State level organization, as affiliated with the former United States Employment Service.

Subgrant – An award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee.

Subgrantee – The government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided.

Suitable Employment – See "Unsubsidized Employment".

Substance Abuser – An individual dependent on alcohol or drugs, especially narcotics, whose dependency constitutes or results in a substantial barrier to employment.

Targeted Job Development - The identification and marketing of a group of qualified applicants with similar occupations or employment barriers requiring personal visitation/phone contact with those employers likely to employ these individuals.

Supportive Services – means services which are necessary to enable an individual eligible for training, but who cannot afford to pay for such services, to participate in a training program funded under the grant. Such supportive services may include transportation, health care, financial assistance (except as a post-termination service), drug and alcohol abuse counseling and referral, individual and family counseling, special services and materials for individuals with disabilities, job coaches, child care and dependent care, temporary shelter, financial counseling, and other reasonable expenses required for participation in the training program and may be provided in-kind or through cash assistance.

Total Planned Expenditures - Identified forecasted financial needs to accomplish programmatic objectives broken down into fiscal quarters.

Unsubsidized Employment – Employment not financed from funds provided under the grant. In the grant program the term "adequate" or "suitable" employment is also used to mean placement in unsubsidized employment which pays an income adequate to accommodate the participants' minimum economic needs.

Upgrading or Retraining – Training given to an individual who needs such training to advance above an entry level or dead-end position. This training shall include assisting veterans in acquiring needed state certification to be employed in the same field as they were trained in the military (i.e., Commercial Truck Driving License (CDL), Emergency Medical Technician (EMT), Airframe & Power Plant (A&P), Teaching Certificate, etc.)

Veteran - An individual who served in the United States active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable (29 U.S.C. Chapter 19, section 1503 (27) (A) [for WIA, Section 168 (VWIP) and WIA, Title I training/services]).

Veterans' Workforce Investment Program (VWIP) – Competitively awarded employment and training grants to meet the needs of veterans with significant barriers to employment; with service-connected disabilities; who served on active duty in the armed forces during a campaign or expedition for which a campaign badge has been authorized; and recently separated veterans. The U.S. Department of Labor, Veterans' Employment and Training Service awards VWIP grants as authorized under the Workforce Investment Act (WIA), Section 168.

Vocational Exploration Training – Through assessments such as interest inventories and/or counseling, a process of identifying occupations or occupational areas in which a person may find satisfaction and potential, and for which his or her aptitudes and other qualifications may be appropriate.

Vocational Guidance - The provision of information, suggestions, and advice through discussion with individuals who are considering a geographical or vocational choice or change, relating to their career decision.

Wartime Veteran - See "campaign veteran above."

Welfare and/or Public Assistance recipient – An individual who, during the course of the program year, receives or is a member of a family who receives cash welfare or public assistance payments under a Federal, state, or local welfare program.

Workforce Investment Act (WIA) – The purpose of this Act is to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals, including veterans, who face serious barriers to employment and who are in need of such training to obtain prospective employment. The Act requires the Assistant Secretary for Veterans' Employment and Training to consult with the Secretary of the Department of Veterans Affairs to ensure that programs funded under VWIP of this Act meet the employment and training needs of service-connected disabled, Campaign, and recently separated veterans and are coordinated, to the maximum extent feasible, with related programs and activities.

Work Experience – A temporary activity (six months or less) which provides an individual with the opportunity to acquire the skills and knowledge necessary to perform a job, including appropriate work habits and behaviors, and which may be combined with classroom or other training. When wages are paid to a participant on work experience and when such wage are wholly paid for under WIA, the participant may not receive this training under a private, for profit employer.

Youth – An individual between 20 and 24 years of age.

USDOL/VETS

LIST OF COMMON ACRONYMS

ADVET	Assistant Director for Veterans' Employment and Training
ASVET	Assistant Secretary (of Labor) for Veterans' Employment and Training
CAP	Corrective Action Plan
CFR	Code of Federal Regulations
CWT	Compensated Work Therapy
DOD	Department of Defense
DV	Disabled Veteran
DVA	Department of Veterans Affairs (see also VA)
DVET	Director for Veterans' Employment and Training Service
DVOP	Disabled Veterans' Outreach Program
DTAP	Disabled Veterans' Transition Assistance Program
EDP	Employment Development Plan
ES	Employment Service
ETA	Employment and Training Administration
FARS	Financial Accounting and Reporting System
FCJL	Federal Contractor Job Listing
FCP	Federal Contracting Program
FEMA	Federal Emergency Management Administration
FY	Fiscal Year
GOTR	Grant Officer's Technical Representative
GPRA	Government Performance and Results Act of 1994
HHS	Department of Health and Human Services
HHS/PMS	Health and Human Services/Payment Management System
HUD	Department of Housing and Urban Development
HVCAA	Homeless Veterans' Comprehensive Assistance Act - Title 38 USC, Section 2001
HVRP	Homeless Veterans' Reintegration Project
IEP	Individual Employment Plan
ISS	Individual Support System
IV-TP	Incarcerated Veterans' Transition Program
LEDS	Labor Exchange Delivery System
LESO	Local Employment Service Office
LMI	Labor Market Information
LVER	Local Veterans' Employment Representative
MHAA	McKinney-Vento Homeless Assistance Act - Title 42 USC, Section 11302(a)
MOU	Memorandum of Understanding
NOGA	Notice of Grant Award
NVTI	National Veterans' Training Institute
OASAM	Office of the Assistant Secretary for Administration and Management
OASVET	Office of the Assistant Secretary (of Labor) for Veterans' Employment and Training
OCD	Office of Cost Determination
OMB	Office of Management and Budget
OPM	Office of Personnel Management
OJT	On-the-Job-Training
PAC	Post Award Conference
PB	Personnel Benefits
PL	Public Law
PS	Personal Services
PY	Program Year

RAVET	Regional Administrator for Veterans' Employment and Training
SDP	Service Delivery Point
SDV	Special Disabled Veteran
SF	Standard Form
SGA	Solicitation For Grant Applications
SSA	Social Security Administration
SWA	State Workforce Agency
TAP	Transition Assistance Program
UCX	Unemployment Compensation (Insurance) for ex-service members
UI	Unemployment Insurance
USC	United States Code
USDOL	United States Department of Labor
VA	Department of Veterans Affairs
VARO	Veterans' Administration Regional Office
VAMC	Veterans' Administration Medical Center
VETS	Veterans' Employment and Training Service
VEV	Vietnam-Era Veteran
VOE	Veterans and Other Eligible Persons
VPL	Veterans Program Letter
VR&E	Vocational Rehabilitation and Employment (formerly VR&C)
VSO	Veteran Service Organization
VWIP	Veterans' Workforce Investment Program (WIA, Section 168)
WIA	Workforce Investment Act of 1998
WIB	Workforce Investment Board

[FR Doc. 03–31201 Filed 12–19–03; 8:45 am]
BILLING CODE 4510–79–C

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2003–4]

Notice of New Copyright Office Seal

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of New Copyright Office Seal.

SUMMARY: The Copyright Office of the Library of Congress is adopting a new official seal to authenticate copyright registrations, certifications of documents and other official documents. This new seal will replace the seal used by the Copyright Office since January 1, 1978.

DATES: The new official seal will become effective on January 1, 2004.

ADDRESSES: Office of the General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024–0400.

FOR FURTHER INFORMATION CONTACT: Robert Kasunic: (202) 707–8380.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to section 701(c) of title 17 of the United States Code, as enacted by Pub. L. 94–553 and amended by Pub. L. 105–304, the Register of Copyrights has adopted a new seal to authenticate all official documents issued by the Copyright Office. The new seal will become effective on January 1, 2004, and all documents bearing this seal issued by the Copyright Office will be authenticated and shall be judicially noticed.

The new Copyright Office seal is circular and consists of a capital letter C in a circle with stylized representation of an eagle and shield perched on the lower limb of the C. The eagle and the C are depicted on a field of horizontal bands enclosed by the circle. This group is encircled by the words ''Seal of the United States Copyright Office'' and the date 1870 set in the Zealand Bold type font. A representation of the new seal is shown immediately below.

The previous seal used by the Copyright Office from January 1, 1978, until December 31, 2003, will continue to serve as an identifying mark of the Copyright Office.

Dated: December 17, 2003.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 03–31475 Filed 12–19–03; 8:45 am]
BILLING CODE 1410–30–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8903]

Notice of Receipt of License Amendment Request From the Homestake Mining Company To Request an Extension of Reclamation Milestones for Its Grants, New Mexico Facility, and Opportunity To Request a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of consideration of license and opportunity to request a hearing.

DATES: A request for a hearing must be filed within 30 days of the publication of this **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: William von Till, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–6251; Fax: (301) 415–5955; and/or by email: *rwv@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U. S. Nuclear Regulatory Commission (NRC) has received, by letters dated October 28, 2003 (ML033030501), and October 29, 2003 (ML033040196), a request from Homestake Mining Company (HMC) for approval of a license amendment to Materials License SUA–1471 to extend its reclamation milestones.

The Homestake facility is an inactive uranium recovery fuel cycle facility that is undergoing surface reclamation and groundwater remediation. Milestones for reclamation are outlined in the Homestake Source Material License SUA–1471 in condition 36A and B. Surface reclamation milestones are dependent on groundwater remediation at the site. Homestake proposes to extend the milestones due to active groundwater remediation activities. Groundwater remediation at the site is under the oversight of the NRC per Source Material License SUA–1471 (10 CFR part 40) and the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended (CERCLA). A Memorandum of Understanding dated December 14, 1993, outlines the NRC and EPA roles in the clean-up of groundwater at the site. Surface reclamation activities are under the oversight of the NRC. HMC proposes to extend the reclamation milestones for the large tailings pile (LTP) and small tailings pile (STP) as follows:

LTP—Final radon barrier placement—top of pile from December 31, 2003, to December 31, 2012.

LTP—Erosion protection layer placement—top of pile from September 30, 2004, to September 30, 2013.

STP—Final radon barrier placement from December 31, 2012, to September 30, 2013.

STP—Erosion protection layer placement from September 30, 2013, to December 31, 2013.

Corrective Action Plan completion from May 1, 2010, to December 31, 2011.

The NRC staff will review HMC's request to extend reclamation milestones with 10 CFR part 40, using NUREG–1620 Rev. 1, ''Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act of 1978'' and other applicable agency regulations and guidance. If the NRC approves HMC's request, the approval will be documented in an amendment to HMC's license. The NRC staff will consult with the EPA since the proposed milestones included groundwater corrective action completion.

II. Opportunity To Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for an amendment of a license falling within the scope of subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing

Proceedings' of the NRC's rules and practice for domestic licensing proceedings in 10 CFR part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within 30 days of the publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Rulemaking and Adjudications Staff of the Office of the Secretary of the Commission at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:45 a.m. and 4:15 p.m., Federal workdays; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications Staff. Because of continuing disruptions in the delivery of mail to United States Government offices, it is requested that requests for hearing also be transmitted to the Secretary of the Commission, either by means of facsimile transmission to (301) 415–1101, or by email to *hearingdocket@nrc.gov.*

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Homestake Mining Company, 6719–D Academey Road, NE., Albuquerque, New Mexico 87109, Attention: Mr. Alan D. Cox; and

(2) The NRC staff, by delivery to the Office of the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:45 a.m. and 4:15 p.m., Federal workdays, or by mail addressed to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Because of continuing disruptions in the delivery of mail to United States government offices, it is requested that requests for hearing also be transmitted to the Office of the General Counsel, either by means of facsimile transmission to (301) 415–3725, or by email to *OGCMailCenter@nrc.gov.*

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

III. Further Information

In accordance with 10 CFR 2.790 of the NRC's ''Rules of Practice,'' details with respect to this action, including the application for amendment and supporting documentation, are available electronically for public inspection and copying 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.*

Dated in Rockville, Maryland, this 12th day of December, 2003.

For the Nuclear Regulatory Commission.

William von Till,

Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 03–31426 Filed 12–19–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8838–MLA–2; ASLBP No. 04–819–04–MLA]

United States Army; Jefferson Proving Ground Site; Designation of Presiding Officer

Pursuant to delegation by the Commission, *see* 37 FR 28710 (Dec. 29, 1972), and the Commission's regulations, *see* 10 CFR 2.1201, 2.1207, notice is hereby given that (1) a single member of the Atomic Safety and Licensing Board Panel is designated as Presiding Officer to rule on petitions for leave to intervene and/or requests for hearing; and (2) upon making the requisite findings in accordance with 10 CFR 2.1205(h), the Presiding Officer will conduct an adjudicatory hearing in the following proceeding: United States Army, Jefferson Proving Ground Site, Madison, Indiana, (Materials License Amendment).

The hearing will be conducted pursuant to 10 CFR part 2, subpart L, of the Commission's regulations, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' This proceeding concerns a request for hearing submitted on November 26, 2003, by Save the Valley, Inc. The request was filed in response to an October 21, 2003, notice of consideration and opportunity for a hearing regarding a September 22, 2003, request from the United States Army to amend its 10 CFR part 40 source material license, which was published in the **Federal Register** on October 28, 2003 (68 FR 61471). The requested license amendment would create a five-year renewable possession-only license for the Army's Jefferson Proving Ground site.

The Presiding Officer in this proceeding is Administrative Judge Alan S. Rosenthal. All correspondence, documents, and other materials shall be filed with Judge Rosenthal in accordance with 10 CFR 2.1203. His address is: Alan S. Rosenthal, Administrative Judge, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Issued in Rockville, Maryland, this 16th day of December, 2003.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 03–31423 Filed 12–19–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317 and 50–318]

Calvert Cliffs Nuclear Power Plant, Inc.; Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix E, Section IV.F.2.c for renewed Facility Operating Licenses Nos. DPR–53 and DPR–69, issued to Calvert Cliffs Nuclear Power Plant, Inc. (CCNPPPI or the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2, located in Calvert County, Maryland. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action, as described in the licensee's application for a one-time exemption to the requirements of 10 CFR Part 50, Appendix E, Section F.2.c, dated November 24, 2003, would allow the licensee to reschedule the planned

offsite full-participation emergency exercise from 2003 to 2004 and subsequent exercises would be scheduled biennially from the year 2003.

The Need for the Proposed Action

The proposed exemption from 10 CFR Part 50, Appendix E, Section IV.F.2.c is needed because the planned full-participation exercise scheduled for October 21, 2003, was not able to be performed. Preparation for Hurricane Isabel and subsequent recovery efforts had consumed Maryland Emergency Management Agency (MEMA) and other local and State agencies having a role under the Emergency Response Plan such that full-participation was not able to be performed.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed exemption will not present an undue risk to the public health and safety. The details of the staff's Safety Evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation. The action relates to the exercising of the emergency response plan which has no effect on the operation of the facility.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types, or amounts of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

In regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for the Calvert Cliffs Nuclear Power Plant (CCNPP) dated April 1973 or the Final Environmental Impact Statement for licence renewal for the CCNPP dated October 1999.

Agencies and Persons Consulted

On December 4, 2003, the staff consulted with the Maryland State official, Richard McLean of the Maryland Department of the Environment, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 24, 2003. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC 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 16th day of December 2003.

For the Nuclear Regulatory Commission.

Richard J. Laufer,

Chief, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 03–31424 Filed 12–19–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–254 and 50–265]

Exelon Generation Company, LLC and Midamerican Energy Company; Quad Cities Nuclear Power Station, Units 1 and 2, Environmental Assessment and Finding of No Significant Impact

The Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from 10 CFR 50.75(h)(2) for Facility Operating License Nos. DPR–29 and DPR–30, issued to Exelon Generation Company, LLC (Exelon) and MidAmerican Energy Company (MEC) (the licensee), for operation of the Quad Cities Nuclear Power Station, Units 1 and 2, located in Rock Island County, Illinois. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed is an exemption to the requirements of 10 CFR 50.75(h)(2), as requested by MEC by letter dated November 21, 2003. The proposed action would exempt MEC from compliance with requirements of the new regulation until MEC's amended nuclear decommissioning trusts are approved by the Illinois Commerce Commission.

The Need for the Proposed Action

The proposed exemption from 10 CFR 50.75(h)(2) is needed because MEC may not obtain approval of the amended nuclear decommissioning trusts from the Illinois Commerce Commission prior to December 24, 2003.

Environmental Impacts of the Proposed Action

The NRC has completed its safety evaluation of the proposed action and concludes that the proposed exemption will not present an undue risk to the public health and safety. The details of the staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the MEC approving the exemption to the regulation.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological

environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for the Quad Cities Power Station, Units 1 and 2 dated September 1972 and the draft Supplemental Environmental Impact Statement (NUREG–1437 Supplement 16) dated November 2003.

Agencies and Persons Consulted

On December 10, 2003, the staff consulted with the Illinois State official, Frank Niziiolek, of the Illinois Emergency Management Agency, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 21, 2003. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff at 1–800–397–4209, or 301–415–4737, or send an e-mail to *pdr@nrc.gov.*

Dated in Rockville, Maryland, this 15th day of December, 2003.

For the Nuclear Regulation Commission.

Lawrence W. Rossbach,

Project Manager, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 03–31425 Filed 12–19–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–368]

Entergy Operations, Inc., Arkansas Nuclear One, Unit 2; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Entergy Operations, Inc. (Entergy) has submitted an application for renewal of Facility Operating License NPF–6 for an additional 20 years of operation at Arkansas Nuclear One, Unit 2 (ANO–2). ANO–2 is located in Pope County, Arkansas, approximately 6 miles west-northwest of Russellville, Arkansas. The operating license for ANO–2 expires on July 17, 2018. The application for renewal was received on October 15, 2003, pursuant to 10 CFR part 54. A notice of receipt and availability of the application, including the environmental report (ER), was published in the **Federal Register** on October 24, 2003 (68 FR 61020). A notice of acceptance for docketing and notice of opportunity for hearing regarding renewal of the facility operating license was published in the **Federal Register** on November 24, 2003 (68 FR 65963). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act,'' the NRC plans to coordinate compliance with section 106 of the National Historic Preservation Act in meeting the requirements of the National Environmental Policy Act (NEPA).

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Entergy submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR part 51 and is available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852 or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at *http://www.nrc.gov/reading-rm/adams.html,* which provides access through the NRC's Public Electronic Reading Room (PERR) link. 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 at 1–800–397–4209, or 301–415–4737, or by e-mail to *pdr@nrc.gov.* The application may also be viewed on the Internet at *http://www.nrc.gov/reactors/operating/licensing/renewal/applications/ano-2.html.* In addition, the Ross Pendergraft Library at Arkansas Tech University, located at 305 West Q Street, Russellville, Arkansas, 72801 has agreed to make the ER available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants,'' (NUREG–1437) in support of the review of the application for renewal of the ANO–2 operating license for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. Section 51.95 of 10 CFR requires that the NRC prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act (NEPA) and the NRC's regulations found in 10 CFR part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action which is to be the subject of the supplement to the GEIS.

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.

c. Identify and eliminate, from detailed study, those issues that are peripheral or that are not significant.

d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to, but are not part of the scope of the supplement to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

a. The applicant, Entergy Operations, Inc.

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

d. Any affected Indian tribe.

e. Any person who requests or has requested an opportunity to participate in the scoping process.

f. Any person who intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the ANO–2 license renewal supplement to the GEIS. The scoping meetings will be held at the Holiday Inn, 2407 North Arkansas, Russellville, Arkansas, on Tuesday, February 3, 2004. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include (1) an overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour before the start of each session at the Holiday Inn. No comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting Mr. Thomas J. Kenyon, by telephone at 1–800–368–5642, extension 1120, or by e-mail to the NRC at *ANOEIS@nrc.gov* no later than January 28, 2004. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register.

Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Mr. Kenyon will need to be contacted no later than January 28, 2004, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the ANO–2 license renewal review to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to the NRC, Room T–6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, 20852 from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by February 20, 2004. Electronic comments may be sent by e-mail to the NRC at *ANOEIS@nrc.gov*. Electronic submissions should be sent no later than February 20, 2004, to be considered in the scoping process. Comments will be available electronically and accessible through the NRC's PERR link at *http://www.nrc.gov/reading-rm/adams.html*.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice (68 FR 65963). Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection through the PERR link. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Mr. Kenyon at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 17th day of December 2003.

For the Nuclear Regulatory Commission

Pao-Tsin Kuo,

Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs,Office of Nuclear Reactor Regulation.

[FR Doc. 03–31568 Filed 12–19–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Subcommittee Meeting on Thermal-Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal-Hydraulic Phenomena will hold a meeting on January 14–15, 2004, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of the meeting may be closed to public attendance to discuss General Electric (GE) proprietary information per 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Wednesday and Thursday, January 14–15, 2004—8:30 a.m. until the conclusion of business.

The Subcommittee will review the staff draft SER on the use of the TRAC–G computer code to perform analyses of the Economic Simplified Boiling Water Reactor (ESBWR). The Subcommittee will hear presentations by and hold discussions with representatives of General Electric and the NRC staff regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Ralph Caruso (Telephone: 301–415–1813) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (e.t.). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: December 15, 2003.

Howard J. Larson,

Acting Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 03–31421 Filed 12–19–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Future Plant Designs; Notice of Meeting

The ACRS Subcommittee on Future Plant Designs will hold a meeting on January 13, 2004, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, January 13, 2004—8:30 a.m. until the conclusion of business.

The purpose of this meeting is to discuss the ACR–700 design features and the related pre-application reviews. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, AECL Technologies Inc., and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Dr. Medhat M. El-Zeftawy (telephone 301–415–6889) between 7:30 a.m. and 5 p.m. (e.t.) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 5 p.m. (e.t.). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: December 12, 2003.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 03–31422 Filed 12–19–03; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Consolidated Listing of Schedules; A, B, and C Exceptions

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives a consolidated notice of all positions excepted under Schedules A, B, and C as of June 30, 2003, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

SUPPLEMENTARY INFORMATION: Civil Service Rule VI (5 CFR 6.1) requires the Office of Personnel Management (OPM) to publish notice of all exceptions granted under Schedules A, B, and C. Title 5, Code of Federal Regulations, § 213.103(c), further requires that a consolidated listing, current as of June 30 of each year, be published annually as a notice in the **Federal Register**. That notice follows. OPM maintains continuing information on the status of all Schedule A, B, and C excepted appointing authorities. Interested parties needing information about specific authorities during the year may obtain information by writing to the Division for Human Resources Products and Services, Office of Personnel Management, 1900 E Street, NW., Room 2469, Washington, DC 20415, or by calling (202) 606–2575.

The following exceptions were current on June 30, 2003:

Schedule A

Section 213.3102 Entire Executive Civil Service

(a) Positions of Chaplain and Chaplain's Assistant.

(b) (Reserved).

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment that was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) (Reserved).

(g) (Reserved).

(h) Positions in Federal mental institutions when filled by persons who have been patients of such institutions and have been discharged and are certified by an appropriate medical authority thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Temporary and less-than-full time positions for which examining is impracticable. These are:

(1) Positions in remote/isolated locations where examination is impracticable. A remote/isolated location is outside of the local commuting area of a population center from which an employee can reasonably be expected to travel on short notice under adverse weather and/or road conditions which are normal for the area. For this purpose, a population center is a town with housing, schools, health care, stores and other businesses in which the servicing examining office can schedule tests and/or reasonably expect to attract applicants. An individual appointed under this authority may not be employed in the same agency under a combination of this and any other appointment to positions involving related duties and requiring the same qualifications for more than 1,040 working hours in a service year. Temporary appointments under this authority may be extended in 1-year increments, with no limit on the number of such extensions, as an exception to the service limits in § 213.104.

(2) Positions for which a critical hiring needs exists. This includes both short-term positions and continuing positions that an agency must fill on an interim basis pending completion of competitive examining, clearances, or other procedures required for a longer appointment. Appointments under this authority may not exceed 30 days and may be extended up to an additional 30 days if continued employment is essential to the agency's operations. The appointments may not be used to extend the service limit of any other appointing authority. An agency may not employ the same individual under this authority for more than 60 days in any 12-month period.

(3) Other positions for which OPM determines that examining is impracticable.

(j) Positions filled by current or former Federal employees eligible for placement under special statutory provisions. Appointments under this authority are subject to the following conditions:

(1) *Eligible employees.* (i) Persons previously employed as National Guard Technicians under 32 U.S.C. 709(a) who are entitled to placement under § 353.110 of this chapter, or who are applying for or receiving an annuity under the provisions of 5 U.S.C. 8337(h) or 5 U.S.C. 8456 by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment;

(ii) Executive branch employees (other than employees of intelligence agencies) who are entitled to placement under § 353.110 but who are not eligible for reinstatement or noncompetitive appointment under the provisions of part 315 of this chapter.

(iii) Legislative and judicial branch employees and employees of the intelligence agencies defined in 5 U.S.C. 2302(a)(2)(C)(ii) who are entitled to placement assistance under § 353.110.

(2) *Employees excluded.* Employees who were last employed in Schedule C or under a statutory authority that specified the employee served at the discretion, will, or pleasure of the agency are not eligible for appointment under this authority.

(3) *Position to which appointed.* Employees who are entitled to placement under § 353.110 will be appointed to a position that OPM determines is equivalent in pay and grade to the one the individual left, unless the individual elects to be placed in a position of lower grade or pay. National Guard Technicians whose eligibility is based upon a disability may be appointed at the same grade, or equivalent, as their National Guard Technician position or at any lower grade for which they are available.

(4) *Conditions of appointment.* (i) Individuals whose placement eligibility is based on an appointment without time limit will receive appointments without time limit under this authority. These appointees may be reassigned, promoted, or demoted to any position within the same agency for which they qualify.

(ii) Individuals who are eligible for placement under § 353.110 based on a time-limited appointment will be given appointments for a time period equal to the unexpired portion of their previous appointment.

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, and technical experts for consultation purposes.

(m) (Reserved).

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis.

(o) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employment under this provision shall not exceed 130 working days a year.

(p)–(q) (Reserved).

(r) Positions established in support of fellowship and similar programs that are filled from limited applicant pools and operate under specific criteria developed by the employing agency and/or a non-Federal organization. These programs may include: internship or fellowship programs that provide developmental or professional experiences to individuals who have completed their formal education; training and associate ship programs designed to increase the pool of qualified candidates in a particular occupational specialty; professional/industry exchange programs that provide for a cross-fertilization between the agency and the private sector to foster mutual understanding, an exchange of ideas, or to bring experienced practitioners to the agency; residency programs through which participants gain experience in a Federal clinical environment; and programs that require a period of Government service in exchange for educational, financial or other assistance. Appointment under this authority may not exceed 4 years.

(s) Positions with compensation fixed under 5 U.S.C. 5351–5356 when filled by student-employees assigned or attached to Government hospitals, clinics or medical or dental laboratories. Employment under this authority may not exceed 4 years.

(t) Positions when filled by mentally retarded persons who have been certified by state vocational rehabilitation agencies as likely to succeed. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing instruction issued by the Office.

(u) Positions when filled by severely physically handicapped persons who:

(1) under a temporary appointment have demonstrated their ability to perform the duties satisfactorily; or

(2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by OPM.

(v)–(w) (Reserved).

(x) Positions for which a local recruiting shortage exists when filled by

inmates of Federal, District of Columbia, and State (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) penal and correctional institutions under work-release programs authorized by the Prisoner Rehabilitation Act of 1965, the District of Columbia Work Release Act, or under work-release programs authorized by the States. Initial appointments under this authority may not exceed 1 year. An initial appointment may be extended for one or more periods not to exceed 1 additional year each upon a finding that the inmate is still in a work-release status and that a local recruiting shortage still exists. No person may serve under this authority longer than 1 year beyond the date of that person's release from custody.

(y) (Reserved).

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS–11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program, may not exceed 2 years, and are subject to satisfactory outcome of evaluation of the associate's research during the first year.

(bb) Positions when filled by aliens in the absence of qualified citizens. Appointments under this authority are subject to prior approval of OPM except when the authority is specifically included in a delegated examining agreement with OPM.

(cc)–(ee) (Reserved).

(ff) Not to exceed 25 positions when filled in accordance with an agreement between OPM and the Department of Justice by persons in programs administered by the Attorney General of the United States under Public Law 91–452 and related statutes. A person appointed under this authority may continue to be employed under it after he/she ceases to be in a qualifying program only as long as he/she remains in the same agency without a break in service.

(gg)–(hh) (Reserved).

(ii) Positions of Presidential Intern, GS–9 and 11, in the Presidential Management Intern Program. Initial appointments must be made at the GS–9 level. No one may serve under this authority for more than 2 years, unless extended with OPM approval for up to 1 additional year. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive Order 12364, in accordance with requirements published in the Federal Personnel Manual.

(jj–kk) (Reserved).

(ll) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full-time, part-time, or intermittent basis.

Section 213.3103 Executive Office of the President

(a) *Office of Administration.* (1) Not to exceed 75 positions to provide administrative services and support to the White House office.

(b) *Office of Management and Budget.* (1) Not to exceed 15 positions at grades GS–5/15.

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS–9 through 15 on the staff of the Council.

(d)–(f) (Reserved).

(g) *National Security Council.* (1) All positions on the staff of the Council.

(h) *Office of Science and Technology Policy.* (1) Thirty positions of Senior Policy Analyst, GS–15; Policy Analyst, GS–11/14; and Policy Research Assistant, GS–9, for employment of anyone not to exceed 5 years on projects of a high priority nature.

(i) *Office of National Drug Control Policy.* (1) Not to exceed 15 positions, GS–15 and below, of senior policy analysts and other personnel with expertise in drug-related issues and/or technical knowledge to aid in anti-drug abuse efforts.

Section 213.3104 Department of State

(a) *Office of the Secretary.* (1) All positions, GS–15 and below, on the staff of the Family Liaison Office, Director General of the Foreign Service and the Director of Personnel, Office of the Under Secretary for Management.

(2) One position of Museum Curator (Arts), in the Office of the Under Secretary for Management, whose incumbent will serve as Director, Diplomatic Reception Rooms. No new appointments may be made after February 28, 1997.

(b) *American Embassy, Paris, France.* (1) Chief, Travel and Visitor Unit. No new appointments may be made under this authority after August 10, 1981.

(c)–(f) (Reserved).

(g) *Bureau of Population, Refugees, and Migration.* (1) Not to exceed 10 positions at grades GS–5 through 11 on the staff of the Bureau.

(h) *Bureau of Administration.* (1) One Presidential Travel Officer. No new appointments may be made under this authority after June 11, 1981.

(2) One position of the Director, Art in Embassies Program, GM–1001–15.

Section 213.3105 Department of the Treasury

(a) *Office of the Secretary.* (1) Not to exceed 20 positions at the equivalent of GS–13 through GS–17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade, and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(2) Not to exceed 20 positions, which will supplement permanent staff involved in the study and analysis of complex problems in the area of domestic economic and financial policy. Employment under this authority may not exceed 4 years.

(3) Not to exceed 50 positions in the Office of the Under Secretary (Enforcement).

(b) *U.S. Customs Service.* (1) Positions in foreign countries designated as ''interpreter-translator'' and ''special employees,'' when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2)–(5) (Reserved).

(6) Three hundred positions of Criminal Investigator for special assignments and 10 positions for oversight policy and direction of sensitive law enforcement activities.

(7)–(8) (Reserved).

(9) Not to exceed 25 positions of Customs Patrol Officers in the Papago Indian Agency in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(d) *Office of Thrift Supervision.* (1) All positions in the supervision policy and supervision operations functions of OTS. No new appointments may be made under this authority after December 31, 1993.

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

(f) (Reserved).

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) One hundred positions of criminal investigator for special assignments.

(2) One non-permanent Senior Level (SL) Criminal Investigator to serve as a

senior advisor to the Assistant Director (Firearms, Explosives, and Arson).

Section 213.3106 Department of Defense

(a) *Office of the Secretary.* (1)–(5) (Reserved).

(6) One Executive Secretary, US-USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache 1 systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the staffs of the chaplains in the military services.

(5) Positions under the program for utilization of alien scientists, approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense, when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the U.S. Government residing in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or separation of a dependent's sponsor: *Provided,* that (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to 1 additional year when the military department concerned finds that the additional employment is in the interest of management.

(7) Twenty secretarial and staff support positions at GS–12 or below on the White House Support Group.

(8) Positions in DOD research and development activities occupied by participants in the DOD Science and Engineering Apprenticeship Program for High School Students. Persons employed under this authority shall be bona fide high school students, at least 14 years old, pursuing courses related to the position occupied and limited to 1,040 working hours a year. Children of DOD employees may be appointed to these positions, notwithstanding the sons and daughters restriction, if the positions are in field activities at remote locations. Appointments under this authority may be made only to positions for which qualification standards established under 5 CFR part 302 are consistent with the education and experience standards established for comparable positions in the competitive service. Appointments under this authority may not be used to extend the service limits contained in any other appointing authority.

(d) *General.* (1) Positions concerned with advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming, and management of intelligence resources when, in the opinion of OPM, it is impracticable to examine. This authority does not apply to positions assigned to cryptologic and communications intelligence activities/functions.

(2) Positions involved in intelligence-related work of the cryptologic intelligence activities of the military departments. This includes all positions of intelligence research specialist, and similar positions in the intelligence classification series; all scientific and technical positions involving the applications of engineering, physical or technical sciences to intelligence work; and professional as well as intelligence technician positions in which a majority of the incumbent's time is spent in advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information or in the planning, programming, and management of intelligence resources.

(e) *Uniformed Services University of the Health Sciences.* (1) Positions of President, Vice Presidents, Assistant Vice Presidents, Deans, Deputy Deans, Associate Deans, Assistant Deans, Assistants to the President, Assistants to the Vice Presidents, Assistants to the Deans, Professors, Associate Professors, Assistant Professors, Instructors, Visiting Scientists, Research Associates, Senior Research Associates, and Postdoctoral Fellows.

(2) Positions established to perform work on projects funded from grants.

(f) *National Defense University.* (1) Not to exceed 16 positions of senior policy analyst, GS–15, at the Strategic Concepts Development Center. Initial appointments to these positions may not exceed 6 years, but may be extended thereafter in 1-, 2-, or 3-year increments, indefinitely.

(g) *Defense Communications Agency.* (1) Not to exceed 10 positions at grades GS–10/15 to staff and support the Crisis Management Center at the White House.

(h) *Defense Acquisitions University.* (1) The Provost and professors.

(i) *George C. Marshall European Center for Security Studies, Garmisch, Germany.*

(1) The Director, Deputy Director, and positions of professor, instructor, and lecturer at the George C. Marshall European Center for Security Studies, Garmisch, Germany, for initial employment not to exceed 3 years, which may be renewed in increments from 1 to 2 years thereafter.

(j) *Asia-Pacific Center for Security Studies, Honolulu, Hawaii.* (1) The Director, Deputy Director, Dean of Academics, Director of College, deputy department chairs, and senior positions of professor, associate professor, and research fellow within the Asia Pacific Center. Appointments may be made not to exceed 3 years and may be extended for periods not to exceed 3 years.

Section 213.3107 Department of the Army

(a)–(c) (Reserved).

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), Cadet Social Activities Coordinator, Chapel Organist and Choir-Master, Director of Intercollegiate Athletics, Associate Director of Intercollegiate Athletics, coaches, Facility Manager, Building Manager, three Physical Therapists (Athletic Trainers), Associate Director of Admissions for Plans and Programs, Deputy Director of Alumni Affairs; and librarian when filled by an officer of the Regular Army retired from active service, and the military secretary to the Superintendent when filled by a U.S. Military Academy graduate retired as a regular commissioned officer for disability.

(e)–(f) (Reserved).

(g) *Defense Language Institute.* (1) All positions (professors, instructors, lecturers) which require proficiency in a foreign language or a knowledge of foreign language teaching methods.

(h) *Army War College, Carlisle Barracks, PA.* (1) Positions of professor, instructor, or lecturer associated with courses of instruction of at least 10

months duration for employment not to exceed 5 years, which may be renewed in 1-, 2-, 3-, 4-, or 5-year increments indefinitely thereafter.

(i) (Reserved).

(j) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.* (1) Positions of Academic Director, Department Head, and Instructor.

(k) *U.S. Army Command and General Staff College, Fort Leavenworth, Kansas.* (1) Positions of professor, associate professor, assistant professor, and instructor associated with courses of instruction of at least 10 months duration, for employment not to exceed up to 5 years, which may be renewed in 1-, 2-, 3-, 4-, or 5-year increments indefinitely thereafter.

Section 213.3108 Department of the Navy

(a) *General.* (1)–(14) (Reserved).

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(16) All positions necessary for the administration and maintenance of the official residence of the Vice President.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; the Director of Academic Planning, Naval Postgraduate School; and the Librarian, Organist-Choirmaster, Registrar, the Dean of Admissions, and social counselors at the Naval Academy.

(c) *Chief of Naval Operations.* (1) One position at grade GS–12 or above that will provide technical, managerial, or administrative support on highly classified functions to the Deputy Chief of Naval Operations (Plans, Policy, and Operations).

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e) *Pacific Missile Range Facility, Barking Sands, Hawaii.* (1) All positions. This authority applies only to positions that must be filled pending final decision on contracting of Facility operations. No new appointments may be made under this authority after July 29, 1988.

(f) (Reserved).

(g) *Office of Naval Research.* (1) Scientific and technical positions, GS–13/15, in the Office of Naval Research International Field Office which covers satellite offices within the Far East, Africa, Europe, Latin America, and the South Pacific. Positions are to be filled by personnel having specialized experience in scientific and/or technical disciplines of current interest to the Department of the Navy.

Section 213.3109 Department of the Air Force

(a) *Office of the Secretary.* (1) One Special Assistant in the Office of the Secretary of the Air Force. This position has advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(2) One hundred forty positions, serviced by Hill Air Force Base, Utah, engaged in interdepartmental activities in support of national defense projects involving scientific and technical evaluations.

(c) Not to exceed 20 professional positions, GS–11 through GS–15, in Detachments 6 and 51, SM–ALC, Norton and McClellan Air Force Bases, California, which will provide logistic support management to specialized research and development projects.

(d) *U.S. Air Force Academy, Colorado.* (1) (Reserved).

(2) Positions of Professor, Associate Professor, Assistant Professor, and Instructor, in the Dean of Faculty, Commandant of Cadets, Director of Athletics, and Preparatory School of the United States Air Force Academy.

(e) (Reserved).

(f) *Air Force Office of Special Investigations.* (1) Positions of Criminal Investigators/Intelligence Research Specialists, GS–5 through GS–15, in the Air Force Office of Special Investigations.

(g) Not to exceed eight positions, GS–12 through 15, in Headquarters Air Force Logistics Command, DCS Material Management, Office of Special Activities, Wright-Patterson Air Force Base, Ohio, which will provide logistic support management staff guidance to classified research and development projects.

(h) *Air University, Maxwell Air Force Base, Alabama.* (1) Positions of Professor, Instructor, or Lecturer.

(i) *Air Force Institute of Technology, Wright-Patterson Air Force Base, Ohio.* (1) Civilian deans and professors.

(j) *Air Force Logistics Command.* (1) One Supervisory Logistics Management Specialist, GM–346–14, in Detachment 2, 2762 Logistics Management Squadron (Special), Greenville, Texas.

(k) One position of Supervisory Logistics Management Specialist, GS–346–15, in the 2762nd Logistics Squadron (Special), at Wright-Patterson Air Force Base, Ohio.

(l) One position of Commander, Air National Guard Readiness Center, Andrews Air Force Base, Maryland.

Section 213.3110 Department of Justice

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) Positions at GS–15 and below on the staff of an office of a special counsel.

(3)–(5) (Reserved).

(6) Positions of Program Manager and Assistant Program Manager supporting the International Criminal Investigative Training Assistance Program in foreign countries. Initial appointments under this authority may not exceed 2 years, but may be extended in one-year increments for the duration of the in-country program.

(b) *Immigration and Naturalization Service.* (1) (Reserved).

(2) Not to exceed 500 positions of interpreters and language specialists, GS–1040–5/9.

(3) Not to exceed 25 positions, GS–15 and below, with proficiency in speaking, reading, and writing the Russian language and serving in the Soviet Refugee Processing Program with permanent duty location in Moscow, Russia.

(c) *Drug Enforcement Administration.* (1) (Reserved).

(2) Four hundred positions of Intelligence Research Agent and/or Intelligence Operation Specialist in the GS–132 series, grades GS–9 through GS–15.

(3) Not to exceed 200 positions of Criminal Investigator (Special Agent). New appointments may be made under this authority only at grades GS–7/11.

(d) *National Drug Intelligence Center.* All positions.

Section 213.3111 Department of Homeland Security

(a) Up to 50 positions at the GS–5 through 15 grade levels at the Department of Homeland Security. No new appointments may be made under this authority after March 30, 2004.

Section 213.3112 Department of the Interior

(a) *General.* (1) Technical, maintenance, and clerical positions at or below grades GS–7, WG–10, or equivalent, in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of OPM.

(4) Temporary, intermittent, or seasonal field assistants at GS–7, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority may not exceed 180 working days a year.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, that an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of the Interior is responsible for defining the term ''Indian.''

(8) Temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators, and samplers. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(9) Temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) Temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year except with prior approval of OPM.

(12) Positions in the Youth Conservation Corps for which pay is fixed at the Federal minimum wage rate. Employment under this authority may not exceed 10 weeks.

(b) (Reserved).

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) (Reserved).

(e) *Office of the Assistant Secretary, Territorial and International Affairs.* (1) (Reserved).

(2) Not to exceed four positions of Territorial Management Interns, grades GS–5, GS–7, or GS–9, when filled by territorial residents who are U.S. citizens from the Virgin Islands or Guam; U.S. nationals from American Samoa; or in the case of the Northern Marianas, will become U.S. citizens upon termination of the U.S. trusteeship. Employment under this authority may not exceed 6 months.

(3) (Reserved).

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his or her immediate staff.

(f) *National Park Service.* (1) (Reserved).

(2) Positions established for the administration of Kalaupapa National Historic Park, Molokai, Hawaii, when filled by appointment of qualified patients and Native Hawaiians, as provided by Public Law 95–565.

(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, California, which are needed for rehabilitation of the park, as provided by Public Law 95–250.

(4) One Special Representative of the Director.

(5) All positions in the Grand Portage National Monument, Minnesota, when filled by the appointment of recognized members of the Minnesota Chippewa Tribe.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values on conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, that such employment may, with prior approval of OPM, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS–5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

Section 213.3113 Department of Agriculture

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agricultural Research Service or the National Agricultural Statistics Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural commodity grader (grain) and (meat), (poultry), and (dairy), agricultural commodity aid (grain), and tobacco inspection positions.

(2)–(4) (Reserved).

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS–7 and WG–10 in the following types of positions: Field assistants for sub professional services; agricultural helpers, helper-leaders, and workers in the Agricultural Research Service and the Animal and Plant Health Inspection Service; and subject to prior OPM approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided*, that an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraph (i) of § 213.3102 or positions within the Forest Service.

(6)–(7) (Reserved).

(b)–(c) (Reserved).

(d) *Farm Service Agency.* (1) (Reserved).

(2) Members of State Committees: *Provided*, that employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering farm programs within the State consistent with legislative and Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(e) *Rural Development.* (1) (Reserved).

(2) County committeemen to consider, recommend, and advise with respect to the Rural Development program.

(3)–(5) (Reserved).

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(f) *Agricultural Marketing Service.* (1) Positions of Agricultural Commodity Graders, Agricultural Commodity Technicians, and Agricultural Commodity Aids at grades GS–9 and below in the tobacco, dairy, and poultry commodities; Meat Acceptance Specialists, GS–11 and below; Clerks, Office Automation Clerks, and Computer Clerks at GS–5 and below; Clerk-Typists at grades GS–4 and below; and Laborers under the Wage System. Employment under this authority is limited to either 1,280 hours or 180 days in a service year.

(2) Positions of Agricultural Commodity Graders, Agricultural Commodity Technicians, and Agricultural Commodity Aids at grades GS–11 and below in the cotton, raisin, and processed fruit and vegetable commodities and the following positions in support of these commodities: Clerks, Office Automation Clerks, and Computer Clerks and Operators at GS–5 and below; Clerk-Typists at grades GS–4 and below; and, under the Federal Wage System, High Volume Instrumentation (HVI) Operators and HVI Operator Leaders at WG/WL–2 and below, respectively, Instrument Mechanics/Workers/Helpers at WG–10 and below, and Laborers. Employment under this authority may not exceed 180 days in a service year. In unforeseen situations such as bad weather or crop conditions, unanticipated plant demands, or increased imports, employees may work up to 240 days in a service year. Cotton Agricultural Commodity Graders, GS–5, may be employed as trainees for the first appointment for an initial period of 6 months for training without regard to the service year limitation.

(3) Milk Market Administrators.

(4) All positions on the staffs of the Milk Market Administrators.

(g)–(k) (Reserved).

(l) *Food Safety and Inspection Service.* (1)–(2) (Reserved).

(3) Positions of meat and poultry inspectors (veterinarians at GS–11 and below and nonveterinarians at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(m) *Grain Inspection, Packers and Stockyards Administration.* (1) One hundred and fifty positions of Agricultural Commodity Aid (Grain), GS–2/4; 100 positions of Agricultural Commodity Technician (Grain), GS–4/7; and 60 positions of Agricultural Commodity Grader (Grain), GS–5/9, for temporary employment on a part-time, intermittent, or seasonal basis not to exceed 1,280 hours in a service year.

(n) *Alternative Agricultural Research and Commercialization Corporation.* (1) Executive Director.

Section 213.3114 Department of Commerce

(a) *General.* (1)–(2) (Reserved).

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in the continental United States for periods of orientation, training, analysis of data, and report writing.

(b)–(c) (Reserved).

(d) *Bureau of the Census.* (1) Managers, supervisors, technicians, clerks, interviewers, and enumerators in the field service, for time-limited employment to conduct a census.

(2) Current Program Interviewers employed in the field service.

(e)–(h) (Reserved).

(i) *Office of the Under Secretary for International Trade.* (1) Fifteen positions at GS–12 and above in specialized fields relating to international trade or commerce in units under the jurisdiction of the Under Secretary for International Trade. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for an individual appointee.

(2) (Reserved).

(3) Not to exceed 15 positions in grades GS–12 through GS–15, to be filled by persons qualified as industrial or marketing specialists; who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit procedures applicable to one or more of the current segments of U.S. industry served by the Under Secretary for International Trade, and the subordinate components of his organization which are involved in Domestic Business matters. Appointments under this authority may be made for a period of not to exceed 2 years and may, with prior approval of OPM, be extended for an additional period of 2 years.

(j) *National Oceanic and Atmospheric Administration.* (1)–(2) (Reserved).

(3) All civilian positions on vessels operated by the National Ocean Service.

(4) Temporary positions required in connection with the surveying operations of the field service of the National Ocean Service. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(k) (Reserved).

(l) *National Telecommunication and Information Administration.* (1) Seventeen professional positions in grades GS–13 through GS–15.

Section 213.3115 Department of Labor

(a) *Office of the Secretary.* (1) Chairman and five members, Employees' Compensation Appeals Board.

(2) Chairman and eight members, Benefits Review Board.

(b)–(c) (Reserved).

(d) *Employment and Training Administration.* (1) Not to exceed 10 positions of Supervisory Manpower Development Specialist and Manpower Development Specialist, GS–7/15, in the Division of Indian and Native American Programs, when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities for the development and administration of comprehensive employment and training programs.

Section 213.3116 Department of Health and Human Services

(a) *General.* (1) Intermittent positions, at GS–15 and below and WG–10 and below, on teams under the National Disaster Medical System including Disaster Medical Assistance Teams and specialty teams, to respond to disasters, emergencies, and incidents/events involving medical, mortuary and public health needs.

(b) *Public Health Service.* (1) (Reserved).

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) (Reserved).

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health and Human Services and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the participating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5)–(6) (Reserved).

(7) Not to exceed 50 positions associated with health screening programs for refugees.

(8) All positions in the Public Health Service and other positions in the Department of Health and Human Services directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of Health and Human Services is responsible for defining the term ''Indian.''

(9) (Reserved).

(10) Health care positions of the National Health Service Corps for employment of any one individual not to exceed 4 years of service in health manpower shortage areas.

(11)–(14) (Reserved).

(15) Not to exceed 200 staff positions, GS–15 and below, in the Immigration Health Service, for an emergency staff to provide health related services to foreign entrants.

(c)–(e) (Reserved).

(f) *The President's Council on Physical Fitness.* (1) Four staff assistants.

Section 213.3117 Department of Education

(a) Positions concerned with problems in education financed and participated in by the Department of Education and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

Section 213.3124 Board of Governors, Federal Reserve System

(a) All positions.

Section 213.3127 Department of Veterans Affairs

(a) *Construction Division.* (1) Temporary construction workers paid from ''purchase and hire'' funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 400 positions of rehabilitation counselors, GS–3 through GS–11, in Alcoholism Treatment Units and Drug Dependence Treatment Centers, when filled by former patients.

(c) *Board of Veterans' Appeals.* (1) Positions, GS–15, when filled by a member of the Board. Except as provided by section 201(d) of Public Law 100–687, appointments under this authority shall be for a term of 9 years, and may be renewed.

(2) Positions, GS–15, when filled by a non-member of the Board who is awaiting Presidential approval for appointment as a Board member.

(d) Not to exceed 600 positions at grades GS–3 through GS–11, involved in the Department's Vietnam Era Veterans Readjustment Counseling Service.

Section 213.3128 Broadcasting Board of Governors

(a) *International Broadcasting Bureau.* (1) Not to exceed 200 positions at grades GS–15 and below in the Office of Cuba Broadcasting. Appointments may not be made under this authority to administrative, clerical, and technical support positions.

Section 213.3132 Small Business Administration

(a) When the President under 42 U.S.C. 1855–1855g, the Secretary of Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by time-limited appointment of employees to make and administer disaster loans in the area under the Small Business Act, as amended. Service under this authority may not exceed 4 years, and no more than 2 years may be spent on a single disaster. Exception to this time limit may only be made with prior Office approval. Appointments under this authority may not be used to extend the 2-year service limit contained in paragraph (b) below. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(b) When the President under 42 U.S.C. 1855–1855g, the Secretary of Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by time-limited appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended. No one may serve under this authority for more than an aggregate of 2 years without a break in service of at least 6 months. Persons who have had more than 2 years of service under paragraph (a) of this section must have a break in service of at least 8 months following such service before appointment under this authority. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

Section 213.3133 Federal Deposit Insurance Corporation

(a)–(b) (Reserved).

(c) Temporary positions located at closed banks or savings and loan institutions that are concerned with liquidating the assets of the institutions, liquidating loans to the institutions, or paying the depositors of closed insured institutions. New appointments may be made under this authority only during the 60 days immediately following the institution's closing date. Such appointments may not exceed 1 year, but may be extended for not to exceed 1 additional year.

Section 213.3136 U.S. Soldiers' and Airmen's Home

(a) (Reserved).

(b) Positions when filled by member-residents of the Home.

Section 213.3146 Selective Service System

(a) State Directors.

Section 213.3148 National Aeronautics and Space Administration

(a) One hundred and fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

Section 213.3155 Social Security Administration

(a) Six positions of Social Insurance Representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(b) Seven positions of Social Insurance Representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

(c) Two positions of Social Insurance Representative in the district offices of

the Social Security Administration in the State of Alaska when filled by the appointments of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

Section 213.3162 The President's Crime Prevention Council

(a) Up to 7 positions established in the President's Crime Prevention Council office created by the Violent Crime Control and Law Enforcement Act of 1994. No new appointments may be made under this authority after March 31, 1998.

Section 213.3165 Chemical Safety and Hazard Investigation Board

(a) (Reserved).

(b) Seven positions of either Chemical Incident Investigators or Chemical Safety Recommendation Specialists, in the Office of Investigations and Safety Programs. No new appointments may be made under this authority after October 15, 2002, or until the seventh person (who was given an offer of employment on September 13, 2002, and is waiting a physical examination clearance) is appointed, whichever is later.

Section 213.3166 Court Services and Offender Supervision Agency of the District of Columbia

(a) All positions, except for the Director, established to create the Court Services and Offender Supervision Agency of the District of Columbia. No new appointments may be made under this authority after September 30, 2003.

Section 213.3174 Smithsonian Institution

(a) (Reserved). (b) All positions located in Panama which are part of or which support the Smithsonian Tropical Research Institute.

(c) Positions at GS–15 and below in the National Museum of the American Indian requiring knowledge of, and experience in, tribal customs and culture. Such positions comprise approximately 10 percent of the Museum's positions and, generally, do not include secretarial, clerical, administrative, or program support positions.

Section 213.3175 Woodrow Wilson International Center for Scholars

(a) One Asian Studies Program Administrator, one International Security Studies Program Administrator, one Latin American Program Administrator, one Russian Studies Program Administrator, one West European Program Administrator, one Environmental Change & Security Studies Program Administrator, one United States Studies Program Administrator, and two Social Science Program Administrators.

Section 213.3178 Community Development Financial Institutions Fund

(a) All positions in the Fund and positions created for the purpose of establishing the Fund's operations in accordance with the Community Development Banking and Financial Institutions Act of 1994, except for any positions required by the Act to be filled by competitive appointment. No new appointments may be made under this authority after September 23, 1998.

Section 213.3180 Utah Reclamation and Conservation Commission

(a) Executive Director.

Section 213.3182 National Foundation on the Arts and the Humanities

(a) *National Endowment for the Arts.* (1) Artistic and related positions at grades GS–13 through GS–15 engaged in the review, evaluation and administration of applications and grants supporting the arts, related research and assessment, policy and program development, arts education, access programs and advocacy or evaluation of critical arts projects and outreach programs. Duties require artistic stature, in-depth knowledge of arts disciplines and/or artistic-related leadership qualities.

Section 213.3190 African Development Foundation

(a) One Enterprise Development Fund Manager. Appointment authority is limited to four years unless extended by the Office.

Section 213.3191 Office of Personnel Management

(a)–(c) (Reserved).

(d) Part-time and intermittent positions of test examiners at grades GS–8 and below.

Section 213.3194 Department of Transportation

(a) *U.S. Coast Guard.* (1) (Reserved).

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Connecticut.

(b)–(d) (Reserved).

(e) *Maritime Administration.* (1)–(2) (Reserved).

(3) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(4)–(5) (Reserved).

(6) U.S. Merchant Marine Academy, positions of: Professors, Instructors, and Teachers, including heads of Departments of Physical Education and Athletics, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; Coordinator of Shipboard Training; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; three Battalion Officers; three Regimental Affairs Officers; and one Training Administrator.

(7) U.S. Merchant Marine Academy positions of: Associate Dean; Registrar; Director of Admissions; Assistant Director of Admissions; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Shipboard Training Assistant; three Academy Training Representatives; and one Education Program Assistant.

Section 213.3195 Federal Emergency Management Agency

(a) Field positions at grades GS–15 and below, or equivalent, which are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Public Law 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency. Persons may not be employed under this authority for long-term duties or for work not directly necessitated by the emergency response effort.

(b) Not to exceed 30 positions at grades GS–15 and below in the Offices of Executive Administration, General Counsel, Inspector General, Comptroller, Public Affairs, Personnel, Acquisition Management, and the State and Local Program and Support Directorate which are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Public Law 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency, or for long-term duties or work not directly necessitated by the emergency response effort. No one may be reappointed under this authority for service in connection with a different emergency unless at least 6 months have elapsed since the individual's latest appointment under this authority.

(c) Not to exceed 350 professional and technical positions at grades GS–5 through GS–15, or equivalent, in Mobile

Emergency Response Support Detachments (MERS).

Section 213.3199 Temporary Organizations

Positions on the staffs of temporary organizations, as defined in 5 U.S.C. 3161(a). Appointments may not exceed 3 years, but temporary organizations may extend the appointments for 2 additional years if the conditions for extension are related to the completion of the study or project.

Schedule B

Section 213.3202 Entire Executive Civil Service

(a) *Student Educational Employment Program—Student Temporary Employment Program.* (1) Students may be appointed to the Student Temporary Employment Program if they are pursuing any of the following educational programs:

(i) High School Diploma or General Equivalency Diploma (GED);

(ii) Vocational/Technical certificate;

(iii) Associate degree;

(iv) Baccalaureate degree;

(v) Graduate degree; or

(vi) Professional degree

* * * * *

[The remaining text of provisions pertaining to the Student Temporary Employment Program can be found in 5 CFR 213.3202(a).]

(b) Student Educational Employment Program—Student Career Experience Program. (1)(i) Students may be appointed to the Student Career Experience Program if they are pursuing any of the following educational programs:

(A) High school diploma or General Equivalency Diploma (GED);

(B) Vocational/Technical certificate;

(C) Associate degree;

(D) Baccalaureate degree;

(E) Graduate degree; or

(F) Professional degree.

(ii) Student participants in the Harry S. Truman Foundation Scholarship Program under the provision of Public Law 93–842 are eligible for appointments under the Student Career Experience Program.

[The remaining text of provisions pertaining to the Student Career Experience Program can be found in 5 CFR 213.3202(b).]

* * * * *

(c)–(i) (Reserved).

(j) Special executive development positions established in connection with Senior Executive Service candidate development programs which have been approved by OPM. A Federal agency may make new appointments under this authority for any period of employment not exceeding 3 years for one individual.

(k) Positions at grades GS–15 and below when filled by individuals who (1) are placed at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability; and (2) are certified to a specific position by a State vocational rehabilitation counselor or a Veterans Administration counseling psychologist (or psychiatrist) who indicates that they meet the severe disadvantage criteria stated above, that they are capable of functioning in the positions to which they will be appointed, and that any residual disability is not job related. Employment of any individual under this authority may not exceed 2 years following each significant period of mental illness.

(l) (Reserved).

(m) Positions when filled under any of the following conditions: (1) Appointment at grades GS–15 and above, or equivalent, in the same or a different agency without a break in service from a career appointment in the Senior Executive Service (SES) of an individual who:

(i) Has completed the SES probationary period;

(ii) Has been removed from the SES because of less than fully successful executive performance or a reduction in force; and

(iii) Is entitled to be placed in another civil service position under 5 U.S.C. 3594(b).

(2) Appointment in a different agency without a break in service of an individual originally appointed under paragraph (m)(1).

(3) Reassignment, promotion, or demotion within the same agency of an individual appointed under this authority.

(n) Positions when filled by preference eligibles or veterans who have been separated from the armed forces under honorable conditions after 3 years or more of continuous active service and who, in accordance with 5 U.S.C. 3304(f) (Pub. L. 105–339), applied for these positions under merit promotion procedures when applications were being accepted by the agency from individuals outside its own workforce. These veterans may be promoted, demoted, or reassigned, as appropriate, to other positions within the agency but would remain employed under this excepted authority as long as there is no break in service. No new appointments may be made under this authority after November 30, 1999.

Section 213.3203 Executive Office of the President

(a) (Reserved).

(b) *Office of the Special Representative for Trade Negotiations.* (1) Seventeen positions of economist at grades GS–12 through GS–15.

Section 213.3204 Department of State

(a)–(c) (Reserved).

(d) Fourteen positions on the household staff of the President's Guest House (Blair and Blair-Lee Houses).

(e) (Reserved).

(f) Scientific, professional, and technical positions at grades GS–12 to GS–15 when filled by persons having special qualifications in foreign policy matters. Total employment under this authority may not exceed 4 years.

Section 213.3205 Department of the Treasury

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b)–(c) (Reserved).

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by OPM. Service under this authority may not exceed (1) a total of 4 years; or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever comes first.

(e) Positions, grades GS–5 through 12, of Treasury Enforcement Agent in the Bureau of Alcohol, Tobacco, and Firearms; and Treasury Enforcement Agent, Pilot, Marine Enforcement Officer, and Aviation Enforcement Officer in the U.S. Customs Service. Service under this authority may not exceed 3 years and 120 days.

Section 213.3206 Department of Defense

(a) *Office of the Secretary.* (1) (Reserved).

(2) Professional positions at GS–11 through GS–15 involving systems, costs,

and economic analysis functions in the Office of the Assistant Secretary (Program Analysis and Evaluation); and in the Office of the Deputy Assistant Secretary (Systems Policy and Information) in the Office of the Assistant Secretary (Comptroller).

(3)–(4) (Reserved).

(5) Four Net Assessment Analysts.

(b) *Interdepartmental activities.* (1) Five positions to provide general administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

(2) Eight positions, GS–15 or below, in the White House Military Office, providing support for airlift operations, special events, security, and/or administrative services to the Office of the President.

(c) *National Defense University.* (1) Sixty-one positions of Professor, GS–13/15, for employment of any one individual on an initial appointment not to exceed 3 years, which may be renewed in any increment from 1 to 6 years indefinitely thereafter.

(d) *General.* (1) One position of Law Enforcement Liaison Officer (Drugs), GS–301–15, U.S. European Command.

(2) Acquisition positions at grades GS–5 through GS–11, whose incumbents have successfully completed the required course of education as participants in the Department of Defense scholarship program authorized under 10 U.S.C. 1744.

(e) *Office of the Inspector General.* (1) Positions of Criminal Investigator, GS–1811–5/15.

(f) *Department of Defense Polygraph Institute, Fort McClellan, Alabama.* (1) One Director, GM–15.

(g) *Defense Security Assistance Agency.* All faculty members with instructor and research duties at the Defense Institute of Security Assistance Management, Wright Patterson Air Force Base, Dayton, Ohio. Individual appointments under this authority will be for an initial 3-year period, which may be followed by an appointment of indefinite duration.

Section 213.3207 Department of the Army

(a) *U.S. Army Command and General Staff College.* (1) Seven positions of professors, instructors, and education specialists. Total employment of any individual under this authority may not exceed 4 years.

Section 213.3208 Department of the Navy

(a) *Naval Underwater Systems Center, New London, Connecticut.* (1) One position of Oceanographer, grade GS–14, to function as project director and manager for research in the weapons systems applications of ocean eddies.

(b) All civilian faculty positions of professors, instructors, and teachers on the staff of the Armed Forces Staff College, Norfolk, Virginia.

(c) One Director and four Research Psychologists at the professor or GS–15 level in the Defense Personnel Security Research and Education Center.

(d) All civilian professor positions at the Marine Corps Command and Staff College.

(e) One position of Staff Assistant, GS–301–15, whose incumbent will manage the Navy's Executive Dining facilities at the Pentagon.

(f) One position of Housing Management Specialist, GM–1173–14, involved with the Bachelor Quarters Management Study. No new appointments may be made under this authority after February 29, 1992.

Section 213.3209 Department of the Air Force

(a) Not to exceed four interdisciplinary positions for the Air Research Institute at the Air University, Maxwell Air Force Base, Alabama, for employment to complete studies proposed by candidates and acceptable to the Air Force. Initial appointments are made not to exceed 3 years, with an option to renew or extend the appointments in increments of 1, 2, or 3 years indefinitely thereafter.

(b)–(c) (Reserved).

(d) Positions of Instructor or professional academic staff at the Air University, associated with courses of instruction of varying durations, for employment not to exceed 3 years, which may be renewed for an indefinite period thereafter.

(e) One position of Director of Development and Alumni Programs, GS–301–13, with the U.S. Air Force Academy, Colorado.

Section 213.3210 Department of Justice

(a) Criminal Investigator (Special Agent) positions in the Drug Enforcement Administration. New appointments may be made under this authority only at grades GS–5 through 11. Service under the authority may not exceed 4 years. Appointments made under this authority may be converted to career or career-conditional appointments under the provisions of Executive Order 12230, subject to conditions agreed upon between the Department and OPM.

(b) (Reserved).

(c) Not to exceed 400 positions at grades GS–5 through 15 assigned to regional task forces established to conduct special investigations to combat drug trafficking and organized crime.

(d) (Reserved).

(e) Positions, other than secretarial, GS–6 through GS–15, requiring knowledge of the bankruptcy process, on the staff of the offices of United States Trustees or the Executive Office for U.S. Trustees.

Section 213.3213 Department of Agriculture

(a) *Foreign Agricultural Service.* (1) Positions of a project nature involved in international technical assistance activities. Service under this authority may not exceed 5 years on a single project for any individual unless delayed completion of a project justifies an extension up to but not exceeding 2 years.

(b) *General.* (1) Temporary positions of professional Research Scientists, GS–15 or below, in the Agricultural Research Service and the Forest Service, when such positions are established to support the Research Associateship Program and are filled by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and the agency. Appointments are limited to proposals approved by the appropriate Administrator. Appointments may be made for initial periods not to exceed 2 years and may be extended for up to 2 additional years. Extensions beyond 4 years, up to a maximum of 2 additional years, may be granted, but only in very rare and unusual circumstances, as determined by the Personnel Officer, Agricultural Research Service, or the Personnel Officer, Forest Service.

(2) Not to exceed 55 Executive Director positions, GM–301–14/15, with the State Rural Development Councils in support of the Presidential Rural Development Initiative.

Section 213.3214 Department of Commerce

(a) *Bureau of the Census.* (1) (Reserved).

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS–5 through GS–12.

(3) (Reserved).

(b)–(c) (Reserved).

(d) *National Telecommunications and Information Administration.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS–11 through 15. Employment under this authority may not exceed 2 years.

Section 213.3215 Department of Labor

(a) Chair and a maximum of four additional Members, Administrative Review Board.

(b) (Reserved).

(c) *Bureau of International Labor Affairs.* (1) Positions in the Office of Foreign Relations, which are paid by outside funding sources under contracts for specific international labor market technical assistance projects. Appointments under this authority may not be extended beyond the expiration date of the project.

Section 213.3217 Department of Education

(a) Seventy-five positions, not in excess of GS–13, of a professional or analytical nature when filled by persons, other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study program. Employment under this authority shall not exceed 1 year.

(b) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Office of Personnel Management, be extended for an additional period of 1 year.

Section 213.3227 Department of Veterans Affairs

(a) Not to exceed 800 principal investigatory, scientific, professional, and technical positions at grades GS–11 and above in the medical research program.

(b) Not to exceed 25 Criminal Investigator (Undercover) positions, GS–1811, in grades 5 through 12, conducting undercover investigations in the Veterans Health Administration supervised by the VA, Office of Inspector General. Initial appointments shall be greater than 1 year, but not to exceed 4 years and may be extended indefinitely in 1-year increments.

Section 213.3236 U.S. Soldiers' and Airmen's Home

(a) (Reserved).

(b) Director, Health Care Services; Director, Member Services; Director, Logistics; and Director, Plans and Programs.

Section 213.3240 National Archives and Records Administration

(a) Executive Director, National Historical Publications and Records Commission.

Section 213.3248 National Aeronautics and Space Administration

(a) Not to exceed 40 positions of Command Pilot, Pilot, and Mission Specialist candidates at grades GS–7 through 15 in the Space Shuttle Astronaut program. Employment under this authority may not exceed 3 years.

Section 213.3255 Social Security Administration

(a) Temporary and time-limited positions in the Ticket to Work and Work Incentives Advisory Panel. No employees may be appointed after November 17, 2007.

Section 213.3274 Smithsonian Institution

(a) (Reserved).

(b) *Freer Gallery of Art.* (1) Not to exceed four positions of Oriental Art Restoration Specialist at grades GS–9 through GS–15.

Section 213.3276 Appalachian Regional Commission

(a) Two Program Coordinators.

Section 213.3278 Armed Forces Retirement Home

(a) *Naval Home, Gulfport, Mississippi.* (1) One Resource Management Officer position and one Public Works Officer position, GS/GM–15 and below.

Section 213.3282 National Foundation on the Arts and the Humanities

(a) (Reserved).

(b) *National Endowment for the Humanities.* (1) Professional positions at grades GS–11 through GS–15 engaged in the review, evaluation, and administration of grants supporting scholarship, education, and public programs in the humanities, the duties of which require indepth knowledge of a discipline of the humanities.

Section 213.3291 Office of Personnel Management

(a) Not to exceed eight positions of Associate Director at the Executive Seminar Centers at grades GS–13 and GS–14. Appointments may be made for any period up to 3 years and may be extended without prior approval for any individual. Not more than half of the authorized faculty positions at any one Executive Seminar Center may be filled under this authority.

(b) Twelve positions of faculty members at grades GS–13 through 15, at the Federal Executive Institute. Initial appointments under this authority may be made for any period up to 3 years and may be extended in 1-, 2-, or 3-year increments indefinitely thereafter.

Schedule C

Section 213.3303 Executive Office of the President

Council of Economic Advisers

CEGS60001 Confidential Assistant to the Chairman, Council of Economic Advisers

CEGS60004 Confidential Assistant to the Chairman, Council of Economic Advisers

CEGS60005 Administrative Operations Assistant to the Member (Council of Economic Advisers)

Council on Environmental Quality

EQGS00011 Associate Director for Global Environmental Affairs to the Chairman (Council on Environmental Quality)

EQGS60010 Associate Director for Communications to the Chairman (Council on Environmental Quality)

EQGS60012 Research Assistant to the Chairman (Council on Environmental Quality)

EQGS60017 Special Assistant to the Chairman (Council on Environmental Quality)

Office of Management and Budget

BOGS00022 Confidential Assistant to the Executive Associate Director

BOGS00038 Legislative Analyst to the Associate Director for Legislative Affairs

BOGS60004 Associate Administrator to the Administrator, Office of Information and Regulatory Affairs

BOGS60015 Public Affairs Officer to the Associate Director for Communications

BOGS60020 Special Assistant to the Associate Director for E-Government and Information Technology

BOGS60021 Counselor to the Deputy Director for Management to the Deputy Director for Management

BOGS60026 Confidential Assistant to the Assistant Director for Administration

BOGS60028 Legislative Assistant to the Associate Director for Legislative Affairs

BOGS60030 Confidential Assistant to the Associate Director for E-Government and Information Technology

BOGS60032 Public Affairs Specialist to the Associate Director for Communications

BOGS60035 Confidential Assistant to the Controller, Office of Federal Financial Management
BOGS60037 Associate General Counsel to the General Counsel
BOGS60141 Deputy to the Associate Director for Legislative Affairs (Senate) to the Associate Director for Legislative Affairs
BOGS60143 Deputy to the Associate Director for Legislative Affairs (House) to the Associate Director for Legislative Affairs
BOGS60146 Special Assistant to the Chief Transportation Branch
BOGS60148 Confidential Assistant to the Associate Director for National Security and International Affairs
BOGS60149 Confidential Assistant to the Associate Director for Legislative Affairs

Office of National Drug Control Policy

QQGS00010 Special Assistant to the Director
QQGS00011 Writer-Editor (Speech-Writer) to the Director, Public Affairs
QQGS00013 Project Coordinator to the Chief of Staff
QQGS00014 Confidential Counsel to the Deputy Director, Demand Reduction to the Deputy Director for Demand Reduction
QQGS00015 Associate Deputy Director, State and Local Affairs to the Deputy Director for State and Local Affairs
QQGS00082 Legislative Analyst to the Associate Director, Legislative Affairs
QQGS60002 Legislative Analyst (White House Liaison) to the Associate Director, Legislative Affairs
QQGS60003 Deputy Press Secretary to the Director
QQGS60005 Press Secretary (Assistant Director) to the Director
QQGS60006 Special Assistant to the Director
QQGS60007 Special Assistant to the Director

Office of the United States Trade Representative

TNGS00055 Deputy Assistant United States Trade Representative for Congressional Affairs to the Assistant United States Trade Representatives for Congressional Affairs
TNGS00070 Deputy Assistant United States Trade Representative for Congressional Affairs to the Assistant United States Trade Representatives for Congressional Affairs
TNGS60011 Confidential Assistant to the Chief of Staff
TNGS60013 Confidential Assistant to the Chief Agriculture Negotiator
TNGS60019 Special Textile Negotiator to the United States Trade Representative
TNGS60046 Public Affairs Specialist to the Associate United States Trade Representative for Policy and Communications

Office of Science and Technology Policy

TSGS60005 Executive Assistant for Policy and Intergovernmental Affairs to the Associate Director, Science
TSGS60017 Executive Director, President's Council of Advisors on Science and Technology and Counsel to the Associate Director, Science
TSGS60021 Confidential Assistant to the Chief of Staff
TSGS60022 Confidential Assistant (Director's Office) to the Deputy to the Associate Director Science
TSGS60028 Assistant to the Director for Communications to the Deputy to the Associate Director, Science

Section 213.3304 Department of State

BWGS60001 Confidential Assistant to the Assistant Secretary Oceans, International Environment and Science Affairs
DSGS00142 Program Support Assistant to the Chief of Protocol
DSGS00425 Foreign Affairs Officer to the Assistant Secretary Bureau of Politico-Military Affairs
DSGS60009 Special Assistant to the Secretary of State
DSGS60043 Foreign Affairs Research Analyst to the Assistant Secretary for International and Research
DSGS60098 Program Officer (Director of Press Center) to the Principal Deputy Assistant Secretary
DSGS60105 Special Assistant to the Under Secretary for Arms Control and Security Affairs
DSGS60106 Special Assistant to the Under Secretary for Arms Control and Security Affairs
DSGS60107 Member, Policy Planning Staff to the Director, Policy Planning Staff
DSGS60110 Special Assistant to the Principal Deputy Assistant Secretary
DSGS60111 Public Affairs Specialist to the Principal Deputy Assistant Secretary
DSGS60112 Staff Assistant to the Director, Policy Planning Staff
DSGS60118 Special Assistant to the Deputy Secretary
DSGS60119 Special Advisor to the Assistant Secretary for East Asian and Pacific Affairs
DSGS60123 Special Assistant to the Office Director
DSGS60126 Staff Assistant to the Deputy Secretary
DSGS60128 Protocol Officer to the Chief of Protocol
DSGS60131 Special Assistant to the Legal Adviser
DSGS60132 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60133 Public Affairs Specialist to the Principal Deputy Assistant Secretary
DSGS60146 Public Affairs Specialist to the Principal Deputy Assistant Secretary
DSGS60152 Supervisory Foreign Affairs Officer to the Under Secretary for Global Affairs
DSGS60153 Staff Assistant to the Secretary of State
DSGS60154 Assistant Chief of Protocol for Ceremonials to the Chief of Protocol
DSGS60156 Confidential Assistant to the Secretary of State
DSGS60159 Staff Assistant to the Assistant Secretary Oceans, International Environment and Science Affairs
DSGS60160 Staff Assistant to the Assistant Secretary for Democracy Human Rights and Labor
DSGS60161 Staff Assistant to the Ambassador-At-Large (War Crimes)
DSGS60162 Staff Assistant to the Assistant Secretary
DSGS60166 Attorney Advisor to the Deputy Assistant Secretary for Equal Employ Opportunity
DSGS60177 Special Assistant to the Under Secretary for Arms Control and Security Affairs
DSGS60182 Special Assistant to the Assistant Secretary for African Affairs
DSGS60184 Special Assistant to the Deputy Secretary
DSGS60191 Senior Policy Advisor to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60192 Staff Assistant to the Under Secretary for Arms Control and Security Affairs
DSGS60194 Senior Advisor to the Under Secretary for Arms Control and Security Affairs
DSGS60195 Special Assistant to the Assistant Secretary
DSGS60201 Staff Assistant to the Under Secretary for Global Affairs
DSGS60216 Senior Advisor to the Assistant Secretary for Western Hemispheric Affairs
DSGS60224 Senior Advisor to the Assistant Secretary for South Asian Affairs
DSGS60248 Senior Advisor to the Coordinator for International Information Programs
DSGS60249 Staff Assistant to the Deputy Secretary
DSGS60264 Public Affairs Specialist to the Principal Deputy Assistant Secretary

DSGS60267 Foreign Affairs Officer to the Principal Deputy Assistant Secretary
DSGS60292 Special Assistant to the Chief Financial Officer
DSGS60315 Senior Advisor to the Assistant Secretary for Democracy Human Rights and Labor
DSGS60317 Senior Policy Advisor to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60319 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60327 Staff Assistant to the Under Secretary for Arms Control and Security Affairs
DSGS60345 Public Affairs Specialist to the Principal Deputy Assistant Secretary
DSGS60355 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60357 Protocol Officer (Visits) to the Deputy Chief of Protocol
DSGS60360 Senior Advisor to the Deputy Assistant Secy for Public Affairs
DSGS60367 Special Advisor to the Under Secretary for Arms Control and Security Affairs
DSGS60370 Program Officer to the Principal Deputy Assistant Secretary
DSGS60371 Staff Assistant to the Under Secretary for Management
DSGS60375 Correspondence Specialist to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60380 Public Affairs Specialist to the Principal Deputy Assistant Secretary
DSGS60381 Supervisory Protocol Officer (Visits) to the Deputy Chief of Protocol
DSGS60388 Special Assistant to the Deputy Assistant Secretary
DSGS60389 Senior Advisor to the Assistant Secretary
DSGS60390 Special Assistant to the Chief Financial Officer
DSGS60393 Special Assistant to the Deputy Assistant Secretary
DSGS60394 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60395 Director, Art in Embassies Program to the Deputy Assistant Secretary
DSGS60396 Program Officer to the Assistant Secretary
DSGS60399 Confidential Assistant to the Secretary of State
DSGS60409 Public Affairs Specialist to the Assistant Secretary for Western Hemispheric Affairs
DSGS60410 Senior Advisor to the Assistant Secretary for Western Hemispheric Affairs
DSGS60419 Staff Assistant to the Chief Financial Officer
DSGS60420 Special Assistant to the Assistant Secretary
DSGS60421 Member, Policy Planning Staff to the Director, Policy Planning Staff
DSGS60429 Special Assistant to the Under Secretary for Arms Control and Security Affairs
DSGS60430 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60434 Special Assistant to the Senior Advisor to the Secretary and White House Liaison
DSGS60437 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60441 Special Assistant to the Principal Deputy Coordinator
DSGS60445 Special Advisor to the Assistant Secretary for Democracy Human Rights and Labor
DSGS60447 Foreign Affairs Officer to the Assistant Secretary for Western Hemispheric Affairs
DSGS60450 Special Assistant to the Under Secretary for Public Diplomacy and Public Affairs
DSGS60454 Member, Policy Planning Staff to the Director, Policy Planning Staff
DSGS60455 Special Assistant to the Deputy Secretary
DSGS60456 Staff Assistant to the Assistant Secretary for East Asian and Pacific Affairs
DSGS60466 Foreign Affairs Officer to the Assistant Secretary for Western Hemispheric Affairs
DSGS60474 Public Affairs Specialist to the Assistant Secretary for International Organizational Affairs
DSGS60477 Special Assistant to the Assistant Secretary for African Affairs
DSGS60479 Senior Technical Advisor to the Office Director
DSGS60481 Administrative Officer to the Under Secretary for Management
DSGS60486 Foreign Affairs Officer to the Assistant Secretary for Democracy Human Rights and Labor
DSGS60490 Staff Assistant to the Senior Advisor to the Secretary and White House Liaison
DSGS60493 Special Assistant to the Assistant Secretary for African Affairs
DSGS60498 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs
DSGS60499 Senior Advisor to the Assistant Secretary
DSGS60500 Foreign Affairs Officer to the Assistant Secretary for European and Canadian Affairs
DSGS60503 Special Assistant to the Assistant Secretary for East Asian and Pacific Affairs
DSGS60505 Resource, Plans and Policy Advisor to the Chief Financial Officer
DSGS60510 Special Assistant to the Chief Financial Officer
DSGS60514 Foreign Affairs Officer to the Assistant Secretary for International and Research
DSGS60519 Public Affairs Specialist to the Principal Deputy Assistant Secretary
DSGS60520 Director, Office of Public Liaison to the Assistant Secretary for Public Affairs
DSGS60526 Special Assistant to the Assistant Secretary for African Affairs
DSGS60528 Special Assistant to the Chief of Protocol
DSGS60542 Public Affairs Specialist to the Assistant Secretary for Public Affairs
DSGS60556 Special Advisor to the Assistant Secretary for International Organizational Affairs
DSGS60567 Senior Advisor to the Assistant Secretary for Near Eastern and South Asian Affairs
DSGS60587 Special Assistant to the Assistant Secretary Bureau of Politico-Military Affairs
DSGS60589 Special Adviser to the Assistant Secretary for International Organizational Affairs
DSGS60591 Public Affairs Specialist (Press Officer) to the Principal Deputy Assistant Secretary

Section 213.3305 Department of the Treasury

DYGS00321 Financial Analyst to the Director, Office of Specialized Development Institutions
DYGS00328 Deputy Assistant Secretary (Policy Coordination) to the Assistant Secretary (Economic Policy)
DYGS00356 Director, Critical Infrastructure Policy and Compliance Policy to the Deputy Assistant Secretary (Critical Infrastructure Protection and Compliance Policy)
DYGS00375 Director of Legislative and Governmental Affairs to the Director of the Mint
DYGS00377 Special Assistant to the Chief of Staff
DYGS00400 Special Assistant to the Assistant Secretary (Management) and Chief Financial Officer
DYGS00416 Special Assistant to the Deputy Assistant Secretary for Management and Budget
DYGS00423 Special Assistant to the Director of Strategic Planning, Scheduling and Advance

DYGS00424 Senior Advisor to the Assistant Secretary (Economic Policy)
DYGS00425 Special Assistant to the Assistant Secretary (Deputy Under Secretary) International Affairs
DYGS00429 Executive Assistant to the Secretary
DYGS00430 Senior Advisor to the Under Secretary for Domestic Finance
DYGS00431 Senior Advisor to the Deputy Assistant Secretary for Management and Budget
DYGS00432 Special Assistant to the Deputy Assistant Secretary and Chief Human Capital Officer
DYGS60139 Director of Strategic Planning, Scheduling and Advance to the Chief of Staff
DYGS60230 Public Affairs Specialist to the Director, Public Affairs
DYGS60250 Director, Public Affairs to the Deputy Assistant Secretary (Public Affairs)
DYGS60277 Speechwriter to the Assistant Secretary (Public Affairs and Public Liaison)
DYGS60307 Special Assistant to the Treasurer of the United States
DYGS60317 Public Affairs Specialist to the Director, Public Affairs
DYGS60318 Deputy to the Assistant Secretary to the Assistant Secretary (Deputy Under Secretary) Legislative Affairs
DYGS60351 Public Affairs Specialist to the Director, Public Affairs
DYGS60359 Senior Advisor for Latin American and Caribbean Nations to the Assistant Secretary (Deputy Under Secretary) International Affairs
DYGS60362 Special Assistant to the Assistant Secretary (Financial Institutions)
DYGS60364 Deputy Assistant Secretary to the Assistant Secretary (Financial Institutions)
DYGS60381 Special Assistant to the Assistant Secretary (Deputy Under Secretary) Legislative Affairs
DYGS60395 Deputy Executive Secretary for Policy Coordination to the Executive Secretary
DYGS60396 Senior Advisor to the Deputy Assistant Secretary (Public Liaison) to the Deputy Assistant Secretary (Public Liaison)
DYGS60401 Special Assistant for Advance to the Director of Strategic Planning, Scheduling and Advance
DYGS60404 Senior Advisor to the Assistant Secretary (Financial Institutions)
DYGS60405 Special Assistant to the Assistant Secretary (Deputy Under Secretary) Legislative Affairs
DYGS60411 Special Assistant to the Assistant Secretary (Public Affairs and Public Liaison)
DYGS60412 Special Assistant for Advance to the Director of Strategic Planning, Scheduling and Advance
DYGS60417 Senior Advisor to the Principal Deputy Assistant Secretary (Government Financial Policy)
DYGS60418 Special Assistant to the Deputy Chief of Staff
DYGS60421 Special Assistant to the Assistant Secretary (Deputy Under Secretary) Legislative Affairs
DYGS61059 Tax Legislative Advisor to the Assistant Secretary (Tax Policy)

Section 213.3306 Office of the Secretary of Defense

DDGS00463 Special Assistant to the Principal Deputy Under Secretary of Defense (Comptroller) and Deputy Under Secretary of Defense (Management Reform)
DDGS00612 Special Assistant to the Director, Program Analysis and Evaluation to the Director, Program Analysis and Evaluation
DDGS00658 Staff Assistant to the Deputy Assistant Secretary of Defense (Eurasia)
DDGS00661 Staff Assistant to the Assistant Secretary of Defense (International Secretary Policy)
DDGS00663 Staff Assistant and Regional Director for the Levant to the Deputy Under Secretary of Defense (Special Plans and Near East/South Asian Affairs)
DDGS00664 Staff Assistant to the Assistant Secretary of Defense (International Secretary Policy)
DDGS00665 Staff Assistant to the Principal Deputy Assistant Secretary of Defense (Special Operations/Low Intensity Conflict)
DDGS00673 Staff Assistant to the Deputy Under Secretary of Defense (Special Plans and Near East/South Asian Affairs)
DDGS00682 Staff Assistant to the Deputy Assistant Secretary of Defense (Asia and Pacific)
DDGS00685 Staff Assistant to the Deputy Under Secretary of Defense (Special Plans and Near East/South Asian Affairs)
DDGS00688 Special Assistant to the Principal Deputy Under Secretary of Defense for Policy to the Principal Deputy Under Secretary of Defense for Policy
DDGS02518 Chief of Staff to the Inspector General
DDGS16620 Staff Specialist to the Director, Small and Disadvantaged Business Utilities
DDGS16638 Special Advisor to the Under Secretary of Defense (Policy) to the Under Secretary of Defense for Policy
DDGS16648 Confidential Assistant to the Assistant Secretary of Defense (Command, Control, Community and Intelligence)
DDGS16651 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS16652 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS16653 Protocol Officer to the Director of Protocol
DDGS16654 Staff Assistant to the Deputy Assistant Secretary of Defense (Eurasia)
DDGS16657 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS16660 Director of Assessments to the Deputy Under Secretary of Defense (International Technology Security)
DDGS16666 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS16667 Public Affairs Specialist to the Deputy Assistant Secretary of Defense for Public Affairs (Communications)
DDGS16668 Special Assistant to the Assistant Secretary of Defense (Public Affairs)
DDGS16669 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS16670 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS16679 Staff Specialist to the Deputy Under Secretary of Defense (Logistics and Materiel Readiness)
DDGS16683 Staff Assistant to the Deputy Under Secretary of Defense (Special Plans and Near East/South Asian Affairs)
DDGS16685 Administrative Assistant to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS16689 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS16693 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS16707 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60001 Staff Specialist to the Under Secretary of Defense (Acquisition, Technology, and Logistics)

Section 213.336 Office of the Secretary of Defense

DDGS60003 Special Assistant to the Deputy Under Secretary of Defense (International Technology Security)
DDGS60007 Personal and Confidential Assistant to the Assistant to the Secretary of Defense (Nuclear,

Chemical and Biological Defense Programs)
DDGS60033 Personal Secretary to the Deputy Secretary of Defense
DDGS60270 Confidential Assistant to the Executive Secretary to the Senior Executive Council
DDGS60271 Private Secretary to the Assistant Secretary of Defense (Reserve Affairs)
DDGS60273 Civilian Executive Assistant to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60274 Staff Assistant to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60275 Confidential Assistant to the Assistant Secretary of Defense (Force Management Policy)
DDGS60278 Special Assistant to the Inspector General
DDGS60280 Special Assistant to the Principal Deputy Assistant Secretary of Defense (Legal Affairs)
DDGS60283 Special Assistant to the Principal Deputy Assistant Secretary of Defense (Legal Affairs)
DDGS60305 Personal and Confidential Assistant to the Under Secretary of Defense (Personnel and Readiness)
DDGS60307 Confidential Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense
DDGS60312 Director, Cooperative Threat Reduction to the Assistant Secretary of Defense (International Secretary Policy)
DDGS60314 Coordinator of Reserve Integration to the Principal Deputy Assistant Secretary of Defense (Reserve Affair)
DDGS60317 Director of Protocol to the Special Assistant to the Secretary and Deputy Secretary of Defense
DDGS60318 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60319 Confidential Assistant to the Deputy Secretary of Defense
DDGS60320 Personal and Confidential Assistant to the Secretary of Defense
DDGS60332 Personal and Confidential Assistant to the Assistant Secretary of Defense (International Security Affairs)
DDGS60333 Speechwriter to the Special Assistant for Speechwriting
DDGS60368 Personal and Confidential Assistant to the Assistant Secretary of Defense (Legislative Affairs)
DDGS60454 Special Assistant to the Director of Net Assessment
DDGS60456 Director, Management Initiatives to the Under Secretary of Defense (Personnel and Readiness)
DDGS60457 Special Assistant (Joint Chiefs of Staff) to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60469 Special Assistant (Communications) to the Principal Deputy Assistant Secretary of Defense (Legal Affairs)
DDGS60470 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60471 Public Affairs Specialist to the Deputy Assistant Secretary of Defense (Strategic Communications Planning)
DDGS60473 Personal and Confidential Assistant to the Assistant Secretary of Defense (International Security Affairs)
DDGS60474 Special Assistant to the Principal Deputy Assistant Secretary of Defense (Special Operations/Low Intensity Conflict)
DDGS60475 Staff Assistant to the Deputy Assistant Secretary of Defense (Forces Policy)
DDGS60518 Public Affairs Specialist to the Assistant Secretary of Defense Public Affairs
DDGS60520 Special Assistant to the Deputy Assistant Secretary of Defense (Prisoners of War/Military Police)/ Director, Prisoners of War Missing Persons Office
DDGS60530 Writer-Editor to the Public Affairs Specialist
DDGS60580 Staff Assistant to the Assistant Secretary of Defense (International Secretary Policy)
DDGS60584 Writer-Editor to the Assistant Secretary of Defense Public Affairs
DDGS60585 Special Assistant to the Assistant Secretary of Defense Public Affairs
DDGS60611 Personal and Confidential Assistant to the Secretary of Defense
DDGS60615 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60620 Speech Writer to the Special Assistant for Speechwriting
DDGS60621 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60623 Public Affairs Specialist to the Assistant Secretary of Defense Public Affairs
DDGS60625 Executive Assistant to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60643 Personal and Confidential Assistant to the Under Secretary of Defense (Acquisition, Technology, and Logistics)
DDGS60650 Electronic Commerce Specialist to the Deputy Assistant Secretary of Defense (Deputy Chief Information Officer)
DDGS60651 Personal and Confidential Assistant to the Under Secretary of Defense (Comptroller)
DDGS60668 Public Affairs Specialist to the Deputy Assistant Secretary of Defense (Strategic Communications Planning)
DDGS60669 Public Affairs Specialist to the Deputy Assistant Secretary of Defense (Strategic Communications Planning)
DDGS60672 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60677 Research Assistant to the Deputy Assistant Secretary of Defense (Strategic Communications Planning)
DDGS60680 Confidential Assistant to the Deputy Secretary of Defense
DDGS60686 Personal and Confidential Assistant to the General Counsel
DDGS60687 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60690 Personal and Confidential Assistant to the Secretary of Defense
DDGS60691 Special Policy Advisor to the Under Secretary of Defense for Policy
DDGS60694 Staff Assistant to the Assistant Secretary of Defense (International Security Affairs)
DDGS60695 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60697 Deputy White House Liaison to the Special Assistant to the Secretary of Defense for White House Liaison
DDGS60699 Special Advisor to the Under Secretary of Defense for Policy

Section 213.3307 Department of the Army

DWGS00080 Confidential Assistant to the General Counsel
DWGS00081 Assistant for Water Resources Policy to the Deputy Assistant Secretary of the Army (Legislation)
DWGS00085 Personal and Confidential Assistant to the Assistant Secretary Army (Installations, Logistics and Environment)
DWGS60001 Executive Staff Assistant to the Secretary of the Army
DWGS60002 Special Assistant to the Secretary of the Army
DWGS60003 Special Assistant to Army General Counsel
DWGS60005 Confidential Assistant to the Under Secretary of the Army
DWGS60006 Special Assistant to the Assistant Secretary of the Army (Installations, Logistics and Environment)
DWGS60025 Personal and Confidential Assistant to the Assistant Secretary of the Army (Financial Management and Comptroller)
DWGS60026 Special Assistant to the General Counsel

Section 213.3308 Department of the Navy

DNGS00064 Confidential Assistant to the Assistant Secretary of Navy (Installations and Environment)
DNGS00070 Confidential Assistant to the Assistant Secretary of the Navy (Research Development and Acquisition)
DNGS60001 Residence Manager and Social Secretary to the Deputy Assistant Secretary of the Navy (Installations and Facilities)
DNGS60056 Confidential Assistant to the Assistant Secretary Financial Management
DNGS60066 Staff Assistant to the Secretary of the Navy
DNGS60071 Special Assistant to the Secretary of the Navy

Section 213.3309 Department of the Air Force

DFGS60007 Confidential Assistant to the Assistant Secretary (Financial Management and Comptroller)
DFGS60042 Special Assistant for Community Relations to the Special Assistant for Policy and Planning
DFGS60044 Confidential Assistant to the Secretary

Section 213.3310 Department of Justice

DJGS00030 Research Assistant to the Director, Office of Public Affairs
DJGS00031 Special Assistant to the Assistant Attorney General Criminal Division
DJGS00032 Public Affairs Specialist to the Director, Office of Public Affairs
DJGS00033 Counsel to the Assistant Attorney General
DJGS00035 Counsel (Senior Attorney) to the Administrator, Drug Enforcement Administration
DJGS00076 Public Affairs Specialist to the United States Attorney
DJGS00101 Special Assistant to the Director, Office of Public Affairs
DJGS00116 Special Assistant to the Director
DJGS00141 Special Assistant to the Assistant Attorney General Criminal Division
DJGS00191 Counsel to the Assistant Attorney General Civil Division
DJGS00216 Special Assistant to the Director of the Bureau of Justice Assistance
DJGS00218 Special Assistant to the Assistant Attorney General for Justice Programs

Section 213.3310 Department of Justice

DJGS00219 Principal Deputy Director to the Director of the Bureau of Justice Assistance
DJGS00235 Senior Advisor to the Director, Office of Public Affairs
DJGS00275 Counsel to the Assistant Attorney General (Legal Policy)
DJGS00282 Special Assistant to the Assistant Attorney General (Legal Policy)
DJGS00330 Special Assistant to the Director
DJGS00332 Special Assistant to the Assistant Attorney General
DJGS00380 Principal Deputy Director to the Director, Office of Public Affairs
DJGS00440 Staff Assistant to the Assistant Attorney General Tax Division
DJGS00441 Counsel to the Assistant Attorney General Tax Division
DJGS60014 Deputy Administrator to the Administrator Juvenile Justice Delinquency Prevention
DJGS60015 Deputy Director to the Director, National Institute of Justice
DJGS60016 Staff Assistant to the Director, Bureau of Justice Statistics
DJGS60017 Special Assistant to the Director, Office of Domestic Preparedness
DJGS60019 Special Assistant to the Chairman
DJGS60020 Director, Office of Police Corps and Law Enforcement Education to the Principal Deputy Assistant Attorney General
DJGS60023 Special Assistant for International Protocol to the Director, Office of International Affairs
DJGS60024 Special Assistant to the Administrator, Drug Enforcement Administration
DJGS60038 Secretary (Office Automation) to the United States Attorney
DJGS60040 Secretary (Office Automation) to the United States Attorney
DJGS60070 Attorney Advisor to the Assistant Attorney General Civil Division
DJGS60115 Special Assistant to the Director
DJGS60129 Special Counsel to the Assistant Attorney General
DJGS60144 Special Assistant to the Solicitor General
DJGS60165 Counsel to the Associate Attorney General to the Associate Attorney General
DJGS60172 Secretary (Office Automation) to the United States Attorney
DJGS60173 Secretary (Office Automation) to the United States Attorney
DJGS60174 Secretary (Office Automation) to the United States Attorney
DJGS60176 Public Affairs Specialist to the Director, Office of Public Affairs
DJGS60187 Counsel to the Assistant Attorney General Civil Division
DJGS60188 Attorney Advisor to the Assistant Attorney General Civil Division
DJGS60189 Attorney Advisor to the Assistant Attorney General Civil Division
DJGS60190 Senior Counsel to the Assistant Attorney General (Legal Policy)
DJGS60198 Special Assistant to the Assistant Attorney General Criminal Division
DJGS60199 Counsel to the Director, Office of International Affairs
DJGS60208 Confidential Assistant to the Director, Office of Public Affairs
DJGS60233 Attorney Advisor to the Assistant Attorney General Civil Division
DJGS60242 Attorney Advisor to the Assistant Attorney General Civil Division
DJGS60246 Counsel to the Assistant Attorney General Environment and Natural Resources
DJGS60256 Senior Counsel for Voting Reform to the Assistant Attorney General
DJGS60266 Press Aide to the Director, Office of Public Affairs
DJGS60267 Counsel to the Assistant Attorney General to the Assistant Attorney General
DJGS60268 Counsel to the Assistant Attorney General
DJGS60270 Special Assistant to the Assistant Attorney General
DJGS60272 Deputy Director and Counsel, Faith-Based Task Force to the Principal Deputy Assistant Attorney General
DJGS60277 Director of Scheduling and Advance to the Attorney General
DJGS60279 Deputy Director to the Senior Counsel to the Assistant Attorney General
DJGS60293 Special Assistant to the Deputy Attorney General
DJGS60322 Counsel to the Assistant Attorney General (Legal Policy)
DJGS60346 Deputy Director and Senior Advisor to the Director, Office of Public Affairs
DJGS60367 Confidential Assistant to the Attorney General
DJGS60383 Assistant to the Attorney General, Scheduling and Advance to the Director of Scheduling and Advance
DJGS60388 Staff Assistant to the Director
DJGS60406 Public Affairs Spec to the Director, Office of Public Affairs
DJGS60409 Staff Assistant to the Assistant Attorney General for Justice Programs
DJGS60417 Public Affairs Specialist to the United States Attorney

DJGS60418 Secretary (Office Automation) to the United States Attorney
DJGS60420 Secretary (Office Automation) to the United States Attorney
DJGS60423 Secretary (Office Automation) to the United States Attorney
DJGS60426 Secretary (Office Automation) to the United States Attorney
DJGS60427 Secretary (Office Automation) to the United States Attorney
DJGS60429 Secretary (Office Automation) to the United States Attorney
DJGS60430 Secretary (Office Automation) to the United States Attorney
DJGS60436 Secretary (Office Automation) to the United States Attorney
DJGS60437 Secretary (Office Automation) to the United States Attorney
DJGS60439 Senior Advisor to the Assistant Attorney General Tax Division
DJGS60445 Special Assistant to the Director, Community Relations Service
DJGS60448 Secretary (Office Automation) to the United States Attorney

Section 213.3311 Department of Homeland Security

DMGS00002 Scheduler to the Secretary of the Department of Homeland Security
DMGS00004 Executive Assistant to the Secretary of the Department of Homeland Security
DMGS00005 Executive Assistant to the Secretary of the Department of Homeland Security
DMGS00009 White House Liaison to the Chief of Staff
DMGS00010 Deputy White House Liaison to the White House Liaison
DMGS00012 Special Assistant for Special Projects to the Chief of Staff
DMGS00013 Special Assistant to the Assistant Secretary for Public Affairs
DMGS00014 Special Assistant to the Assistant Secretary for Public Affairs
DMGS00015 Speechwriter to the Assistant Secretary for Public Affairs
DMGS00016 Assistant Press Secretary to the Assistant Secretary for Public Affairs
DMGS00017 Executive Assistant to the Inspector General
DMGS00018 Special Assistant to the Under Secretary for Border and Transportation Security
DMGS00019 Executive Secretariat to the Under Secretary for Border and Transportation Security
DMGS00021 Press Secretary to the Assistant Secretary for Public Affairs
DMGS00022 Advance Representative to the Chief of Staff
DMGS00024 Business Liaison to the Special Assistant
DMGS00026 Staff Assistant to the Special Assistant
DMGS00027 Scheduler to the Secretary of the Department of Homeland Security
DMGS00028 Personal Assistant to the Secretary of the Department of Homeland Security
DMGS00029 Research Assistant to the Assistant Secretary for Public Affairs
DMGS00041 Executive Assistant to the Under Secretary for Science and Technology
DMGS00043 Policy Analyst to the Under Secretary for Border and Transportation Security
DMGS00044 Special Assistant to the Assistant Secretary for Infrastructure Protection
DMGS00045 Staff Assistant to the Under Secretary for Science and Technology
DMGS00046 Information Technology Specialist (Internet) to the Assistant Secretary for Public Affairs
DMGS00047 Staff Assistant to the Director, State and Local Affairs
DMGS00049 Press Secretary (Science and Technology) to the Assistant Secretary for Public Affairs
DMGS00050 Director of Speechwriting to the Assistant Secretary for Public Affairs
DMGS00051 Business Analyst to the Special Assistant
DMGS00056 Scheduler to the Under Secretary for Management
DMGS00057 Director, Local Affairs to the Director, State and Local Affairs
DMGS00058 Special Assistant to the Director, Bureau of Citizenship and Immigration Services
DMGS00059 Director for State Affairs to the Director, State and Local Affairs
DMGS00060 Executive Assistant to the Assistant Secretary for Plans, Programs and Budgets
DMGS00061 Press Assistant to the Assistant Secretary for Public Affairs
DMGS00063 Business Liaison to the Special Assistant
DMGS00066 Associate Executive Secretary (Internal Coordination) to the Executive Secretary
DMGS00067 Deputy Press Secretary to the Assistant Secretary for Public Affairs
DMGS00068 Staff Assistant to the Deputy Secretary of the Department of Homeland Security
DMGS00069 Special Assistant to the Under Secretary for Management
DMGS00073 Staff Assistant to the Executive Secretary
DMGS00080 Director of Communications for Immigration and Customs Enforcement to the Assistant Secretary for Public Affairs
DMGS00081 Executive Assistant to the Executive Director, Homeland Security Advisory Council
DMGS00085 Confidential Assistant to the Assistant Secretary for Information Analysis
DMGS00089 Executive Assistant to the Under Secretary for Emergency Preparedness and Response
DMGS70008 Deputy Chief of Staff/ White House Liaison to the Director, Federal Emergency Management Agency
DMGS70009 Special Assistant to the Chief Information Officer to the Assistant Director/Chief Information Officer
DMGS70011 Advisor for Media Affairs to the Director
DMGS70014 Special Assistant to the Division Director
DMGS70015 Special Assistant to the Deputy Director, Federal Emergency Management Agency
DMGS70018 Special Assistant (Coordination/Advance) to the Director, Federal Emergency Management Agency
DMGS70019 Executive Assistant to the Assistant Director
DMGS70020 Staff Assistant to the Assistant Director
DMGS70023 Assistant Division Director, Congressional and Intergovernmental Affairs to the Director, Congressional and Intergovernmental Affairs
DMGS72017 Deputy Director, Public Affairs Division to the Director

Section 213.3312 Department of the Interior

DIGS01000 Special Assistant to the Director Minerals Management Service
DIGS01001 Special Assistant—Scheduling and Advance to the Director of Scheduling and Advance
DIGS01003 Special Assistant—Lewis and Clark to the Director, External and Intergovernmental Affairs
DIGS01009 Press Secretary to the Director, Office of Communications
DIGS01010 Special Advisor for Economic Policy to the Deputy Assistant Secretary—Insular Affairs
DIGS01013 Special Assistant to the White House Liaison
DIGS01016 Counselor to the Assistant Secretary—Indian Affairs to the Assistant Secretary of Indian Affairs

DIGS01017 Hispanic Media Outreach Coordinator to the Director, Office of Communications
DIGS60019 Deputy Director to the Director, External and Intergovernmental Affairs
DIGS60025 Special Assistant to the Secretary
DIGS60037 Hispanic Media Outreach Coordinator to the Director, Office of Communications
DIGS60068 Associate Director to the Director, Congressional and Legislative Affairs
DIGS60073 Speechwriter to the Director, Office of Communications
DIGS60075 Chief, Congressional and Legislative Affairs to the Director, External and Intergovernmental Affairs
DIGS60086 Special Assistant to the Director Minerals Management Service
DIGS60091 Special Assistant to the Director, External and Intergovernmental Affairs
DIGS60092 Special Assistant to the Director, External and Intergovernmental Affairs
DIGS60095 Special Assistant-Communications to the Assistant Secretary of Indian Affairs
DIGS60103 Special Assistant to the Assistant Secretary of Indian Affairs
DIGS60118 Counselor to Assistant Secretary-Indian Affairs to the Assistant Secretary of Indian Affairs
DIGS60124 Special Assistant to the Director, United States Fish and Wildlife Service
DIGS60129 Special Assistant to the Assistant Secretary for Fish and Wildlife and Parks
DIGS60141 Director of Scheduling and Advance to the Chief of Staff
DIGS60150 Special Assistant to the Assistant Secretary Policy Management and Budget
DIGS60151 Special Assistant to the Deputy Secretary of the Interior
DIGS60490 Special Assistant (Advance) to the Deputy Chief of Staff
DIGS60518 Special Assistant to the Director Bureau of Land Management
DIGS60525 Special Assistant to the Assistant Secretary-Land and Minerals Management
DIGS60526 Special Assistant to the Chief of Staff
DIGS60531 Special Assistant to the Solicitor
DIGS60535 Special Assistant to the Assistant Secretary for Water and Science
DIGS60551 Special Assistant for Scheduling and Advance to the Deputy Chief of Staff
DIGS60559 Special Assistant for Scheduling and Advance to the Deputy Chief of Staff
DIGS60560 Associate Director—Senate to the Director, Congressional and Legislative Affairs
DIGS60561 Special Assistant to the Secretary for Alaska to the Chief of Staff
DIGS60567 White House Liaison to the Chief of Staff

Section 213.3313 Department of Agriculture

DAGS00139 Director of External Affairs to the Administrator for Risk Management
DAGS00154 Special Assistant to the Chief of Staff
DAGS00155 Deputy Executive Director, Center for Nutrition Policy and Promotion to the Executive Director, Center for Nutrition Policy and Promotion
DAGS00157 Special Assistant to the Under Secretary for Research, Education and Economics
DAGS00158 Director of Constituent Affairs to the Deputy Chief of Staff
DAGS00160 Special Assistant to the Administrator to the Administrator, Farm Service Agency
DAGS00161 Confidential Assistant to the Chief to the Chief, Natural Research Conservation Service
DAGS00164 Director of Web Design to the Deputy Chief of Staff
DAGS00165 Special Assistant for the Office of Homeland Security to the Secretary
DAGS00166 Confidential Assistant to the Confidential Assistant
DAGS00169 Director of Hispanic Outreach to the Deputy Chief of Staff
DAGS00170 Confidential Assistant to the Administrator to the Administrator for Risk Management
DAGS00171 Confidential Assistant to the Under Secretary for Rural Development
DAGS00172 Confidential Assistant to the Assistant Secretary for Congressional Relations
DAGS00174 Confidential Assistant to the Assistant Secretary for Congressional Relations
DAGS00176 Confidential Assistant to the Assistant Secretary for Congressional Relations
DAGS00178 Confidential Assistant to the Under Secretary for Marketing and Regulatory Programs
DAGS00179 Special Assistant to the Administrator for Risk Management
DAGS00181 Special Assistant to the Under Secretary for Natural Resources and Environment
DAGS00182 Special Assistant to the Chief to the Chief, Natural Research Conservation Service
DAGS00183 Director, Tobacco Programs to the Deputy Administrator
DAGS00184 Confidential Assistant to the Assistant Secretary for Congressional Relations
DAGS00185 Confidential Assistant to the Assistant Secretary for Congressional Relations
DAGS00186 White House Liaison to the Secretary
DAGS00187 Confidential Assistant to the Deputy Secretary
DAGS00188 Special Assistant to the Director, Intergovernmental Affairs
DAGS00189 Director, Native American Programs to the Assistant Secretary for Administration
DAGS00191 Special Assistant to the Administrator, Farm Service Agency
DAGS60035 Staff Assistant to the Administrator for Risk Management
DAGS60105 Confidential Assistant to the Chief of Staff
DAGS60110 Confidential Assistant to the Secretary
DAGS60111 Confidential Assistant to the Under Secretary for Marketing and Regulatory Programs
DAGS60114 Confidential Assistant to the Deputy Secretary
DAGS60116 Confidential Assistant to the Under Secretary for Rural Development
DAGS60119 Director, Legislative and Intergovernmental Affairs to the Under Secretary for Research, Education and Economics
DAGS60121 Confidential Assistant to the Chief Financial Officer
DAGS60123 Special Assistant to the Under Secretary for Natural Resources and Environment
DAGS60127 Confidential Assistant to the Assistant Secretary for Congressional Relations
DAGS60129 Special Assistant to the Administrator for Risk Management
DAGS60130 Confidential Assistant to the Deputy Assistant Secretary for Administration
DAGS60131 Director of Advance to the Director of Communications
DAGS60132 Special Assistant to the Under Secretary for Food Safety
DAGS60135 Confidential Assistant to the Administrator, Foreign Agricultural Service
DAGS60137 Special Assistant to the Administrator
DAGS60138 Special Assistant to the Administrator
DAGS60140 Confidential Assistant to the Director, Office of Small and Disadvantaged Business Utilization
DAGS60147 Confidential Assistant to the Administrator, Rural Housing Service
DAGS60151 Special Assistant to the Administrator for Risk Management
DAGS60159 Special Assistant to the Administrator, Foreign Agricultural Service

DAGS60231 Director, Legislative and Public Affairs Staff to the Deputy Under Secretary for Rural Development
DAGS60263 Special Assistant to the Chief, Natural Research Conservation Service
DAGS60275 Confidential Assistant to the Assistant Secretary for Congressional Relations
DAGS60332 Confidential Assistant to the Administrator
DAGS60355 Director of Speech Writing to the Director of Communications
DAGS60369 Staff Assistant to the Deputy Chief of Staff
DAGS60377 Confidential Assistant to the Administrator
DAGS60384 Confidential Assistant to the Secretary
DAGS60386 Special Assistant to the Administrator
DAGS60415 Confidential Assistant to the Administrator
DAGS60422 Confidential Assistant to the Administrator, Farm Service Agency
DAGS60427 Confidential Assistant to the Chief of Staff
DAGS60436 Confidential Assistant to the Administrator
DAGS60451 Special Assistant to the Administrator, Farm Service Agency
DAGS60486 Deputy Press Secretary to the Deputy Chief of Staff
DAGS60534 Confidential Assistant to the Director of Communications
DAGS60556 Confidential Assistant to the Administrator, Animal and Plant Health Inspection Service
DAGS60565 Confidential Assistant to the Administrator, Animal and Plant Health Inspection Service
DAGS60566 Confidential Assistant to the Administrator
DAGS60592 Special Assistant to the Administrator, Farm Service Agency

Section 213.3314 Department of Commerce

DCGS00072 Director, Intergovernmental Affairs to the Deputy Assistant Secretary for Programs Research and Evaluation
DCGS00160 Confidential Assistant to the Deputy Assistant Secretary for Export Promotion Services
DCGS00237 Special Assistant to the Assistant Secretary for Trade Development
DCGS00252 Confidential Assistant to the Director, Executive Secretariat
DCGS00267 Confidential Assistant to the Under Secretary for Export Administration
DCGS00275 Special Assistant to the Director, Office of Business Liaison
DCGS00321 Director, Office of Public Affairs to the Under Secretary for International Trade
DCGS00368 Congressional Affairs Specialist to the Director, Office of Legislative Affairs
DCGS00380 Confidential Assistant to the Deputy Assistant Secretary for Export Promotion Services
DCGS00388 Confidential Assistant to the Executive Director, Office of Export Assistance and Business Outreach
DCGS00444 Senior Advisor to the Assistant Secretary for Economic Development
DCGS00452 Confidential Assistant to the Chief of Staff
DCGS00462 Senior Counsel to the Assistant Secretary and Commissioner of Patents and Trademarks
DCGS00488 Special Assistant to the Director, Executive Secretariat
DCGS00507 Confidential Assistant to the Deputy Assistant Secretary for Export Promotion Services
DCGS00529 Policy Advisor to the Deputy Assistant Secretary for Energy, Environment and Materials
DCGS00531 Confidential Assistant to the Deputy Assistant Secretary for Transportation and Machinery
DCGS00536 Speechwriter to the Director for Speechwriting
DCGS00540 Confidential Assistant to the Deputy Chief of Staff
DCGS00570 Senior Policy Advisor to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning
DCGS00611 Senior Advisor to the Under Secretary for International Trade
DCGS00623 Special Assistant to the Assistant Secretary for Market Access and Compliance
DCGS00631 Policy Advisor to the Director, Office of Legislative Affairs
DCGS00652 Confidential Assistant to the Director of Public Affairs
DCGS00653 Deputy Director, Office of Public Affairs to the Director of Public Affairs
DCGS00658 Confidential Assistant to the Under Secretary for International Trade
DCGS00684 Director for Speechwriting to the Director of Public Affairs
DCGS00686 Director of Advance to the Chief of Staff
DCGS00689 Special Assistant to the Director, Office of External Affairs
DCGS60004 Deputy Director to the Director, Executive Secretariat
DCGS60173 Senior Advisor to the Assistant Secretary for Economic Development
DCGS60181 Senior Advisor to the Assistant Secretary for Telecommunications and Information
DCGS60189 Special Assistant to the Assistant Secretary for Telecommunications and Information
DCGS60193 Special Assistant to the Deputy Assistant Secretary for Service Industries, Tourism and Finance
DCGS60194 Special Assistant to the Chief of Staff
DCGS60225 Director, Congressional and Public Affairs to the Under Secretary for Export Administration
DCGS60228 Special Assistant for National Marine Fisheries Service to the Director, Office of Legislative Affairs
DCGS60232 Chief Counsel to the Assistant Secretary for Economic Development
DCGS60261 Deputy Communications Director to the Director of Communications
DCGS60276 Executive Assistant to the Under Secretary for Economic Affairs
DCGS60282 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs
DCGS60287 Confidential Assistant to the Assistant Secretary for Export Administration
DCGS60289 Intergovernmental Affairs Specialist to the Director—Office of Organization and Management Systems
DCGS60290 Special Assistant to the Director, Office of Business Liaison
DCGS60291 Public Affairs Specialist to the Deputy Director, Office of Public Affairs
DCGS60292 Legislative Affairs Specialist to the Assistant Secretary for Congressional and Intergovernmental Affairs
DCGS60302 Director of External Affairs to the Director, Office of Public and Constituent Affairs
DCGS60308 Special Assistant to the Executive Director, Office of Export Assistance and Business Outreach
DCGS60309 Senior Advisor to the Director, Minority Business Development Agency
DCGS60317 Confidential Assistant to the Assistant Secretary for Trade Development
DCGS60326 Confidential Assistant to the Deputy Assistant Secretary for Domestic Operations
DCGS60330 Special Assistant to the Director Advocacy Center
DCGS60342 Deputy Director to the Director, Office of White House Liaison
DCGS60343 Confidential Assistant to the Deputy Assistant Secretary for Export Promotion Services

DCGS60354 Public Affairs Specialist to the Assistant Secretary for Telecommunications and Information
DCGS60372 Senior Policy Advisor to the Under Secretary Oceans and Atmosphere (Administrator National Oceanic and Atmospheric Administration)
DCGS60384 Public Affairs Specialist to the Assistant Director for Operations
DCGS60385 Senior Analyst to the Director
DCGS60387 Confidential Assistant to the Director, Office of Legislative Affairs
DCGS60393 Legislative Affairs Specialist to the Assistant Secretary for Congressional and Intergovernmental Affairs
DCGS60396 Congressional Affairs Specialist to the Director, Office of Legislative Affairs
DCGS60402 Chief of Staff to the Under Secretary Oceans and Atmosphere (Administrator National Oceanic and Atmospheric Administration)
DCGS60409 Confidential Assistant to the Executive Assistant
DCGS60410 Executive Assistant to the Under Secretary for International Trade
DCGS60412 Director of Communications to the Assistant Secretary for Trade Development
DCGS60415 Congressional Affairs Specialist to the Director, Office of Legislative Affairs
DCGS60423 Special Assistant to the Assistant Secretary and Commissioner of Patents and Trademarks
DCGS60424 Legislative Affairs Specialist to the Under Secretary for International Trade
DCGS60445 Public Affairs Specialist to the Assistant Secretary for Economic Development
DCGS60446 Senior Advisor to the Under Secretary for Export Administration
DCGS60448 Confidential Assistant to the Assistant Secretary for Market Access and Compliance
DCGS60490 Director of Scheduling to the Chief of Staff
DCGS60494 Deputy Press Secretary to the Director of Public Affairs
DCGS60512 Special Advisor to the Under Secretary for Export Administration
DCGS60527 Executive Assistant to the Secretary
DCGS60532 Senior Counsel to the General Counsel
DCGS60533 Confidential Assistant to the Assistant Secretary and Commissioner of Patents and Trademarks
DCGS60544 Senior Advisor to the Under Secretary for International Trade
DCGS60551 Legislative Specialist to the Assistant Secretary for Congressional and Intergovernmental Affairs
DCGS60573 Special Assistant to the Assistant Secretary and Director General of United States/For Commercial Services
DCGS60583 Special Assistant to the Assistant Secretary for Administrator and Chief Financial Officer
DCGS60589 Policy Advisor to the Director of Public Affairs
DCGS60604 Associate Under Secretary for Communications to the Under Secretary for Economic Affairs
DCGS60646 Public Affairs Specialist to the Deputy Director, Office of Public Affairs
DCGS60648 Press Secretary to the Director of Public Affairs
DCGS60659 Director, Office of White House Liaison to the Chief of Staff
DCGS60677 Special Assistant to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning
DCGS60681 Special Assistant to the Assistant Secretary for Market Access and Compliance
DCGS60688 Confidential Assistant to the Assistant Secretary for Market Access and Compliance
DCGS60690 Special Assistant to the Assistant Secretary for Market Access and Compliance
DCGS60694 Chief, Congressional Affairs to the Under Secretary for Economic Affairs

Section 213.3315 Department of Labor

DLGS00160 Staff Assistant to the Director of Public Liaison
DLGS60007 Special Assistant to the Secretary of Labor
DLGS60009 Staff Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60011 Staff Assistant to the Chief Financial Officer
DLGS60015 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60017 Senior Legislative Officers to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60041 Staff Assistant to the Secretary of Labor
DLGS60044 Attorney Advisor (Labor) to the Solicitor of Labor
DLGS60055 Special Assistant to the Assistant Secretary for Public Affairs
DLGS60076 Special Assistant to the Assistant Secretary for Employment Standards
DLGS60077 Special Assistant to the Chief Financial Officer
DLGS60089 Staff Assistant to the Executive Secretary
DLGS60091 Special Assistant to the Assistant Secretary for Administration and Management
DLGS60093 Special Assistant to the Secretary of Labor
DLGS60094 Director of Media Affairs to the Assistant Secretary for Public Affairs
DLGS60099 Special Assistant to the Deputy Assistant Secretary for Employment and Training
DLGS60101 Chief of Staff to the Assistant Secretary for Employment Standards
DLGS60103 Regional Representative to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60104 Secretary's Representative to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60107 Secretary's Representative to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60110 Regional Representative to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60111 Secretary's Representative to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60112 Secretary's Representative to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60113 Special Assistant to the Deputy Assistant Secretary
DLGS60118 Staff Assistant to the Secretary of Labor
DLGS60120 Senior Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60121 Special Assistant to the Secretary of Labor
DLGS60123 Special Assistant to the Deputy Assistant Secretary
DLGS60125 Special Assistant to the Chief of Staff
DLGS60126 Staff Assistant to the Wage and Hour Administrator
DLGS60127 Staff Assistant to the Deputy Assistant Secretary for Labor-Management Programs
DLGS60130 Research Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60131 Special Assistant to the Assistant Secretary for Employment and Training
DLGS60132 Special Assistant to the Director of Public Liaison

DLGS60133 Special Assistant to the Director of the Women's Bureau
DLGS60138 Chief of Staff to the Assistant Secretary for Mine Safety and Health
DLGS60139 Special Assistant to the Assistant Secretary for Public Affairs
DLGS60144 Special Assistant to the Executive Assistant to the Secretary
DLGS60145 Intergovernmental Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60147 Attorney-Advisor (Labor) to the Solicitor of Labor
DLGS60152 Deputy Director to the Director of the Women's Bureau
DLGS60154 Senior Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60159 Special Assistant to the Deputy Under Secretary for International Affairs
DLGS60161 Staff Assistant to the Assistant Secretary for Public Affairs
DLGS60163 Special Assistant to the Assistant Secretary for Occupational Safety and Health
DLGS60168 Intergovernmental Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60169 Deputy Director, Executive Secretariat to the Executive Secretary
DLGS60170 Special Assistant to the Secretary of Labor
DLGS60171 Special Assistant to the Secretary of Labor
DLGS60173 Chief of Staff to the Assistant Secretary for Disability Employment Policy
DLGS60175 Associate Assistant Secretary for Policy to the Assistant Secretary for Policy
DLGS60177 Speech Writer to the Assistant Secretary for Public Affairs
DLGS60180 Senior Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60182 Special Assistant to the Deputy Secretary of Labor
DLGS60185 Deputy Director to the Director, Office of Faith Based and Community Initiatives
DLGS60187 Special Assistant to the Assistant Secretary for Employment and Training
DLGS60190 Research Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60191 Chief Economist to the Assistant Secretary for Policy
DLGS60192 Chief of Staff to the Assistant Secretary for Employee Benefits Security Administration
DLGS60194 Director of Scheduling and Advance to the Secretary of Labor
DLGS60197 Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60198 Special Assistant to the Assistant Secretary for Administration and Management
DLGS60199 Staff Assistant to the Assistant Secretary for Public Affairs
DLGS60203 Special Assistant to the Assistant Secretary for Veterans Employment and Training
DLGS60204 Special Assistant to the Assistant Secretary for Veterans Employment and Training
DLGS60205 Special Assistant to the Secretary of Labor
DLGS60208 Senior Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60209 Special Assistant to the Assistant Secretary for Veterans Employment and Training
DLGS60210 Special Assistant to the Director, Office of Faith Based and Community Initiatives
DLGS60211 Special Assistant to the Executive Secretary
DLGS60214 Staff Assistant to the Secretary of Labor
DLGS60215 Special Assistant to the Assistant Secretary for Occupational Safety and Health
DLGS60217 Senior Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60218 Special Assistant to the Assistant Secretary for Public Affairs
DLGS60222 Special Assistant to the Assistant Secretary for Disability Employment Policy
DLGS60225 Staff Assistant to the Assistant Secretary for Public Affairs
DLGS60229 Special Assistant to the Assistant Secretary for Disability Employment Policy
DLGS60232 Special Assistant to the Assistant Secretary for Administration and Management
DLGS60234 Chief of Staff to the Assistant Secretary for Policy
DLGS60235 Senior Intergovernmental Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60237 Special Assistant to the Secretary of Labor
DLGS60239 Associate Deputy Secretary to the Deputy Secretary of Labor
DLGS60240 Intergovernmental Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DLGS60243 Staff Assistant to the Assistant Secretary for Policy
DLGS60245 Special Assistant to the Secretary of Labor
DLGS60246 Staff Assistant to the Secretary of Labor
DLGS60248 Special Assistant to the Director of Public Liaison
DLGS60252 Counsel to the Deputy Secretary of Labor
DLGS60255 Staff Assistant to the Secretary of Labor
DLGS60256 Special Assistant to the Deputy Assistant Secretary for Labor-Management Programs
DLGS60260 Special Assistant to the Director of Public Liaison
DLGS60261 Special Assistant to the Assistant Secretary for Mine Safety and Health
DLGS60262 Special Assistant to the Deputy Assistant Secretary for Federal Contract Compliance
DLGS60263 Special Assistant to the Assistant Secretary for Employment Standards
DLGS60264 Special Assistant to the Wage and Hour Administrator
DLGS60266 Chief of Staff to the Deputy Under Secretary for International Affairs
DLGS60267 Special Assistant to the Assistant Secretary for Public Affairs
DLGS60269 Special Assistant to the Secretary of Labor
DLGS60270 Special Assistant to the Assistant Secretary for Employment and Training
DLGS60273 Special Assistant to the Assistant Secretary for Administration and Management

Section 213.3316 Department of Health and Human Services

DHGS00034 Executive Assistant to the Principal Deputy Assistant Secretary for Health
DHGS00268 Special Assistant to the Executive Secretary to the Executive Secretary to the Department
DHGS00492 Deputy White House Liaison for Boards and Committees to the Chief of Staff
DHGS00632 Special Outreach Coordinator to the Executive Secretary to the Department
DHGS60002 Special Assistant to the Chief of Staff
DHGS60014 Director, Correspondence Control Center to the Executive Secretary to the Department
DHGS60017 Director of Scheduling to the Chief of Staff
DHGS60055 Senior Advisor to the Assistant Secretary for Legislation to the Assistant Secretary for Legislation
DHGS60187 Special Assistant to the Deputy Assistant Secretary for Legislative (Congressional Liaison)
DHGS60204 Special Assistant to the Executive Assistant to the White House Liaison for Political Personnel Boards and Commission

DHGS60236 Secretary's Regional Representative for Intergovernmental Affairs to the Director of Intergovernmental Affairs
DHGS60237 Regional Director, New York, New York, Region II to the Director of Intergovernmental Affairs
DHGS60240 Regional Director, Dallas, Texas, Region VI to the Director of Intergovernmental Affairs
DHGS60243 Regional Representative, Atlanta, Georgia, Region IV to the Director of Intergovernmental Affairs
DHGS60247 Secretary's Regional Representative, Philadelphia, Pennsylvania to the Director of Intergovernmental Affairs
DHGS60252 Regional Director, Denver, Colorado, Region VIII to the Director of Intergovernmental Affairs
DHGS60255 Regional Director, Chicago, Illinois-Region V to the Director of Intergovernmental Affairs
DHGS60269 Special Assistant to the Director, Center for Faith-Based and Community Initiatives
DHGS60293 Special Assistant to the Commissioner Administration for Children Youth and Families
DHGS60315 Special Assistant to the Director of Intergovernmental Affairs
DHGS60331 Special Assistant to the Director, Executive Operations
DHGS60332 Associate Commissioner Children's Bureau to the Commissioner Administration for Children Youth and Families
DHGS60336 Special Assistant to the Deputy Assistant Secretary for Legislative (Congressional Liaison)
DHGS60347 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislative (Congressional Liaison)
DHGS60359 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislative (Congressional Liaison)
DHGS60361 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislative (Congressional Liaison)
DHGS60374 Confidential Assistant to the Executive Secretary to the Department
DHGS60383 Special Assistant to the Administrator, Health Resources and Services Administration
DHGS60399 Special Assistant to the Commissioner Administration for Children Youth and Families
DHGS60412 Regional Director, San Francisco, California, Region IX to the Director of Intergovernmental Affairs
DHGS60417 Regional Director, Kansas City, Missouri, Region VII the Director of Intergovernmental Affairs
DHGS60418 Confidential Assistant to the Deputy Assistant Secretary for Planning and Evaluation (Science and Data Policy)
DHGS60427 Executive Director, President's Committee on Mental Retardation to the Assistant Secretary Administrator for Children and Families
DHGS60436 Associate Commissioner to the Assistant Secretary Administrator for Children and Families
DHGS60485 Director of Communications to the Assistant Secretary, Health
DHGS60497 Special Assistant for International and Immigration Issues to the Assistant Secretary Administrator for Children and Families
DHGS60525 Confidential Assistant to the Director, Executive Operations
DHGS60541 Special Assistant to the Deputy Director Office of Child Support Enforcement
DHGS60553 Director of Communications to the Deputy Assistant Secretary for Public Affairs (Policy and Communications)
DHGS60558 Confidential Assistant to the Administrator, Health Resources and Services Administration
DHGS60570 Confidential Assistant (Advance) to the Director of Scheduling
DHGS60628 Special Assistant to the Administrator, Substance Abuse and Mental Health Service
DHGS60636 Senior Advisor to the Director, Indian Health Service
DHGS60638 Special Assistant to the Chief of Staff
DHGS60659 Counselor to the Deputy Secretary, Department of Health and Human Services
DHGS60661 Special Assistant to the Deputy Secretary
DHGS60664 Deputy Director of Intergovernmental Affairs (Operations) to the Director of Intergovernmental Affairs
DHGS60665 Deputy Director for Policy to the Director of Intergovernmental Affairs
DHGS60667 Confidential Assistant to the Executive Secretary to the Department
DHGS60672 Deputy Director of Scheduling to the Director of Scheduling
DHGS60675 Special Assistant for Aging to the Assistant Secretary for Aging (Commissioner for Aging)
DHGS60682 Executive Director, President's Advisory Commission and White House Initiative on Asian Americans and Pacific Islanders to the Assistant Secretary, Health

Section 213.3317 Department of Education

DBGS00081 Special Assistant to the Director, Faith-Based and Community Initiatives Center
DBGS00094 Special Assistant to the Deputy Assistant Secretary for Regional Services
DBGS00184 Confidential Assistant to the Special Assistant
DBGS00192 Special Assistant to the Chief of Staff
DBGS00198 Special Assistant to the Assistant Secretary for Special Education and Rehabilitative Services
DBGS00200 Special Assistant to the Senior Advisor to the Secretary
DBGS00202 Deputy Assistant Secretary for Policy to the Assistant Secretary for Elementary and Secondary Education
DBGS00204 Special Assistant to the Chief Financial Officer
DBGS00205 Special Assistant to the Assistant Secretary for Management
DBGS00208 Special Assistant to the Director, White House Initiative on Hispanic Education
DBGS00209 Special Assistant to the Assistant Secretary for Legislation and Congressional Affairs
DBGS00211 Special Assistant to the Associate Deputy Under Secretary
DBGS00212 Confidential Assistant to the Special Assistant
DBGS00213 Special Assistant to the Deputy Assistant Secretary for Regional Services
DBGS00216 Deputy Secretary's Regional Representative, Region X to the Assistant Secretary for Intergovernmental and Interagency Affairs
DBGS00219 Confidential Assistant to the Special Assistant
DBGS00223 Special Assistant to the Deputy Under Secretary for Innovation and Improvement
DBGS00224 Special Assistant to the Deputy Under Secretary for Innovation and Improvement
DBGS00225 Confidential Assistant to the Deputy Under Secretary for Innovation and Improvement
DBGS00230 Confidential Assistant to the Deputy Under Secretary for Innovation and Improvement
DBGS00231 Confidential Assistant to the Assistant Secretary for Vocational and Adult Education
DBGS00232 Confidential Assistant to the Director, Faith-Based and Community Initiatives Center
DBGS00235 Associate Deputy Under Secretary for Improvement and Reform to the Deputy Under Secretary for Innovation and Improvement
DBGS00236 Secretary's Regional Representative to the Assistant

Secretary for Intergovernmental and Interagency Affairs
DBGS00237 Executive Assistant to the General Counsel
DBGS00239 Confidential Assistant to the Special Assistant
DBGS00240 Special Assistant to the Chief of Staff
DBGS00241 Deputy Secretary's Regional Representative-Region III to the Deputy Assistant Secretary for Regional Services
DBGS00242 Special Assistant to the Under Secretary
DBGS00244 Special Assistant to the Special Assistant
DBGS00245 Confidential Assistant to the Special Assistant
DBGS00246 Confidential Assistant to the Deputy Assistant Secretary
DBGS00247 Special Assistant to the Special Assistant
DBGS00248 Confidential Assistant to the Special Assistant
DBGS00249 Special Assistant to the Assistant Secretary for Postsecondary Education
DBGS00250 Confidential Assistant to the Director, White House Liaison
DBGS00251 Special Assistant to the Special Assistant
DBGS00252 Special Assistant to the Associate Deputy Under Secretary
DBGS00255 Special Assistant to the Chief of Staff
DBGS00256 Special Assistant to the Assistant Secretary for Civil Rights
DBGS00257 Confidential Assistant to the Assistant Secretary for Postsecondary Education
DBGS00259 Confidential Assistant to the Chief of Staff
DBGS00260 Deputy Secretary's Regional Representative to the Deputy Assistant Secretary for Regional Services
DBGS00261 Deputy Secretary's Regional Representative—Region VII to the Deputy Assistant Secretary for Regional Services
DBGS00262 Confidential Assistant to the Chief of Staff
DBGS00263 Deputy Director of Communications, Office of Public Affairs to the Director Office of Public Affairs (Communications Director)
DBGS00265 Special Assistant to the Assistant Secretary for Management/Chief Information Officer
DBGS00267 Confidential Assistant to the Special Assistant (Executive Assistant)
DBGS00268 Special Assistant (White House Liaison) to the Chief of Staff
DBGS00269 Special Assistant to the Deputy Assistant Secretary
DBGS00270 Confidential Assistant to the Deputy Chief of Staff for Operations
DBGS00271 Special Assistant to the Chief of Staff
DBGS00272 Special Assistant to the Chief of Staff to the Under Secretary
DBGS00277 Special Assistant to the Special Assistant
DBGS00278 Special Assistant to the Assistant Secretary for Legislation and Congressional Affairs
DBGS00281 Confidential Assistant to the Chief of Staff to the Under Secretary
DBGS06227 Special Assistant to the Chief of Staff
DBGS06229 Confidential Assistant to the Assistant Secretary for Elementary and Secondary Education
DBGS60002 Deputy Assistant Secretary to the Assistant Secretary for Legislation and Congressional Affairs
DBGS60003 Confidential Assistant to the Chief of Staff
DBGS60006 Confidential Assistant to the Chief of Staff to the Under Secretary
DBGS60011 Steward to the Chief of Staff
DBGS60015 Special Assistant to the Deputy Assistant Secretary for Regional Services
DBGS60016 Confidential Assistant to the Chief of Staff
DBGS60021 Confidential Assistant to the Assistant Secretary for Legislation and Congressional Affairs
DBGS60025 Executive Assistant to the Deputy Secretary of Education
DBGS60028 Deputy Secretary's Regional Representative, Region VI to the Secretary's Regional Representative
DBGS60032 Confidential Assistant to the Director, Office of Scheduling and Briefing
DBGS60033 Deputy Assistant Secretary for Regional Services to the Assistant Secretary for Intergovernmental and Interagency Affairs
DBGS60037 Deputy Assistant Secretary for Intergovernmental, Constituent Relations and Corporate Liaison to the Assistant Secretary for Intergovernmental and Interagency Affairs
DBGS60038 Secretary's Regional Representative, Region I, Boston, Massachusetts to the Deputy Assistant Secretary for Regional Services
DBGS60048 Special Assistant to the General Counsel
DBGS60052 Deputy Director to the Director
DBGS60055 Secretary's Regional Representative, Region VIII to the Deputy Assistant Secretary for Regional Services
DBGS60059 Special Assistant to the Chief of Staff
DBGS60060 Press Secretary to the Director Office of Public Affairs (Communications Director)
DBGS60063 Confidential Assistant to the Counselor to the Secretary
DBGS60064 Secretary's Regional Representative, Region II to the Deputy Assistant Secretary for Regional Services
DBGS60068 Special Assistant to the Chief of Staff to the Deputy Secretary
DBGS60069 Special Assistant to the Chief of Staff to the Under Secretary
DBGS60073 Special Assistant to the Commissioner Rehabilitation Services Administration
DBGS60075 Special Assistant to the Assistant Secretary for Elementary and Secondary Education
DBGS60077 Special Assistant to the Director, Office of Scheduling and Briefing
DBGS60078 Special Assistant to the Deputy Assistant Secretary for Regional Services
DBGS60079 Confidential Assistant to the Director, Office of Scheduling and Briefing
DBGS60080 Confidential Assistant to the Chief of Staff to the Deputy Secretary
DBGS60083 Special Assistant to the Chief of Staff
DBGS60084 Confidential Assistant to the Director Office of Public Affairs (Communications Director)
DBGS60085 Secretary's Regional Representative, Region IX to the Deputy Assistant Secretary for Regional Services
DBGS60088 Special Assistant to the Deputy Secretary of Education
DBGS60093 Special Assistant to the Assistant Secretary for Elementary and Secondary Education
DBGS60096 Special Assistant to the Deputy Assistant Secretary for Regional Services
DBGS60103 Special Assistant to the Deputy Assistant Secretary
DBGS60113 Special Assistant to the Director Office of Public Affairs (Communications Director)
DBGS60115 Secretary's Regional Representative, Region X to the Deputy Assistant Secretary for Regional Services
DBGS60119 Special Assistant to the Chief of Staff
DBGS60120 Director, Office of Scheduling and Briefing to the Chief of Staff
DBGS60122 Secretary's Regional Representative, Region VII to the Deputy Assistant Secretary for Regional Services
DBGS60124 Special Assistant to the Assistant Secretary for Postsecondary Education

DBGS60125 Special Assistant (Executive Assistant) to the Assistant Secretary for Intergovernmental and Interagency Affairs
DBGS60126 Deputy Secretary's Regional Representative, Region I to the Secretary's Regional Representative, Region I, Boston, MA
DBGS60127 Special Assistant to the Assistant Secretary for Vocational and Adult Education
DBGS60129 Special Assistant to the Assistant Secretary for Special Education and Rehabilitative Services
DBGS60130 Special Assistant to the Director
DBGS60137 Special Assistant to the Chief of Staff
DBGS60139 Deputy Chief of Staff for Strategy/Policy to the Chief of Staff
DBGS60140 Deputy Chief of Staff for Operations to the Chief of Staff
DBGS60142 Secretary's Regional Representative, Region IV to the Deputy Assistant Secretary for Regional Services
DBGS60143 Confidential Assistant to the Chief of Staff
DBGS60145 Confidential Assistant to the Deputy Director
DBGS60146 Confidential Assistant to the Chief of Staff
DBGS60150 Special Assistant to the Chief of Staff
DBGS60151 Special Assistant to the Chief of Staff
DBGS60154 Director, Faith-Based and Community Initiatives Center to the Chief of Staff
DBGS60155 Special Assistant to the Director, White House Initiative on Hispanic Education
DBGS60163 Confidential Assistant to the Chief of Staff to the Under Secretary
DBGS60164 Confidential Assistant to the Chief of Staff to the Under Secretary
DBGS60166 Executive Assistant to the Assistant Secretary for Postsecondary Education
DBGS60168 Special Assistant to the Director, Office of Educational Technology
DBGS60171 Special Assistant to the Assistant Secretary for Intergovernmental and Interagency Affairs
DBGS60173 Special Assistant to the Chief of Staff to the Deputy Secretary
DBGS60174 Special Assistant to the Chief Financial Officer
DBGS60175 Special Assistant to the Assistant Secretary for Vocational and Adult Education
DBGS60176 Confidential Assistant to the Deputy Assistant Secretary
DBGS60178 Special Assistant to the Chief of Staff to the Under Secretary
DBGS60181 Special Assistant to the Chief Financial Officer
DBGS60182 Confidential Assistant to the Director of the Institute of Education Sciences
DBGS60185 Special Assistant to the Director Office of Public Affairs (Communications Director)
DBGS60187 Special Assistant to the Deputy Chief of Staff for Operations
DBGS60189 Confidential Assistant to the Assistant Secretary for Civil Rights
DBGS60191 Special Assistant to the Assistant Secretary for Civil Rights
DBGS60193 Special Assistant to the Secretary
DBGS60194 Special Assistant to the Director, White House Initiative on Hispanic Education
DBGS60196 Special Assistant to the Director, Office of Educational Technology
DBGS60197 Confidential Assistant to the Deputy Chief of Staff for Operations
DBGS60199 Special Assistant to the Assistant Secretary for Postsecondary Education
DBGS60206 Deputy Secretary's Regional Representative, Region IX to the Deputy Assistant Secretary for Regional Services

Section 213.3318 Environmental Protection Agency

EPGS00922 Associate Assistant Administrator to the Assistant Administrator for Research and Development
EPGS03300 Public Affairs Specialist to the Associate Assistant Administrator for Public Affairs
EPGS03400 Program Advisor to the Associate Administrator to the Associate Assistant Administrator for Public Affairs
EPGS03500 Senior Policy Advisor to the Deputy Assistant Administrator for Water
EPGS03604 Supervisory Program Analyst to the Associate Administrator for Congressional and Intergovernmental Relations
EPGS12701 Special Assistant to the Associate Administrator for Congressional and Intergovernmental Relations
EPGS30301 Assistant Associate Administrator/Press Secretary to the Associate Assistant Administrator for Public Affairs
EPGS60001 Special Assistant (Advance Person) to the Administrator
EPGS60005 Director of Information and Special Initiatives to the Associate Administrator for Communications, Education and Media Relations
EPGS60039 Special Assistant to the Associate Administrator for Communications, Education and Media Relations
EPGS60042 Director of Scheduling to the Deputy Associate Administrator for the Office of Public Affairs
EPGS60050 Program Assistant to the Assistant Administrator for Air and Radiation
EPGS60054 Special Assistant to the Associate Administrator for Communications, Education and Media Relations
EPGS60055 Special Assistant to the Associate Administrator for Congressional and Intergovernmental Relations
EPGS60060 Chief of Staff to the Assistant Administrator for Air and Radiation
EPGS60062 Public Liaison Specialist to the Associate Administrator for Communications, Education and Media Relations
EPGS60063 Special Assistant to the Deputy Administrator
EPGS60064 Associate Assistant Administrator to the Assistant Administrator for Prevention Pesticides and Toxic Substances
EPGS60065 Recycling Communications Advisor to the Deputy Director, Office of Solid Waste
EPGS60068 Associate Assistant Administrator to the Principal Deputy Assistant Administrator for Solid Waste and Emergency Response
EPGS60069 Special Assistant for Communications to the Assistant Administrator for Water
EPGS60071 Senior Advisor to the Assistant Administrator for International Activities
EPGS60072 Director, Office of Regional Operations to the Associate Administrator for Congressional and Intergovernmental Relations
EPGS60074 Policy Analyst to the Assistant Administrator for Air and Radiation
EPGS60075 Deputy Associate Administrator to the Associate Administrator for Congressional and Intergovernmental Relations
EPGS60076 Senior Counsel to the Associate Administrator for Congressional and Intergovernmental Relations
EPGS60077 Special Counsel to the General Counsel to the Associate General Counsel (Pesticides and Toxic Substances)
EPGS60078 Program Advisor (Advance Person) to the Administrator
EPGS60081 Director of Advance Staff to the Associate Administrator for Communications, Education and Media Relations

EPGS60082 Special Assistant to the Administrator
EPGS60083 Director, Long Term Communication Planning to the Associate Administrator for Communications, Education and Media Relations
EPGS60089 Senior Advisor to the Chief Financial Officer

Section 213.3323 Federal Communications Commission

FCGS03051 Deputy Director, Office of Media Relations to the Chief of Staff
FCGS60005 Special Assistant to the Director, Office of Legislative Affairs
FCGS60006 Deputy Director to the Director, Office of Legislative Affairs

Section 213.3323 Overseas Private Investment Corporation

PQGS00015 Program Specialist to the President
PQGS60018 Executive Assistant to the President
PQGS60019 Confidential Assistant to the President
PQGS60020 Executive Assistant to the Executive Vice President
PQGS60021 Confidential Assistant to the President

Section 213.3325 United States Tax Court

JCGS60040 Secretary Confidential Assistant to the Chief Judge
JCGS60041 Secretary (Confidential Assistant) to the Chief Judge
JCGS60042 Secretary (Confidential Assistant) to the Chief Judge
JCGS60043 Secretary (Confidential Assistant) to the Chief Judge
JCGS60044 Secretary (Confidential Assistant) to the Chief Judge
JCGS60045 Secretary (Confidential Assistant) to the Chief Judge
JCGS60046 Secretary (Confidential Assistant) to the Chief Judge
JCGS60047 Secretary (Confidential Assistant) to the Chief Judge
JCGS60048 Secretary (Confidential Assistant) to the Chief Judge
JCGS60049 Secretary (Confidential Assistant) to the Chief Judge
JCGS60050 Secretary (Confidential Assistant) to the Chief Judge
JCGS60051 Secretary (Confidential Assistant) to the Chief Judge
JCGS60052 Secretary (Confidential Assistant) to the Chief Judge
JCGS60053 Secretary (Confidential Assistant) to the Chief Judge
JCGS60054 Secretary (Confidential Assistant) to the Chief Judge
JCGS60056 Secretary (Confidential Assistant) to the Chief Judge
JCGS60059 Secretary (Confidential Assistant) to the Chief Judge
JCGS60060 Secretary (Confidential Assistant) to the Chief Judge
JCGS60061 Secretary (Confidential Assistant) to the Chief Judge
JCGS60062 Secretary (Confidential Assistant) to the Chief Judge
JCGS60063 Secretary (Confidential Assistant) to the Chief Judge
JCGS60064 Secretary (Confidential Assistant) to the Chief Judge
JCGS60065 Secretary (Confidential Assistant) to the Chief Judge
JCGS60066 Trial Clerk to the Chief Judge
JCGS60067 Trial Clerk to the Chief Judge
JCGS60068 Trial Clerk to the Chief Judge
JCGS60069 Trial Clerk to the Chief Judge
JCGS60070 Trial Clerk to the Chief Judge
JCGS60071 Trial Clerk to the Chief Judge
JCGS60073 Trial Clerk to the Chief Judge
JCGS60074 Trial Clerk to the Chief Judge
JCGS60077 Trial Clerk to the Chief Judge
JCGS60078 Trial Clerk to the Chief Judge
JCGS60082 Secretary (Confidential Assistant) to the Chief Judge

Section 213.3327 Department of Veterans Affairs

DVGS60005 Special Assistant to the Secretary of Veterans Affairs
DVGS60008 Special Assistant to the Dean, Veterans Affairs Learning University
DVGS60011 Special Assistant to the Deputy Assistant Secretary for Public Affairs
DVGS60015 Special Assistant to the Special Assistant (Supervisory Regional Veterans Service Liaison Officer)
DVGS60030 Special Assistant to the Special Assistant (Supervisory Regional Veterans Service Liaison Officer)
DVGS60034 Director, Congressional Affairs to the Assistant Secretary for Congressional and Legislative Affairs
DVGS60056 Special Assistant to the Special Assistant (Supervisory Regional Veterans Service Liaison Officer)
DVGS60073 Special Assistant (Deputy White House Liaison) to the Deputy Assistant Secretary for Public Affairs
DVGS60075 Special Assistant to the Special Assistant (Supervisory Regional Veterans Service Liaison Officer)
DVGS60081 Special Assistant to the Special Assistant (Supervisory Regional Veterans Service Liaison Officer)
DVGS60085 Special Assistant (Supervisory Regional Veterans Service Liaison Officer) to the Assistant Secretary for Public and Intergovernmental Affairs
DVGS60095 Special Assistant to the Assistant Secretary for Human Resources and Administration
DVGS60096 Special Assistant to the Special Assistant (Supervisory Regional Veterans Service Liaison Officer)
DVGS60099 Special Assistant to the Assistant Secretary for Public and Intergovernmental Affairs
DVGS60106 Special Assistant to the Assistant Secretary for Congressional and Legislative Affairs

Section 213.3328 Broadcasting Board of Governors

IBGS00009 Special Assistant to the Chairman, Broadcasting Board of Governors
IBGS00011 Special Assistant to the Chairman, Broadcasting Board of Governors
IBGS00012 Special Assistant to the Chairman, Broadcasting Board of Governors
IBGS60002 Special Assistant to the Executive Director
IBGS60003 Chief of Staff to the Director Office of Cuba Broadcasting
IBGS60005 Senior Projects Officer to the Director, Voice of America

Section 213.3330 Securities and Exchange Commission

SEOT60002 Confidential Assistant to a Commissioner
SEOT60004 Director of Legislative Affairs to the Director of Communications
SEOT60005 Confidential Assistant to a Commissioner
SEOT60006 Confidential Assistant to a Commissioner
SEOT60008 Secretary (Office Automation) to the Chief Accountant
SEOT60009 Secretary to the Gen Counsel of the Commission
SEOT60011 Staff Assistant to the Managing Executive for External Affairs
SEOT60014 Secretary to the Dir, Div of Market Regulation
SEOT60016 Secretary to the Dir, Div of Enforcement
SEOT60018 Secretary to the Dir—Div of Investment Management
SEOT60019 Secretary to the Director
SEOT60028 Confidential Assistant to the Chairman
SEOT60029 Secretary to the Director, Division of Market Regulation
SEOT60040 Senior Adviser to the Chairman to the Chairman

SEOT60041 Senior Advisor for Legislative Affairs to the Director of Communications
SEOT60051 Managing Executive for External Affairs to the Chairman

Section 213.3331 Department of Energy

DEGS00267 Special Assistant to the Assistant Secretary for Fossil Energy
DEGS00281 Senior Policy Advisor to the Chief Information Officer
DEGS00291 Deputy Chief of Staff to the Deputy Secretary to the Deputy Secretary of Energy
DEGS00293 Special Assistant to the Secretary, Department of Energy
DEGS00296 Special Assistant to the Director Office of Economic Impact and Diversity
DEGS00297 Policy Advisor to the Assistant Secretary for Fossil Energy
DEGS00298 Executive Assistant to the Assistant Secretary for Fossil Energy
DEGS00299 Senior Policy Advisor to the Assistant Secretary for International Affairs
DEGS00303 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS00305 Senior Policy Advisor to the Director, Office of Civilian Radioactive Waste Management
DEGS00306 Special Assistant to the Chief Financial Officer/Director, Office of Management, Budget and Evaluation
DEGS00310 Deputy Director, Office of Scheduling and Advance to the Director, Office of Scheduling and Advance
DEGS00311 Special Assistant to the Assistant Secretary (Conservation and Renewable Energy)
DEGS00313 Senior Policy Advisor to the Secretary, Department of Energy
DEGS00315 Deputy White House Liaison to the Deputy Chief of Staff/White House Liaison
DEGS00317 Senior Policy Advisor to the Secretary, Department of Energy
DEGS00318 Advisor, Legislative Affairs to the Assistant Secretary (Conservation and Renewable Energy)
DEGS00319 Senior Advisor to the Assistant Secretary (Conservation and Renewable Energy)
DEGS00321 Director, Office of Climate Change Programs to the Deputy Assistant Secretary for National Energy Policy
DEGS00322 Special Assistant for Intergovernmental Affairs to the Assistant Secretary of Energy (Environmental Management)
DEGS00323 Chief of Staff/Senior Policy Advisor for North American Affairs to the Assistant Secretary for International Affairs
DEGS00324 Special Assistant to the Director, Office of Scheduling and Advance
DEGS00326 Special Assistant to the Director, Public Affairs
DEGS00327 Special Assistant to the Director, Public Affairs
DEGS00328 Special Assistant to the Assistant Secretary for International Affairs
DEGS00329 Congressional Relations Specialist to the Deputy Administrator for Defense Programs, National Nuclear Security Administration
DEGS00330 Confidential Assistant to the Assistant Secretary for Environment, Safety and Health
DEGS00331 Advance and Trip Coordinator to the Director, Office of Scheduling and Advance
DEGS00332 Senior Advance Representative to the Director, Office of Scheduling and Advance
DEGS00333 Senior Advance Representative to the Director, Office of Scheduling and Advance
DEGS00334 Special Assistant to the Secretary to the Secretary, Department of Energy
DEGS60121 Special Assistant to the Director, Office of Scheduling and Advance
DEGS60134 Special Assistant to the Assistant Secretary for Fossil Energy
DEGS60140 Senior Advisor to the Director, Nuclear Energy
DEGS60151 Special Projects Officer to the Senior Policy Advisor
DEGS60173 Senior Policy Advisor to the Secretary, Department of Energy
DEGS60180 Deputy Director, Public Affairs to the Director, Public Affairs
DEGS60204 Special Assistant to the Assistant Secretary for Fossil Energy
DEGS60206 Chief of Staff to the Assistant Secretary (Conservation and Renewable Energy)
DEGS60212 Senior Advisor, Communications to the Assistant Secretary (Conservation and Renewable Energy)
DEGS60213 Legislative Counsel to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS60217 Director, Press Office to the Director, Public Affairs
DEGS60220 Policy Advisor to the Secretary, Department of Energy
DEGS60221 Senior Policy Advisor to the Assistant Secretary of Energy (Environmental Management)
DEGS60222 Special Assistant to the Secretary, Department of Energy
DEGS60225 Senior Policy Advisor for Middle East Affairs to the Assistant Secretary for International Affairs
DEGS60226 Senior Advisor to the Secretary, Department of Energy
DEGS60228 Chief of Staff to the Director Office of Economic Impact and Diversity
DEGS60233 Special Assistant to the Assistant Secretary for International Affairs
DEGS60238 Deputy Director to the Director Office of Economic Impact and Diversity
DEGS60242 Policy Advisor to the Director Office of Worker and Community Transition
DEGS60244 Congressional Affairs Officer to the Assistant Secretary for Fossil Energy
DEGS60245 Senior Policy Advisor to the Assistant Secretary for Fossil Energy
DEGS60247 Advance and Trip Coordinator to the Director, Office of Scheduling and Advance
DEGS60248 Deputy Director of Advance for Strategic Initiatives to the Director, Office of Scheduling and Advance
DEGS60250 Confidential Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS60251 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS60253 Director of Intergovernmental Affairs to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS60254 Senior Policy Advisor to the Assistant Secretary of Energy (Environmental Management)
DEGS60256 Intergovernmental Liaison Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS60257 Deputy Assistant Secretary for National Security to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS60259 Deputy Assistant Secretary for Energy Policy to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS60261 Associate Deputy Assistant Secretary to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS60262 Deputy Assistant Secretary for Budget and Appropriations to the Assistant Secretary for Congressional and Intergovernmental Affairs
DEGS60264 Senior Policy Advisor to the Chief Financial Officer/Director, Office of Management, Budget and Evaluation
DEGS60265 Senior Advisor, Congressional and Intergovernmental Affairs to the Director, Office of Science

DEGS60266 Senior Advisor to the Assistant Secretary of Energy (Environmental Management)
DEGS60268 Senior Manager of Public Affairs to the Assistant Secretary for Fossil Energy
DEGS60269 Confidential Advisor to the Director, Office of Science
DEGS60271 Executive Assistant to the Assistant Secretary for Fossil Energy
DEGS60272 Senior Policy advisor to the Secretary, Department of Energy
DEGS60276 Senior Policy Advisor to the Director, Office of Science
DEGS60277 Special Assistant to the Director, Office of Scheduling and Advance
DEGS60278 Special Assistant to the Director, Office of Economic Impact and Diversity
DEGS60283 Daily Scheduler to the Director, Office of Scheduling and Advance
DEGS60284 Special Assistant to the Assistant Secretary for International Affairs
DEGS60288 Daily Scheduler to the Director, Office of Scheduling and Advance

Section 213.3331 Federal Energy Regulatory Commission

DRGS60001 Regulatory Policy Analyst to the Director, Markets, Tariffs, and Rates
DRGS60003 Confidential Assistant to the Member-Federal Energy Regulatory Commission (Department of Energy)

Section 213.3332 Small Business Administration

SBGS00202 Speech Writer to the Associate Administrator for Communications/Public Liaison
SBGS60003 National Director for Native American Affairs to the Associate Deputy Administrator for Entrepreneurial Development
SBGS60004 Senior Advisor to the Inspector General
SBGS60010 Special Assistant to the Chief Operating Officer
SBGS60012 Director of Advisory Councils to the Associate Administrator for Communications/ Public Liaison
SBGS60018 Special Assistant to the Administrator
SBGS60019 Special Assistant to the Deputy Administrator to the Deputy Administrator
SBGS60020 Senior Advisor to the Associate Deputy Administrator for Government Contracting and Business Development
SBGS60037 Special Assistant to the Administrator
SBGS60039 Assistant Administrator for Public Communications to the Associate Administrator for Communications/Public Liaison
SBGS60043 Special Assistant to the Assistant Administrator for Congressional and Legislative Affairs
SBGS60058 Special Assistant to the Chief of Staff to the Chief of Staff
SBGS60063 Special Assistant to the Associate Deputy Administrator for Capital Access
SBGS60075 Senior Advisor to the Associate Administrator for Investment
SBGS60076 Special Assistant to the Administrator
SBGS60084 Director of International Trade to the Administrator
SBGS60092 Special Assistant (Scheduling) to the Administrator
SBGS60098 Staff Assistant to the Associate Administrator for Communications/Public Liaison
SBGS60105 Special Assistant to the Administrator
SBGS60113 Director, Executive Secretariat to the Chief of Staff
SBGS60143 Policy Advisor to the Associate Administrator for Communications/Public Liaison
SBGS60145 Senior Advisor for International Trade to the Director, Intergovernmental Affairs
SBGS60146 Special Assistant to the Director of International Trade
SBGS60153 Deputy Director to the District Director
SBGS60157 Senior Advisor to the Administrator
SBGS60160 Senior Advisor to the District Director
SBGS60165 Special Assistant to the Associate Administrator for Field Operations
SBGS60168 Director of Intergovernmental Affairs to the Associate Administrator for Communications/Public Liaison
SBGS60169 Regional Administrator, Region I, Boston, MA to the Special Assistant to the Administrator
SBGS60170 Regional Administrator, Region VIII, Denver Colorado to the Assistant Inspector General for Inspections and Evaluation
SBGS60172 Regional Administrator (Kansas City) to the District Director
SBGS60173 Regional Administrator, Region VI, Dallas, Texas to the District Director
SBGS60175 Regional Administrator to the District Director
SBGS60176 Regional Administrator, Region II, New York, NY to the District Director Boston
SBGS60178 Regional Administrator, Region III, Philadelphia, Pennsylvania to the Associate Administrator for Field Operations
SBGS60183 Press Secretary to the Associate Administrator for Communications/Public Liaison
SBGS60188 Regional Administrator, Region IX, San Francisco to the Administrator
SBGS60189 Regional Administrator, Region 10, Seattle Washington to the Associate Administrator for Field Operations
SBGS60194 Assistant Scheduler to the Administrator
SBGS60206 National Director-Matchmaking to the Associate Deputy Administrator for Government Contracting and Business Development
SBGS60208 Special Assistant to the Associate Deputy Administrator for Entrepreneurial Development
SBGS60216 Senior Policy Advisor to the Administrator to the Administrator
SBGS60535 Senior Advisor to the Associate Deputy Administrator for Entrepreneurial Development

Section 213.3334 Federal Trade Commission

FTGS60001 Director, Office of Public Affairs to the Chairman
FTGS60002 Congressional Liaison Specialist to the Director, Office of Congressional Relations
FTGS60003 Secretary, Bureau of Competition to the Director Bureau of Competition
FTGS60004 Deputy Director to the Director, Office of Public Affairs
FTGS60005 Consumer Liaison Specialist to the Deputy Director Bureau of Consumer Protection
FTGS60023 Special Assistant to a Commissioner
FTGS60026 Confidential Assistant to a Commissioner
FTGS60027 Confidential Assistant to a Commissioner

Section 213.3337 General Services Administration

GSGS00084 Special Assistant to the Regional Administrator, Region VI Kansas City
GSGS00088 Special Assistant to the Regional Administrator, Northwest Artic Region to the Regional Administrator, Region 10, Auburn, Washington
GSGS00099 Senior Advisor to the Regional Administrator, Region 3, Philadelphia, Pennsylvania
GSGS00122 Congressional Relations Analyst to the Associate Administrator for Congressional and Intergovernmental Affairs
GSGS60044 Senior Policy Advisor to the Administrator
GSGS60058 Director of Administration to the Administrator

GSGS60069 Events Management Specialist to the Director of External Affairs
GSGS60078 Senior Advisor to the Regional Administrator National Capital Region
GSGS60082 Senior Advisor to the Regional Administrator, Regional 4, Atlanta, Georgia
GSGS60089 Confidential Assistant to the Administrator
GSGS60094 Congressional Relations Officer to the Associate Administrator for Congressional and Intergovernmental Affairs
GSGS60095 White House Liaison to the Chief of Staff
GSGS60100 Senior Advisor to the Associate Administrator for Congressional and Intergovernmental Affairs
GSGS60103 Confidential Assistant to the Chief of Staff
GSGS60113 Special Assistant to the Regional Administrator Region 1, Boston
GSGS60119 Senior Advisor to the Deputy Regional Administrator
GSGS60120 Congressional Relations Officer to the Associate Administrator for Congressional and Intergovernmental Affairs
GSGS60121 Congressional Relations Officer to the Associate Administrator for Congressional and Intergovernmental Affairs
GSGS60127 Associate Administrator for Small Business Utilization to the Administrator
GSGS60131 Director of External Affairs to the Deputy Associate Administrator for Communications

Section 213.3339 United States International Trade Commission

TCGS00007 Staff Assistant to a Commissioner
TCGS60006 Staff Assistant (Economics) to a Commissioner
TCGS60015 Executive Assistant to the Vice Chairman
TCGS60019 Senior Economist to a Commissioner
TCGS60022 Staff Assistant to the Vice Chairman
TCGS60030 Confidential Assistant to a Commissioner
TCGS60036 Executive Assistant to the Chairman

Section 213.3340 National Archives and Records Administration

NQGS60003 Archivist of the United States to the Archivist of the United States

Section 213.3341 National Labor Relations Board

NLGS06574 Executive Assistant to the Chairman to the Chairman

Section 213.3342 Export-Import Bank

EBGS60044 Special Assistant to the Special Assistant to Chairman and Coordinator of African Programs
EBGS60053 Administrative Assistant to the Member Board of Directors
EBGS60054 Special Assistant to the Vice President—Operations

Section 213.3343 Farm Credit Administration

FLOT00028 Director, Congressional and Legislative Affairs to the Chairman, Farm Credit Administration Board
FLOT00051 Chief Operating Officer to the Chairman, Farm Credit Administration Board
FLOT00053 Executive Assistant to Chairman of the Board to the Chairman, Farm Credit Administration Board
FLOT00080 Executive Assistant to Member to the Chairman, Farm Credit Administration Board
FLOT60012 Congressional and Public Affairs Specialist to the Director, Congressional and Legislative Affairs
FLOT60015 Public Affairs Specialist to the Director, Congressional and Legislative Affairs

Section 213.3346 Selective Service System

SSGS00001 Public Affairs Specialist to the Deputy Director

Section 213.3348 National Aeronautics and Space Administration

NNGS60018 Confidential Assistant to the Administrator
NNGS60019 Senior Policy Analyst to the Assistant Administrator for Public Affairs
NNGS60020 Writer-Editor to the Assistant Administrator for Public Affairs
NNGS60021 Industrial Relations Specialist to the Associate Administrator for External Relations
NNGS60022 Media Relations Specialist to the Assistant Administrator for Public Affairs

Section 213.3351 Federal Mine Safety and Health Review Commission

FRGS60017 Confidential Assistant to the Chairman
FRGS60024 Confidential Assistant to the Chairman

Section 213.3353 Merit Systems Protection Board

MPGS60009 Attorney Advisor to the Chairman
MPGS60010 Confidential Assistant to the Chairman

Section 213.3355 Social Security Administration

SZGS60001 Special Assistant to the Deputy Commissioner for Legislation and Congressional Affairs
SZGS60005 Special Assistant to the Deputy Commissioner for Disability and Income Security Programs
SZGS60006 Confidential Assistant to the Chief of Staff
SZGS60007 Special Assistant to a Commissioner
SZGS60008 Special Assistant to the Chief of Staff
SZGS60009 Executive Assistant to the Deputy Commissioner for Communications

Section 213.3356 Commission on Civil Rights

CCGS00017 Special Assistant to a Commissioner
CCGS60001 Special Assistant to the Vice-Chairman
CCGS60006 Special Assistant to the Vice-Chairman
CCGS60010 Special Assistant to the Staff Director
CCGS60011 Special Assistant to a Commissioner
CCGS60012 Special Assistant to a Commissioner
CCGS60013 Special Assistant to a Commissioner
CCGS60016 Special Assistant to a Commissioner
CCGS60031 Special Assistant to the Staff Director
CCGS60033 Special Assistant to a Commissioner

Section 213.3357 National Credit Union Administration

CUOT01191 Executive Assistant to the Vice Chair
CUOT01192 Executive Assistant to a Member
CUOT60009 Staff Assistant to the Chairman, National Credit Union Board
CUOT60018 Special Assistant for Legislative Affairs to the Chairman, National Credit Union Board
CUOT60026 Special Assistant for Public Affairs to the Chairman, National Credit Union Board

Section 213.3360 Consumer Product Safety Commission

PSGS60001 Special Assistant (Legal) to a Commissioner
PSGS60003 Special Assistant to a Commissioner
PSGS60006 Executive Assistant to the Chairman, Consumer Product Safety Commission
PSGS60007 Director, Office of Congressional Relations to the Chairman, Consumer Product Safety Commission

PSGS60012 Executive Assistant to the Chairman, Consumer Product Safety Commission
PSGS60014 General Counsel to the Chairman, Consumer Product Safety Commission
PSGS60050 Executive Assistant to a Commissioner
PSGS60061 Executive Assistant to a Commissioner
PSGS60062 Special Assistant (Legal) to a Commissioner
PSGS60063 Special Assistant (Legal) to a Commissioner
PSGS60064 Special Assistant (Legal) to a Commissioner
PSGS60066 Supervisory Public Affairs Specialist to the Executive Director

Section 213.3365 Chemical Safety and Hazard Investigation Board

FJGS60001 Special Assistant to the Chief Operating Officer

Section 213.3367 Federal Maritime Commission

MCGS60003 Counsel to the Commissioner to a Member
MCGS60041 Special Advisor to a Member
MCGS60042 Counsel to the Counsel to the Commissioner

Section 213.3376 Appalachian Regional Commission

APGS00003 Confidential Policy Advisor to the Federal Co-Chairman

Section 213.3377 Equal Employment Opportunity Commission

EEGS60004 Confidential Assistant to the Legal Counsel
EEGS60008 Confidential Assistant to the Chairman, Equal Employment Opportunity Commission
EEGS60032 Senior Advisor to the Member, Equal Employment Opportunity Commission

Section 213.3379 Commodity Futures Trading Commission

CTGS60001 Administrative Assistant to a Chief of Staff
CTGS60002 Administrative Assistant to a Chairperson
CTGS60003 Administrative Assistant to a Commissioner
CTGS60004 Administrative Assistant to a Commissioner
CTGS60006 Administrative Assistant to a Commissioner
CTGS60012 Special Assistant to a Commissioner
CTGS60014 Special Assistant to a Commissioner

Section 213.3382 National Endowment for the Arts

NAGS00004 Director of Development to the Senior Deputy Chairman
NAGS00025 General Counsel to the Chairman, National Endowment for the Arts
NAGS00074 Speechwriter to the Chairman, National Endowment for the Arts
NAGS60002 Special Assistant to the Chairman, National Endowment for the Arts
NAGS60077 Director of Communications to the Chairman, National Endowment for the Arts
NAGS60080 Deputy Director to the Congressional and White House Liaison Officer National Endowment for the Humanities
NHGS60060 General Counsel to the Chairman
NHGS60065 Special Assistant to the Chairman
NHGS60075 Director of Communications to the Deputy Chairman

Section 213.3384 Department of Housing and Urban Development

DUGS00020 Deputy Assistant Secretary for Policy Development to the Assistant Secretary for Policy Development and Research
DUGS00021 Staff Assistant to the Senior Advisor to the Deputy Secretary
DUGS00022 Staff Assistant to the Assistant Secretary for Public Affairs
DUGS00029 Staff Assistant to the Assistant Secretary for Community Planning and Development
DUGS00030 Special Assistant to the Assistant Secretary for Community Planning and Development
DUGS00031 Special Assistant to the Assistant Secretary for Housing, Federal Housing Commissioner
DUGS00035 Special Assistant to the Assistant Deputy Secretary for Field Policy and Management
DUGS00038 Staff Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS00040 Staff Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS00041 Advance Coordinator to the Assistant Secretary for Administration
DUGS00044 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity
DUGS00046 Staff Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS00170 Staff Assistant to the Assistant Secretary for Community Planning and Development
DUGS00249 Staff Assistant to the Assistant Deputy Secretary for Field Policy and Management
DUGS00370 Special Assistant to the Assistant Secretary for Public and Indian Housing
DUGS00445 Special Assistant to the Assistant Secretary for Community Planning and Development
DUGS00548 Deputy Assistant Secretary for Public Housing and Voucher Programs to the Assistant Secretary for Public and Indian Housing
DUGS60033 Staff Assistant to the Assistant Secretary for Housing, Federal Housing Commissioner
DUGS60036 Special Assistant to the Assistant Secretary for Housing, Federal Housing Commissioner
DUGS60039 Staff Assistant to the Assistant Secretary for Community Planning and Development
DUGS60060 Director of Executive Scheduling and Operations to the Assistant Secretary for Administration
DUGS60066 Special Assistant to the General Counsel
DUGS60068 Special Assistant to the Assistant Secretary for Public Affairs
DUGS60114 Staff Assistant to the Assistant Secretary for Housing, Federal Housing Commissioner
DUGS60137 Staff Assistant to the Assistant Secretary for Public Affairs
DUGS60151 Staff Assistant to the Assistant Secretary for Public Affairs
DUGS60172 Special Assistant to the Assistant Secretary for Public and Indian Housing
DUGS60184 Deputy Assistant Secretary to the Assistant Secretary for Administration
DUGS60187 Special Assistant to the Assistant Secretary for Public Affairs
DUGS60205 Deputy Assistant Secretary for Intergovernmental Affairs to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS60206 Intergovernmental Relations Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS60212 Staff Assistant to the Assistant Secretary for Community Planning and Development
DUGS60216 Deputy Assistant Secretary for Special Needs to the Assistant Deputy Secretary for Field Policy and Management
DUGS60224 Regional Director, Seattle, Washington to the Deputy Secretary, Housing and Urban Development
DUGS60238 Special Assistant to the Assistant Secretary for Administration
DUGS60249 Staff Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS60259 Administrator of Manufactured Housing Programs to the Assistant Secretary for

Community Planning and Development
DUGS60266 Staff Assistant to the President, Government National Mortgage Association
DUGS60268 Staff Assistant to the Deputy Secretary, Housing and Urban Development
DUGS60272 Deputy Assistant Secretary for Economic Affairs to the Regional Director
DUGS60276 Staff Assistant to the Assistant Secretary for Housing, Federal Housing Commissioner
DUGS60281 Special Projects Officer to the Assistant Secretary for Housing, Federal Housing Commissioner
DUGS60286 Staff Assistant to the General Deputy Assistant Secretary for Policy Development Research
DUGS60361 Regional Director, Denver Colorado to the Assistant to the Secretary/White House Liaison
DUGS60379 Deputy Director for Scheduling to the Director of Executive Scheduling and Operations
DUGS60387 Advance Coordinator to the Director of Executive Scheduling and Operations
DUGS60417 Special Assistant to the Assistant Secretary for Administration
DUGS60419 Special Assistant (Speech Writer) to the Assistant Secretary for Community Planning and Development
DUGS60420 Deputy White House Liaison to the Assistant to the Secretary/White House Liaison
DUGS60431 Regional Director, Kansas City, Kansas to the Deputy Assistant Secretary for Congressional Relations
DUGS60434 Staff Assistant to the Assistant Deputy Secretary for Field Policy and Management
DUGS60452 Deputy Director for Advance to the Director of Executive Scheduling and Operations
DUGS60458 Intergovernmental Relations Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS60462 Special Assistant to the Assistant Secretary for Community Planning and Development
DUGS60464 Special Projects Coordinator to the Assistant Deputy Secretary for Field Policy and Management
DUGS60469 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS60472 Deputy Assistant Secretary to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS60477 Special Assistant to the Assistant Secretary for Housing, Federal Housing Commissioner
DUGS60518 Special Assistant to the Deputy Secretary, Housing and Urban Development
DUGS60522 Deputy Assistant Secretary for Special Initiatives to the Secretary, Housing and Urban Development
DUGS60529 Special Assistant to the Assistant Secretary for Administration
DUGS60542 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS60558 Special Assistant to the Deputy Assistant Secretary
DUGS60588 Staff Assistant to the Director of Executive Scheduling and Operations
DUGS60595 Legislative Specialist to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS60598 Special Counsel to the General Counsel
DUGS60601 Staff Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations
DUGS60603 Staff Assistant to the General Deputy Assistant Secretary for Policy Development Research Section

Section 213.3388 Presidents Commission on White House Fellowships

WHGS00010 Staff Assistant (Office Automation) to the Director, President's Commission on White House Fellowships
WHGS00011 Education and Special Projects Director to the Director, President's Commission on White House Fellowships
WHGS60007 Associate Director to the Director, President's Commission on White House Fellowships

Section 213.3389 National Mediation Board

NMGS60056 Confidential Assistant to the Chairman

Section 213.3391 Office of Personnel Management

PMGS00025 Special Assistant to the Director, Office of Communications
PMGS00029 Special Assistant to the Director, Office of Communications
PMGS00030 Attorney Advisor to the General Counsel
PMGS00032 White House Liaison to the Chief of Staff
PMGS00033 Chief, Office of Senate Affairs to the Director, Office of Congressional Relations
PMGS00034 Confidential Assistant/Scheduler to the Chief of Staff
PMGS00035 Deputy Chief of Staff to the Chief of Staff
PMGS00036 Special Assistant to the Director, Office of Communications
PMGS00037 Chief, Office of House Affairs to the Director, Office of Congressional Relations
PMGS00038 Confidential Assistant to the Director, Office of Congressional Relations
PMGS60003 Special Assistant to the Director, Office of Communications
PMGS60004 Special Assistant to the Chief, Office of House Affairs
PMGS60005 Special Assistant to the Director, Office of Congressional Relations
PMGS60010 Special Initiatives Coordinator to the Director, Office of Communications
PMGS60011 Deputy General Counsel to the General Counsel
PMGS60013 Special Assistant to the Director, Office of Communications
PMGS60016 Special Assistant to the Deputy Director
PMGS60017 Special Counselor to the General Counsel
PMGS60018 Special Assistant to the Director, Office of Communications
PMGS60022 Deputy Director, Office of Communications to the Director, Office of Communications
PMGS60024 Policy Analyst to the Director

Section 213.3393 Pension Benefit Guaranty Corporation

BGGS60003 Assistant Executive Director for Legislative Affairs to the Executive Director

Section 213.3394 Department of Transportation

DTGS00114 Senior Policy Advisor to the Administrator
DTGS60003 Special Assistant to the Secretary and Deputy Director for Scheduling and Advance
DTGS60020 Deputy Assistant Secretary for Governmental Affairs to the Assistant Secretary for Governmental Affairs
DTGS60025 Special Assistant to the Under Secretary of Transportation for Security
DTGS60055 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs
DTGS60060 Deputy Assistant Secretary for Governmental Affairs to the Assistant Secretary for Governmental Affairs
DTGS60069 Director, Office of Public and Consumer Affairs to the Administrator
DTGS60128 Special Assistant to the Administrator
DTGS60141 Special Assistant to the Chief of Staff
DTGS60151 Assistant to the Secretary for Policy to the Secretary

DTGS60156 Deputy Assistant Secretary to the Assistant Secretary for Aviation and International Affairs
DTGS60175 Counselor to the Assistant Secretary for Aviation and International Affairs
DTGS60198 Special Assistant to the Chief Counsel
DTGS60229 Special Assistant to the Administrator
DTGS60239 Director, Office of Congressional and Public Affairs to the Administrator
DTGS60243 Speechwriter to the Associate Director for Speechwriting
DTGS60254 White House Liaison to the Chief of Staff
DTGS60257 Deputy Director to the Assistant to the Secretary and Director of Public Affairs
DTGS60258 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs
DTGS60276 Special Assistant to the Administrator
DTGS60277 Staff Assistant to the Administrator

Section 213.3394 Department of Transportation

DTGS60279 Associate Director for Speechwriting to the Assistant to the Secretary and Director of Public Affairs
DTGS60285 Special Assistant to the Administrator
DTGS60288 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs
DTGS60294 Counselor to the Associate Deputy Secretary
DTGS60295 Executive Assistant to the Associate Deputy Secretary
DTGS60301 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs
DTGS60324 Director for Scheduling and Advance to the Chief of Staff
DTGS60338 Special Assistant to the Associate Administrator for Policy
DTGS60339 Director of Public Affairs to the Administrator
DTGS60341 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs
DTGS60351 Counselor to the Deputy Secretary
DTGS60357 Special Assistant for Scheduling and Advance to the Director for Scheduling and Advance
DTGS60358 Special Assistant to the Director for Scheduling and Advance
DTGS60365 Special Assistant to the Assistant Secretary for Transportation Policy

Section 213.3396 National Transportation Safety Board

TBGS60001 Counselor to the Chairman
TBGS60025 Special Assistant to the Vice Chairman
TBGS60032 Special Assistant to a Member
TBGS60034 Director, Office of Family Affairs to the Chairman
TBGS60102 Special Assistant to the Vice Chairman
TBGS60105 Confidential Assistant to the Vice Chairman

Section 213.3397 Federal Housing Finance Board

FBOT00003 Special Assistant for External Affairs to the Chairman
FBOT00005 Staff Assistant to the Chairman
FBOT60001 Special Assistant to the Chairman
FBOT60002 Counsel to the Chairman
FBOT60004 Chief Counsel to the Board Director
FBOT60006 Special Assistant to the Board Director
FBOT60007 Special Assistant to the Board Director

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 03–31406 Filed 12–19–03; 8:45 am]

BILLING CODE 6325–38–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48926; File No. SR–NASD–2003–182]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Proposed Amendments to ''TRACE-Eligible Security'' and an Exemption to Trade Reporting

December 15, 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 December 5, 2003, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is proposing to: (1) Amend Rule 6210(a) to clarify certain terms used in the definition, ''TRACE-eligible security''; (2) amend NASD Rule 6230(e)(2) to expand the trade reporting exemption to qualifying transactions in any TRACE-eligible security that is listed and quoted on the Nasdaq Stock Market, Inc. (''Nasdaq''); and (3) make conforming amendments to the defined term, ''reportable TRACE transaction,'' in Rule 6210(c). Rules 6210 and 6230 are part of the Trade Reporting and Compliance Engine (''TRACE'') rules. Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in brackets.

* * * * *

6200. Trade Reporting and Compliance Engine (TRACE)

6210. Definitions

The terms used in this Rule 6200 Series shall have the same meaning as those defined in NASD's By-Laws and Rules unless otherwise specified.

(a) The term ''TRACE-eligible security'' shall mean all United States dollar denominated debt securities that are depository eligible securities under Rule 11310(d); Investment Grade or Non-Investment Grade; issued by United States and/or foreign private *issuers* [corporations]; and: (1) registered *under the Securities Act of 1933* [with the Securities and Exchange Commission] or (2) issued pursuant to Section 4(2) of the Securities Act of 1933 and purchased and sold pursuant to Rule 144A of the Securities Act of 1933. The term ''TRACE-eligible security'' excludes debt issued by government-sponsored entities, mortgage- or asset-backed securities, collaterallized mortgage obligations, and money market instruments. For purposes of the Rule 6200 Series, the term ''money market instrument'' means a debt security that at issuance has a maturity of one year or less.

(b) No Change.

(c) The term ''reportable TRACE transaction'' shall mean any secondary market transaction in a TRACE-eligible security except transactions in TRACE-eligible securities that are listed on a national securities exchange registered under Section 6 of the Securities Exchange Act of 1934, when such transactions are executed on, and reported to the exchange and the transaction information is disseminated publicly, or transactions in [convertible debt] *TRACE-eligible* securities that are

listed and quoted on the Nasdaq Stock Market, Inc. (Nasdaq), when such transactions are reported to Nasdaq and the transaction information is disseminated publicly.

(d) through (i) No Change.

* * * * *

6230. Transaction Reporting

(a) through (d) No Change.

(e) Transactions [Not Required To Be Reported] *Exempt From Reporting.*

The following types of transactions shall not be reported:

(1) Transactions that are part of a primary distribution by an issuer.[;]

(2) Transactions in *TRACE-eligible* securities that are listed on a national securities exchange, when such transactions are executed on and reported to the exchange and the transaction information is disseminated publicly, and transactions in [convertible debt] *TRACE-eligible* securities that are listed and quoted on Nasdaq, when such transactions are reported to Nasdaq and the transaction information is disseminated publicly.[; and]

(3) No Change.

(f) No Change.

* * * * *

I. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD 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. NASD 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

''*TRACE-Eligible Security.*'' NASD proposes to amend Rule 6210(a) to clarify two terms in the definition, ''TRACE-eligible security.'' First, NASD proposes to replace ''registered with the Securities and Exchange Commission'' in Rule 6210(a) with ''registered under the Securities Act of 1933'' to clarify the intended scope of that term.

Second, NASD proposes to clarify that TRACE-eligible securities include the debt securities of all U.S. and foreign private issuers generally, by substituting the word ''issuers'' for ''corporations.'' Although most issuers of securities are organized as corporations, this amendment makes clear that the debt securities of issuers that use another form of business organization are TRACE-eligible securities, provided that all the other conditions set forth in Rule 6210(a) are met.

Trade Reporting Exemption for Nasdaq-Listed Debt Securities. NASD has determined that the exemption from trade reporting in Rule 6230(e)(2), relating to debt securities listed and quoted on Nasdaq, is inappropriately narrow. The proposed amendment to Rule 6230(e)(2) will clarify and expand the exemption for certain transactions in TRACE-eligible debt securities that are listed on Nasdaq. NASD is also proposing conforming changes to Rule 6210(c).

Currently, Rule 6230(e)(2) provides, in relevant part, that a transaction in a TRACE-eligible security is exempt from reporting if the transaction is in a convertible debt security that is listed and quoted on Nasdaq, the transaction is reported to Nasdaq, and the transaction information is disseminated publicly. The proposed amendment to Rule 6230(e)(2) will exempt a member from reporting to TRACE a transaction in *any* TRACE-eligible security that is listed and quoted on Nasdaq, rather than only convertible debt securities, provided that the other two requirements for the exemption are also present (*i.e.*, the transaction is reported to Nasdaq and the transaction information is disseminated publicly).

The purpose of the provision is to exempt from the TRACE reporting requirements a transaction in a TRACE-eligible security if the transaction in the Nasdaq-listed and -quoted security is already subject to regulatory reporting, and the information reported is being made available to the public through dissemination.[3] At the time that the provision relating to Nasdaq was adopted, the provision was limited to Nasdaq-listed and -quoted *convertible debt securities* because it was believed that these were the only debt securities at issue. As the market in equity-linked debt securities has developed, NASD believes that the language of the exemption should be broader to clarify that the same types of transactions in these and similar securities that may be listed and quoted on Nasdaq should also be exempt from reporting. NASD also proposes to make conforming changes to the defined term, ''reportable TRACE transaction,'' in Rule 6210(c).

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[4] which requires, among other things, that NASD's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD believes that the proposed rule change, if approved, will provide NASD, as the self-regulatory organization designated to regulate the over-the-counter markets, with appropriate capabilities to regulate and provide surveillance of the debt securities markets to prevent fraudulent and manipulative acts and practices, for the protection of investors and in the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization 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

[3] Rule 6230(e)(2) also includes an exemption from reporting for transactions in TRACE-eligible securities that are listed on a national securities exchange, when the transactions are executed on and reported to the exchange, and transaction information is disseminated publicly.

[4] 15 U.S.C. 78o–3(b)(6).

Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov*. All comment letters should refer to File No. SR–NASD–2003–182. This file number should be included on the subject line if e-mail is used. To help the Commission process and review comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the 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 NASD. All submissions should refer to file number SR–NASD–2003–182 and should be submitted by January 12, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–31451 Filed 12–19–03; 8:45 am]

BILLING CODE 8010–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #P018]

U.S. Virgin Islands

As a result of the President's major disaster declaration for Public Assistance on December 9, 2003 the U.S. Small Business Administration is activating its disaster loan program only for private non-profit organizations that provide essential services of a governmental nature. I find that St. Croix, St. John, and St. Thomas, including Water Island, in the U.S. Virgin Islands constitute a disaster area due to damages caused by severe storms, flooding, landslides and mudslides occurring on November 10 through November 16, 2003. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on February 9, 2004, at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Floor, Niagara Falls, NY 14303.

The interest rates are:

For Physical Damage

Non-profit organizations without credit available elsewhere—3.061%

Non-profit organizations with credit available elsewhere—4.875%

The number assigned to this disaster for physical damage is P01806.

(Catalog of Federal Domestic Assistance Program Nos. 59008.)

Dated: December 11, 2003.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 03–31387 Filed 12–19–03; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Termination of the Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The decision to terminate this waiver of the Nonmanufacturer Rule is based on evidence provided to the SBA that there are small businesses which manufacturer items within this class of product. Terminating this waiver will require recipients of contracts set aside for small or 8(a) businesses to provide the product of domestic small business manufacturers or processors where this class of product is required. A notice to terminate a waiver of the Nonmanufacturer Rule appeared in the **Federal Register** on October 29, 2003 (FR 68 209). Comments from this notice were received from small business manufacturers. Our knowledge of the existence of small business manufacturers requires us to terminate the waiver of the Nonmanufacturer for Small Arms Manufacturing, NAICS 332994, in accordance with 13 CFR 121.1204(a)(7).

EFFECTIVE DATE: December 22, 2003.

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

SUPPLEMENTARY INFORMATION: Public Law 100–656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any ''class of products'' for which there are no small business manufacturers or processors in the Federal market. To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines ''class of products'' based on a six digit North American Industry Classification System (NAICS) and the four digit Product and Service Code established by the Federal Procurement Data System.

Linda G. Williams,

Associate Administrator for Government Contracting.

[FR Doc. 03–31409 Filed 12–19–03; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Termination of the Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The decision to terminate this waiver of the Nonmanufacturer Rule is based on evidence provided to the SBA that there are small businesses which manufacturer items within this class of product. Terminating this waiver will require recipients of contracts set aside for small or 8(a) businesses to provide the product of domestic small business manufacturers or processors where this class of product is required. A notice to terminate a waiver of the Nonmanufacturer Rule appeared in the **Federal Register** on October 29, 2003 (FR 68 209). Comments from this notice were received from small business manufacturers. Our knowledge of the existence of small business manufacturers requires us to terminate the waiver of the Nonmanufacturer for Ammunition (Except Small Arms) manufacturing, NAICS 332993, in accordance with 13 CFR 121.1204(a)(7).

EFFECTIVE DATE: December 22, 2003.

FOR FURTHER INFORMATION: Edith Butler, Program Analyst, U.S. Small Business

[5] 17 CFR 200.30–3(a)(12).

Administration, 409 3rd Street SW., Washington DC, 20416 Tel:(202) 619–0422.

SUPPLEMENTARY INFORMATION: Public Law 100–656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any ''class of products'' for which there are no small business manufacturers or processors in the Federal market. To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months.

The SBA defines ''class of products'' based on a six digit North American Industry Classification System (NAICS) and the four digist Product and Service Code established by the Federal Procurement Data System.

Linda G. Williams,

Associate Administrator for Government Contracting.

[FR Doc. 03–31410 Filed 12–19–03; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974, as Amended; New System of Records and New Routine Use Disclosures

AGENCY: Social Security Administration (SSA).

ACTION: Proposed new system of records and proposed routine uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(4) and (e)(11)), we are issuing public notice of our intent to establish a new system of records entitled *Electronic Disability Claim File, 60–0320,* hereinafter referred to as the *eDib Claim File,* and routine uses applicable to the system of records. We also are issuing notice that we may disclose personally identifiable information from the *eDib Claim File* to consumer reporting agencies in accordance with 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(e). We invite public comment on this proposal.

DATES: We filed a report of the proposed *eDib Claim File* and the applicable routine uses with the Chairwoman of the Senate Committee on Governmental Affairs, the Chairman of the House Committee on Government Reform, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on December 16, 2003. The proposed *eDib Claim File* system of records and the proposed routine uses will become effective on January 25, 2004, unless we receive comments warranting that they not be effective.

ADDRESSES: Interested individuals may comment on this publication by writing to the Executive Director, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Christine W. Johnson, Strategic Issues Team, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3–C–1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, e-mail address at *chris.w.johnson@ssa.gov,* or by telephone at (410) 965–8563.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose of the Proposed New *eDib Claim File* System of Records

A. General Background

The Agency currently receives the application and supporting claims information via a number of means (*i.e.*, field offices, teleclaims, and Internet application) and converts submitted information into paper-based records. SSA and the State Disability Determination Services (DDS) receive, review and transfer the paper folders between offices responsible for developing and adjudicating the claim. Claims representatives, disability examiners, quality assurance reviewers, hearing clerks, judges, etc., work through the paper file while reviewing the evidence. More paper is added at each review stage. After the Agency reaches a decision on a person's entitlement to benefits, the folder is mailed to a component responsible for storing and retrieving folders for subsequent actions. In the paper process, SSA incurs significant costs from maintaining, handling, moving, housing and reconstructing paper files. This paper bound process includes initial adjudication, the administrative appeals process and continuing eligibility to benefits.

The proposed *eDib Claim File* will allow the electronic collection, transfer, access and processing of disability claims information in a more efficient and less costly manner through improved hardware/software systems and automated programs such as:

- Internet applications that allow the collection of disability claims medical information from the public via the Internet;
- Electronic disability collect system (EDCS) that allows SSA field personnel to electronically collect information and transfer data to the electronic folder;
- Electronic folder infrastructure and document management architecture (DMA) that stores electronic versions of all information previously housed in the paper folder (*e.g.*, data, images, work documents, hearing recordings, etc.) and shares those items electronically among all components in the disability process;
- Automated case processing and management system that builds upon existing products and projects within the Office of Hearings and Appeals including interface with the electronic folder; and
- Systems migration from current Disability Determination Services case processing systems to technology that is better able to handle *eDib* activities.

To this end, the *eDib Claim File* will encompass all disability cases from the initial intake process through the administrative appeals process and include the continuing disability review process. All materials from the disability folder will be created, maintained and stored electronically and case processing systems throughout SSA and the state DDSs will interface with the *eDib Claim File* to support the paperless process.

Because SSA will maintain and retrieve information from the proposed *eDib Claim File* using Social Security numbers (SSN) and/or names, the proposed *eDib Claim File* will constitute a ''system of records'' under the Privacy Act.

B. Collection and Maintenance of Data in the eDib Claim File System of Records

The *eDib Claim File* will include identifying information about claimants, applicants, beneficiaries and potential claimants for disability benefits and payments administered by the Social Security Administration. See the ''Categories of Records'' section of the

notice below for a full description of the data that will be maintained in the system of records.

II. Proposed Routine Use Disclosures of Data Maintained in the Proposed *eDib Claim File* System of Records

A. Proposed Routine Use Disclosures

We are proposing to establish the following routine use disclosures of information that will be maintained in the proposed new *eDib Claim File* system of records:

1. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

We will disclose information under this routine use only in situations in which an individual may contact the Office of the President, seeking that Office's assistance in a matter relating to the *eDib Claim File*. Information will be disclosed when the Office of the President makes an inquiry and indicates that it is acting on behalf of the individual whose record is requested.

2. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

We will disclose information under this routine use only in situations in which an individual may ask his or her congressional representative to intercede in a matter relating to the *eDib Claim File.* Information will be disclosed when the congressional representative makes an inquiry and indicates that he or she is acting on behalf of the individual whose record is requested.

3. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA or any component thereof; or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components

is party to litigation or has an interest in such litigation and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before such tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code (IRC) will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS) or IRS Regulations.

We will disclose information under this routine use only as necessary to enable DOJ to effectively defend SSA, its components or employees in litigation involving the proposed system of records or when the United States is a party to litigation and SSA has an interest in the litigation.

4. To third party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for or entitlement to benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:

(i) He/she is incapable or of questionable mental capability;

(ii) He/she cannot read or write;

(iii) He/she cannot afford the cost of obtaining the information;

(iv) He/she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;

(v) A language barrier exists; or

(vi) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(i) His/her eligibility for benefits under the Social Security program;

(ii) The amount of his/her benefit payment; or

(iii) Any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement activities.

We will disclose information under this routine use only as necessary to enable SSA to obtain information that will assist in determining individuals' entitlement to or management of benefits under the Social Security program.

5. To third party contacts, where necessary, to establish or verify information provided by representative payees or payee applicants.

We will disclose information under this routine use only as necessary to assist SSA in the administration of the Representative Payee program provisions of section 205(j) and 1631(a) of the Social Security Act (Act).

6. To a person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls, *i.e.*,

(a) An award of benefits to a new claimant precludes an award to a prior claimant; or

(b) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls, but only for information concerning the facts relevant to the interest of each party in a claim.

We will disclose information under this routine use to a person(s) on the rolls only in situations involving the subsequent filing of a claim that negatively affects the benefit status of the person already on the rolls.

7. To employers or former employers for correcting or reconstructing earnings records and for Social Security tax purposes only.

We will disclose information under this routine use only for the purpose of assisting in the correction and reconstruction of earning records for Social Security tax purposes only.

8. To the Department of Treasury for:

(a) Collecting Social Security taxes or as otherwise pertinent to tax and benefit payment provisions of the Act (including SSN verification services); or

(b) Investigating alleged theft, forgery or unlawful negotiation of Social Security checks.

We will disclose information under this routine use only for the purpose of assisting the Department of Treasury in the collection of Social Security taxes and for investigating the unlawful receipt and/or negotiation of Social Security checks.

9. To the United States Postal Services for investigating the alleged forgery, theft or unlawful negotiation of Social Security checks.

We will disclose information under this routine use only to the extent necessary to assist SSA in the investigation of unlawful receipt and negotiation of Social Security checks.

10. Information may be disclosed to DOJ for:

(a) Investigating and prosecuting violations of the Act to which criminal penalties attach,

(b) Representing the Commissioner, or

(c) Investigating issues of fraud by agency officers or employees, or violation of civil rights.

We will disclose information under this routine use, only as necessary, to enable DOJ to represent SSA in matters concerning violations of the Act, to represent the Commissioner of Social

Security and to investigate issues of fraud by SSA officers or employees or violation of civil rights.

11. To the Department of State and its agents for administering the Act in foreign countries through facilities and services of that agency.

The Department of State acts as SSA's agent in administering Social Security affairs in foreign countries. We contemplate disclosing to the Department of State, as necessary, to administer the Social Security program for individuals residing in foreign countries.

12. To the American Institute of Taiwan and its agents for administering the Act in Taiwan through facilities and services of that organization.

The American Institute of Taiwan acts as SSA's agent in administering Social Security affairs in Taiwan. We contemplate disclosing to the American Institute of Taiwan, as necessary, to administer the Social Security program for individuals residing in Taiwan.

13. To the Department of Veterans Affairs, Philippines Regional Office and its agents, for administering the Act in the Philippines through facilities and services of that agency.

The Department of Veterans Affairs, Philippines Regional Office, acts as SSA's agent in administering Social Security affairs in the Philippines. We contemplate disclosing to that agency as necessary to administer benefits for individuals residing in the Philippines.

14. To the Department of Interior and its agents for administering the Act in the Northern Mariana Islands through facilities and services of that agency.

The Department of Interior acts as SSA's agent in administering Social Security affairs in the Northern Mariana Islands. We contemplate disclosing to the Department of Interior, as necessary, to administer the Social Security program for individuals residing in the Northern Mariana Islands.

15. To State Social Security Administrators for administration of agreements pursuant to section 218 of the Act.

We will disclose information under this routine use only for the purpose of administering agreements pursuant to section 218 of the Act.

16. To private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by SSA or a State agency acting in accord with sections 221 or 1633 of the Act.

We will disclose information under this routine use only for the purpose of evaluating the results of consultative medical examinations or vocational assessments to assist SSA in the development of disability determinations pursuant to sections 221 or 1633 of the Act.

17. To specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e) of the Act.

We will disclose information under this routine use only for the purpose of assisting SSA in the verification of information necessary for the effective and efficient administration of SSA programs pursuant to section 1631(e) of the Act.

18. To institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611(e)(3) of the Act and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

We will disclose information under this routine use only for the purpose of verifying eligibility for payment as authorized by section 1611(e)(3) of the Act and regulations issued by the Special Action Office for Drug Abuse Prevention.

19. To applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue Social Security claims and to representative payees when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting SSA in administering its representative payment responsibilities under the Act and assisting the representative payees in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.

We will disclose information under this routine use, only to the extent necessary, to pursue Social Security claims and assist SSA in administration of the representative payee program.

20. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 460 of the Act.

We will disclose information under this routine use only in accordance with the child support and alimony obligations set out in sections 459 and 460 of the Act.

21. To Federal, State or local agencies (or agents on their behalf) for administering cash or non-cash income maintenance or health maintenance programs (including programs under the Act). Such disclosures include, but are not limited to, release of information to:

(a) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the Railroad Unemployment Insurance Act;

(b) The VA for administering 38 U.S.C. 412, and upon request, information needed to determine eligibility for or amount of VA benefits or verifying other information with respect thereto;

(c) The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act, as amended by the Black Lung Benefits Act;

(d) State agencies for making determinations of Medicaid eligibility; and

(e) State agencies for making determinations of food stamp eligibility under the food stamp program;

(f) To State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations; and expenditures of Federal funds by the State in support of the DDSs;

(g) To State welfare departments pursuant to agreements with SSA for administration of State supplementation payments; for enrollment of welfare recipients for medical insurance under section 1843 of the Act; and for conducting independent quality assurance reviews of SSI recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review; and

(h) To State vocational rehabilitation agencies or State crippled children's service agencies (or other agencies providing services to disabled children) for consideration of rehabilitation services per sections 222 and 1615 of the Act.

We will disclose information under this routine use only for the purpose of supporting other government agencies that administer programs which have the same compatible purposes as SSA programs, e.g., eligibility, benefit amounts, or other matters of benefit status in a social security program and is relevant to determining the same matters in the other program.

22. To the Social Security agency of a foreign country, to carry out the purpose of an international Social Security agreement entered into between the United States and the other country, pursuant to section 233 of the Act.

We will disclose information under this routine use where information from SSA's records is needed by a foreign Social Security agency to implement a provision of an agreement other than adjudicating a claim for benefits.

23. To the Internal Revenue Service (IRS), Department of the Treasury, for the purpose of auditing SSA's compliance with the safeguard provisions of the Internal Revenue Code (IRC) of 1986, as amended.

This proposed routine use would allow the IRS to audit SSA's maintenance of earnings and wage information in the eDib Claim File to ensure that SSA complies with the safeguard requirements of the IRC.

24. To third party contacts (including private collection agencies under contract with SSA) for the purpose of their assisting SSA in recovering overpayments.

We will disclose information under this routine use only in situations in which SSA requires third party assistance to collect overpayments material to the Social Security program.

25. To the Department of Homeland Security (Bureau of Citizenship and Immigration Services (BCIS)), upon request, to identify and locate aliens in the United States pursuant to section 290(b) of the Immigration and Nationality Act (8 U.S.C. 1360(b)).

We will disclose information under this routine use only for the purpose of identifying and locating illegal aliens pursuant to section 290(b) of the Immigration and Nationality Act (8 U.S.C. 1360(b)).

26. To contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

SSA occasionally contracts out certain of its functions when this would contribute to effective and efficient operations. SSA must be able to give a contractor whatever information the Agency can legally provide in order for the contractor to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor from using or disclosing the information for any purpose other than that described in the contract.

27. Addresses of beneficiaries who are obligated on loans held by the Secretary of Education or a loan made in accordance with 20 U.S.C. 1071, *et seq.* (the Robert T. Stafford Student Loan Program) may be disclosed to the Department of Education as authorized by section 489A of the Higher Education Act of 1965.

Under this routine use we will disclose address only information to the Secretary of Education for the purpose of locating beneficiaries that are obligated on loans held by the Secretary.

28. To student volunteers and other workers, who technically do not have the status of Federal employees when they are performing work for SSA as authorized by law and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

Under certain Federal statutes, SSA is authorized to use the service of volunteers and participants in certain educational, training, employment and community service programs. An example of such statutes and programs includes: 5 U.S.C. 2753 regarding the College Work-Study Program. We contemplate disclosing information under this routine use only when SSA uses the services of these individuals and they need access to information in this system to perform their assigned agency duties.

29. To Federal, State and local law enforcement agencies and private security contractors as appropriate, information necessary:

- To enable them to protect the safety of SSA employees and customers, the security of SSA workplace and the operation of SSA facilities, or
- To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupts the operation of SSA facilities.

We will disclose information under this routine use to law enforcement agencies and private security contractors when information is needed to respond to, investigate or prevent activities that jeopardize the security and safety of SSA customers, employees or workplaces or that otherwise disrupt the operation of SSA facilities. Information would also be disclosed to assist in the prosecution of persons charged with violating Federal or local law in connection with such activities.

30. Non-tax return information which is not restricted from disclosure by Federal law to the General Services Administration (GSA) and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984, for the use of those agencies in conducting records management studies.

The Administrator of GSA and the Archivist of NARA are charged by 44 U.S.C. 2904, as amended, with promulgating standards, procedures and guidelines regarding record management and conducting records management studies. 44 U.S.C. 2906, as amended, provides that GSA and NARA are to have access to Federal agencies' records and that agencies are to cooperate with GSA and NARA. In carrying out these responsibilities, it may be necessary for GSA and NARA to have access to this proposed system of records. In such instances, the routine use will facilitate disclosure.

B. Compatibility of Proposed Routine Uses

The Privacy Act (5 U.S.C. 552a(b)(3)) and SSA's disclosure regulation (20 CFR part 401) permit us to disclose information under a published routine use for a purpose that is compatible with the purpose for which we collected the information. SSA's Regulations at 20 CFR 401.150(c) permits us to disclose information under a routine use where necessary to carry out SSA programs. SSA's Regulations at 20 CFR 401.120 provide that we will disclose information when a law specifically requires the disclosure. The proposed routine uses numbered 1 through 24, 26, 28 and 29 above will ensure efficient administration of SSA programs administered through the proposed *eDib Claim File;* the disclosures that would be made under routine uses number 25, 27, and 30 are required by law. The proposed routine uses are appropriate and meet the relevant statutory and regulatory criteria.

III. Disclosure to Consumer Reporting Agencies

The Privacy Act of 1974, as amended (5 U.S.C. 552a(b)(12)) permits Federal agencies to disclose certain information to consumer reporting agencies in accordance with 31 U.S.C. 3711(e) without the consent of the individuals to whom the information pertains. The purpose of this disclosure is to provide an incentive for individuals to pay any outstanding debts they owe to the Federal government by including information about these debts in the records relating to those persons maintained by consumer reporting agencies. This is a practice commonly used by the private sector. The information disclosed will be limited to that which is needed to establish the identity of the individual debtor, the amount, status, and history of the debt, and the agency or program under which the debt arose.

We have added the following statement at the end of the routine uses section of the proposed system of records:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, *et seq.*) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e), or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history of the debt and the agency or program under which the debt arose.

IV. Records Storage Medium and Safeguards for the Proposed eDib Claim File System of Records

The *eDib Claim File* is a repository. Only authorized SSA personnel who have a need for the information in the performance of their official duties will be permitted access to the information. We will safeguard the security of the information by requiring the use of access codes to enter the computer systems that will maintain the data and will store computerized records in secured areas that are accessible only to employees who require the information to perform their official duties. Any manually maintained records will be kept in locked cabinets or in otherwise secure areas. Furthermore, SSA employees having access to SSA databases maintaining personal information must sign a sanction document annually, acknowledging their accountability for making unauthorized access to or disclosure of such information.

Contractor personnel having access to data in the *eDib Claim File* will be required to adhere to SSA rules concerning safeguards, access and use of the data.

SSA personnel having access to the data on this system will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system. *See* 5 U.S.C. 552a(i)(1).

V. Effect of the Proposed eDib Claim File System of Records on the Rights of Individuals

The proposed new *eDib Claim File* system of records will maintain only that information that is necessary for the efficient and effective control and processing of disability applications from the initial phase through the appeals process and includes the CDR process. Security measures will be employed that protect access to and preclude unauthorized disclosure of records in the proposed system of records. Therefore, we do not anticipate that the proposed system of records will have an unwarranted adverse effect on the rights of individuals.

Dated: December 16, 2003.

Jo Anne B. Barnhart,

Commissioner.

SYSTEM NAME:

Electronic Disability (eDib) Claim File, Social Security Administration, Deputy Commissioner for Disability and Income Security Programs.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The *eDib* claim files are virtually established in Social Security field offices when claims for benefits are filed, or a lead is expected to result in a claim, and maintained in the National Computer Center at SSA Headquarters. The computerized records and database are maintained at Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

Other authorized Federal and State agencies that have access to the current paper disability folder will also have electronic access as needed to the *eDib* claim file. State agencies process disability and vocational rehabilitation determinations. Contact the system manager for address information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants, applicants, beneficiaries and potential claimants for disability benefits and payments administered by the Social Security Administration (*e.g.*, Title II and XVI disability claims).

CATEGORIES OF RECORDS IN THE SYSTEM:

The *eDib Claim File* contains the name and Social Security number (SSN) of the claimant or potential claimant and may contain the application for benefits; supporting evidence and documentation for initial and continuing entitlement; payment documentation; correspondence to and from claimants and/or representatives; information about representative payees; and leads information from third parties such as social service agencies, Internal Revenue Service, Veterans Administration and mental institutions.

The eDib claim file also may contain data collected as a result of inquiries or complaints and evaluation and measurement studies of the effectiveness of claims policies. Separate files may be maintained of certain actions, which are entered directly into the electronic processes. These relate to reports of changes of address, work status, and other post-adjudicative reports. Separate abstracts also are maintained for statistical purposes *i.e.*, disallowances, technical denials, and demographic and statistical information relating to disability decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 202–205, 223, 226, 228, 1611, 1631, 1818, 1836, and 1840 of the Social Security Act (42 U.S.C. 402–405, 423, 426, 428, 1382, 1383, 1395i–2, 1395o and 1395s

PURPOSE(S):

The electronic disability claim file contains material related to the request for or continuation of benefit payments under Titles II and XVI of the Social Security Act. *eDib* claim file information is used throughout SSA for purposes of pursuing claims; collecting, documenting, organizing and maintaining information and documents for making determinations of eligibility for disability benefits, the amount of benefits, the appropriate payee for benefits; reviewing continuing eligibility; holding hearings or administrative review processes; ensuring that proper adjustments are made based on events affecting entitlement; and answering inquiries.

eDib claim files may be referred to State Disability Determination Service (DDS) agencies or vocational rehabilitation agencies. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes. Extracts may be maintained as interviewing tools, activity logs, records of claims clearance, and records of type or nature of actions taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code (IRC) will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

2. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

3. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA, or any component thereof, or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components is party to litigation or has an interest in such litigation and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before such tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code (IRC) will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS Regulations.

4. To third party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for or entitlement to benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:

(i) He/she is incapable or of questionable mental capability;

(ii) He/she cannot read or write;

(iii) He/she cannot afford the cost of obtaining the information;

(iv) He/she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;

(v) A language barrier exists; or

(vi) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(i) His/her eligibility for benefits under the Social Security program;

(ii) The amount of his/her benefit payment; or

(iii) Any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement activities.

5. To third party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

6. To a person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls, *i.e.*,

(a) An award of benefits to a new claimant precludes an award to a prior claimant; or

(b) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interest of each party in a claim.

7. To employers or former employers for correcting or reconstructing earnings records and for Social Security tax purposes only.

8. To the Department of Treasury for:

(a) Collecting Social Security taxes or as otherwise pertinent to tax and benefit payment provisions of the Act (including SSN verification services); or

(b) Investigating alleged theft, forgery, or unlawful negotiation of Social Security checks.

9. To the United States Postal Services for investigating the alleged forgery, theft or unlawful negotiation of Social Security checks.

10. Information may be disclosed to DOJ for:

(a) Investigating and prosecuting violations of the Act to which criminal penalties attach,

(b) Representing the Commissioner, or

(c) Investigating issues of fraud by agency officers or employees, or violation of civil rights.

11. To the Department of State and its agents for administering the Act in foreign countries through facilities and services of that agency.

12. To the American Institute of Taiwan and its agents for administering the Act in Taiwan through facilities and services of that organization.

13. To the Department of Veterans Affairs, Philippines Regional Office and its agents for administering the Act in the Philippines through facilities and services of that agency.

14. To the Department of Interior and its agents for administering the Act in the Northern Mariana Islands through facilities and services of that agency.

15. To State Social Security Administrators for administration of agreements pursuant to section 218 of the Act.

16. To private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by SSA or a State agency acting in accord with sections 221 or 1633 of the Act.

17. To specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e) of the Act.

18. To institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611(e)(3) of the Act and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

19. To applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue Social Security claims and to representative payees when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting SSA in administering its representative payment responsibilities under the Act and assisting the representative payees in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.

20. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 460 of the Act.

21. To Federal, State, or local agencies (or agents on their behalf) for administering cash or non-cash income maintenance or health maintenance programs (including programs under the Act). Such disclosures include, but are not limited to, release of information to:

(a) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the Railroad Unemployment Insurance Act;

(b) The VA for administering 38 U.S.C. 412, and upon request, information needed to determine eligibility for or amount of VA benefits or verifying other information with respect thereto;

(c) The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act, as amended by the Black Lung Benefits Act;

(d) State agencies for making determinations of Medicaid eligibility; and

(e) State agencies for making determinations of food stamp eligibility under the food stamp program;

(f) To State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations; and expenditures of Federal funds by the State in support of the Disability Determination Services (DDS);

(g) To State welfare departments pursuant to agreements with SSA for administration of State supplementation payments; for enrollment of welfare recipients for medical insurance under section 1843 of the Act; and for conducting independent quality assurance reviews of SSI recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review; and

(h) To State vocational rehabilitation agencies or State crippled children's service agencies (or other agencies providing services to disabled children) for consideration of rehabilitation services per sections 222 and 1615 of the Act.

22. To the Social Security agency of a foreign country, to carry out the purpose of an international Social Security agreement entered into between the United States and the other country, pursuant to section 233 of the Act.

23. To the IRS, Department of the Treasury, for the purpose of auditing SSA's compliance with the safeguard provisions of the IRC of 1986, as amended.

24. To third party contacts (including private collection agencies under contract with SSA) for the purpose of their assisting SSA in recovering overpayments.

25. To the Department of Homeland Security (Bureau of Citizenship and Immigration Services (BCIS)), upon request, to identify and locate aliens in the United States pursuant to section 290(b) of the Immigration and Nationality Act (8 U.S.C. 1360(b)).

26. To contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

27. Addresses of beneficiaries who are obligated on loans held by the Secretary of Education or a loan made in accordance with 20 U.S.C. 1071, *et seq.* (the Robert T. Stafford Student Loan Program) may be disclosed to the Department of Education as authorized by section 489A of the Higher Education Act of 1965.

28. To student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

29. To Federal, State and local law enforcement agencies and private security contractors, as appropriate, information necessary:

- To enable them to protect the safety of SSA employees and customers, the security of SSA workplace and the operation of SSA facilities, or
- To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupts the operation of SSA facilities.

30. Non-tax return information which is not restricted from disclosure by Federal law to the General Services Administration (GSA) and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and § 2906, as amended by NARA Act of 1984, for the use of those agencies in conducting records management studies.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, *et seq.*) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e), or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history of the debt and the agency or program under which the debt arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically.

RETRIEVABILITY:

eDib claim files are retrieved electronically by SSN and alphabetically by name.

SAFEGUARDS:

eDib claim files are protected through limited access to SSA records. Access to the records is limited to those employees who require such access in the performance of their official duties. All employees are instructed in SSA confidentiality rules as a part of their initial orientation training.

Safeguards for automated records have been established in accordance with the Systems Security Handbook. For computerized records, electronically transmitted between SSA's central office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

The retention schedule for the new *eDib Claim File* will be incorporated in the Social Security media neutral claim file retention schedule. The schedule includes authoritative instructions for the retention or destruction of existing and future disability claim file records under Title II and Title XVI of the Social Security Act.

The retention periods for disability claim file records are as follows:

A. Title II Domestic Disability Insurance (DI) Claim Files

Files for Title II claims based on disability will be deleted/destroyed 7 years after the date of adjudication of the most recently awarded claim if: (1) The person has attained full retirement age; or (2) the medical reexamination date is scheduled to occur after attainment of full retirement age.

Files for Title II DI claims denied or terminated for medical reasons will be deleted/destroyed 5 years after the Agency's final denial or termination decision. Title II DI files denied or terminated for non-medical reasons, including death, will be deleted/destroyed 2 years after the Agency's final denial or termination decision.

B. Title II International DI Claim Files

Files for Title II DI claims based on disability for persons receiving payments will be retained until the claim is terminated. Title II DI files for persons not receiving payments (denied or terminated) will be deleted/destroyed (including underpayment records) 5 years after the Agency's final denial or termination decision.

Files for Title II DI claims not based on disability for persons receiving payments will be retained until the claim is terminated. Title II DI files for persons not receiving payments (denied or terminated) will be deleted/destroyed (including underpayment records) 5 years after the Agency's final denial or termination decision.

C. Supplemental Security Income Claim Files

Files for SSI disability claims will be deleted/destroyed 7 years after the adjudication date of the most recently awarded claim if: (1) The person attains age 65; or (2) the medical reexamination date is scheduled to occur after attainment of age 65.

Files for claims denied or terminated for medical reasons will be deleted/destroyed 5 years after the Agency's final denial or termination decision. Files for claims denied or terminated for non-medical reasons will be deleted/destroyed 2 years after the Agency's final denial or termination decision.

All paper claim files are disposed of by shredding or the application of heat when the retention periods have expired.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Commissioner, Disability and Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURE:

When requesting notification, the individual should provide the type of claim he or she filed (DI and/or SSI). If more than one claim is filed, each should be identified, whether he/she is or has been receiving benefits, whether payments are being received under his or her own SSN, and if not, the name and SSN under which received, if benefits have not been received, the approximate date and place the claim was filed, and his/her address and/or telephone number. (Furnishing the SSN is voluntary, but it will make searching for an individual's record easier and prevent delay.)

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses, is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40).

An individual who requests access to his or her medical records shall be given direct access to those records unless SSA determines that it is likely that direct access would adversely affect the individual. If SSA determines that direct access to the medical record(s) would likely adversely affect the individual, he or she must designate a responsible representative who is capable of explaining the contents of the medical record(s) to him or her and who would be willing to provide the entire record(s) to the individual. These procedures are in accordance with SSA Regulations (20 CFR 401.55).

A parent or guardian who requests notification of or access to a minor's medical record shall, at the time he/she makes the request, designate a physician or other health professional (other than a family member) who is capable of explaining the contents of the medical record(s) to him or her and who would be willing to provide the entire record(s) to the individual. These procedures are in accordance with SSA Regulations (20 CFR 401.55).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the information they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65).

RECORD SOURCE CATEGORIES:

Information in this system is obtained from claimants, beneficiaries, applicants and recipients; accumulated by SSA from reports of employers or self-employed individuals; various local, State, and Federal agencies; claimant representatives and other sources to support factors of entitlement and continuing eligibility or to provide leads information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 03–31432 Filed 12–19–03; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed Between November 10 and December 5, 2003

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Agreements filed during the week ending November 14, 2003.

Docket Number: OST–2003–16525.
Date Filed: November 13, 2003.
Parties: Members of the International Air Transport Association.
Subject: PAC/Reso/421 dated August 12, 2003, Finally Adopted Resolutions r1–r42, Minutes—PAC/Meet/179 dated August 12, 2003, Intended effective date: January 1, 2004.

Agreements filed during the week ending November 21, 2003.

Docket Number: OST–2003–16541.
Date Filed: November 17, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC31 N&C/CIRC 0253 dated 17 October 2003, Circle Pacific Resolutions 002, 073c, PTC31 N&C/CIRC 0254 dated 17 October 2003, North and Central Pacific Areawide Resolutions, PTC31 N&C/CIRC 0255 dated 17 October 2003, TC3 (except Japan)-North America, Caribbean Resolutions except between Korea (Rep. of), Malaysia-USA, PTC31 N&C/CIRC 0256 dated 17 October 2003, Japan-North America, Caribbean Resolutions, PTC31 N&C/CIRC 0257 dated 17 October 2003, TC3–Central America, South America Resolutions, PTC31 N&C/CIRC 0258 dated 17 October 2003, Korea (Rep. of), Malaysia-USA Resolutions r1–r75, Minutes—PTC31 N&C/CIRC 0259 dated 14 November 2003, Tables—PTC31 N&C/CIRC Fares 0114 dated 21 October 2003, Japan-North America, Caribbean Specified Fares Tables, PTC31 N&C/CIRC Fares 0115 dated 21 October 2003, Circle Pacific Specified Fares Tables, PTC31 N&C/CIRC Fares 0116 dated 21 October 2003, TC3–Central America, South America Specified Fares Tables, PTC31 N&C/CIRC Fares 0117 dated 21 October 2003, TC3 (except Japan)-North America, Caribbean Specified Fares Tables, Intended effective date: 1 April 2004.

Docket Number: OST–2003–16542.
Date Filed: November 17, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC2 EUR 0537 dated 14 November 2003, Within Europe Expedited Resolutions r1–r9, Intended effective date: 1 January 2004.

Docket Number: OST–2003–16559.
Date Filed: November 20, 2003.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 339, PTC23 EUR–SEA 0176 dated 18 November 2003, Resolution 010b Special Amending Resolution between Europe and South East Asia, Intended effective date: 1 April 2004.

Docket Number: OST–2003–16562.
Date Filed: November 21, 2003.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 342, PTC3 0678 dated 25 November 2003, TC3 Special Passenger Amending Resolution 010e between Japan, Korea and South East Asia r1–r5, Intended effective date: 1 December 2003.

Agreements filed during the week ending November 28, 2003.

Docket Number: OST–2003–16565.
Date Filed: November 24, 2003.
Parties: Members of the International Air Transport Association.
Subject: CTC COMP 0460 dated 21 November 2003, Mail Vote 343—Resolution 010cc, TC2/12 Special Cargo Amending Resolution, Intended effective date: 1 May 2004.

Docket Number: OST–2003–16583.
Date Filed: November 28, 2003.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 344, PTC3 0679 dated 2 December 2003, TC3 Special Passenger Amending Resolution 010f, between Japan, Korea and South East Asia r1–r9, Intended effective date: 15 December 2003.

Agreements filed during the week ending December 5, 2003.

Docket Number: OST–2003–16588.
Date Filed: December 1, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC3 0680 dated 2 December 2003, Within South Asian Subcontinent, Expedited Resolution 002ad, PTC3 0681 dated 2 December 2003, Within South East Asia except between Malaysia and Guam Expedited Resolutions 002ap, 070uu, PTC3 0682 dated 2 December 2003 between South East Asia and South Asian Subcontinent Expedited Resolutions 002bc, 070tt, 085ii PTC3 0683 dated 2 December 2003 between South Asian Subcontinent and South West Pacific Expedited Resolution 002bi, PTC3 0684 dated 2 December 2003 between South East Asia and South West Pacific except between Malaysia and American Samoa, Expedited Resolution 002bn, PTC3 0685 dated 2 December 2003 between Japan, Korea and South East Asia except between Korea (Rep. of) and Guam, Northern Mariana Islands Expedited Resolution 002dm r1–r23, Intended effective date: 15 January 2004.

Docket Number: OST–2003–16589.
Date Filed: December 1, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC23 EUR–SWP 0080 dated 2 December 2003, Europe-South West Pacific Expedited Resolution 002bw rl, Intended effective date: 1 January 2004.

Docket Number: OST–2003–16615.
Date Filed: December 2, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC23 EUR–SASC 0114 dated 28 November 2003, TC23 Europe-South Asian Subcontinent, Expedited Resolution 002ca r1, Intended effective date: 1 January 2004.

Docket Number: OST–2003–16616.
Date Filed: December 2, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC2 EUR 0538 dated 21 November 2003, Within Europe Resolutions r1–r26 , PTC2 EUR 0539 dated 21 November 2003 Within Europe Resolutions r27–r28, PTC2 EUR 0540 dated 21 November 2003 Within Europe Resolutions r29, Minutes—PTC2 EUR 0541 dated 28 November 2003, Tables—PTC2 EUR Fares 0092 (Part 1 Pages 1–360) dated 21 November 2003, PTC2 EUR Fares 0092 (Part 2 Pages 361–687) dated 21 November 2003, Intended effective date: 1 March 2004, 1 April 2004, 1 June 2004.

Docket Number: OST–2003–16633.
Date Filed: December 4, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC23 EUR–SWP 0081 dated 5 December 2003, Europe-South West Pacific Expedited Resolutions 002cj, 071rr r1–r3, Intended effective date: 15 January 2004.

Andrea M. Jenkins,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 03–31414 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) Filed With the Department Between November 24 and December 5, 2003

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (*See* 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order,

or in appropriate cases a final order without further proceedings.

Applications Filed During Week Ending November 28, 2003

Docket Number: OST–2003–14073.
Date Filed: November 26, 2003.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 17, 2003.
Description: Application of Kuwait Airways Corporation, pursuant to 49 U.S.C. Section 41302, part 211 and subpart B, requesting that its foreign air carrier permit be amended to include authority to provide additional nonstop operations between Kuwait and New York, NY and to add the intermediate point of Athens, Greece in addition to the current intermediate point of Amsterdam, The Netherlands in the conduct of service between Chicago, IL and Kuwait.

Applications Filed During Week Ending December 5, 2003

Docket Number: OST–2003–16626.
Date Filed: December 3, 2003.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 24, 2003.
Description: Emergency Application of Midway Airlines Corporation and Ascent Airlines, Inc., pursuant to 49 U.S.C. section 41105 and Subpart B, seeking approval of the transfer of Midway's operating authority to Ascent.

Andrea M. Jenkins,

Program Manager Docket Operations, Federal Register Liaison.

[FR Doc. 03–31415 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Gerald R. Ford International Airport, Grand Rapids, Michigan

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to non-aeronautical use and to authorize the sale of the airport property. The proposal consists of 3 parcels of land totaling approximately 16.33 acres. Current use and present condition is vacant grassland. The land was acquired under FAA Project Nos. 8–26–0039–02 and 91–2–3–26–0039–1292. There are no impacts to the airport by allowing the airport to dispose of the property. The proposal concerns selling the land to the County of Kent, Michigan to provide a right-of-way for the proposed 36th Street extension in the northeast quadrant of the airport. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before January 5, 2003.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence C. King, Project Manager, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO 607, 11677 South Wayne Road, Romulus, Michigan 48174. Telephone Number (734) 229–2933/ FAX Number (734) 229–2950. Documents reflecting this FAA action may be reviewed at this same location or at Gerald R. Ford International Airport, Grand Rapids, Michigan.

SUPPLEMENTARY INFORMATION: Following is a legal description of the property located in Grand Rapids, Kent County, Michigan, and described as follows:

Parcel A

Part of the southwest ¼ of section 21, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the south ¼ corner of said section; thence north 00° 48′ 27″ west along the north-south ¼ line of said section 1318.86 feet to the north line of the south ½ of the southwest ¼ line of said section; thence south 89° 32′ 08″ west along the north line of the south ½ of the southwest ¼ of said section 1492.97 feet to the place of beginning of this description; thence south 00° 27′ 52″ east 145.72 feet; thence south 54° 03′ 19″ west 93.21 feet to the northeasterly right of way line of relocated Thornapple River Drive (120.00 feet wide); thence northwesterly 238.56 feet along the northeasterly right of way of relocated Thornapple River Drive and a 1,213.24 foot radius curve to the right, the long chord of which bears north 33° 25′ 49″ west 238.17 feet to the north line of the south ½ of the southwest ¼ of said section; thence north 89° 32′ 08″ east along the north line of the south ½ of the southwest ¼ of said section 205.50 feet to the place of beginning. Parcel contains 26,993.56 square feet or 0.620 acres.

Parcel B

Part of the northwest ¼ of section 20, the northeast ¼ of section 20, and the southwest ¼ of section 17, all in T6N, R10W, Cascade Township, Kent County, Michigan, the centerline of proposed 36th Street (120.00 feet wide) is described as: Commencing at the east ¼ corner of said section 20; thence north 00° 46′ 17″ west along the east line of said section 20, 739.36 feet; thence north 45° 58′ 30″ west 105.69 feet to the west right of way line of Thornapple River Drive (150.00 feet wide) and the place of beginning of said centerline; thence north 45° 58′ 30″ west 1019.63 feet; thence northwesterly 1584.53 feet along a 2864.79 foot radius curve to the left, the long chord of which bears north 61° 49′ 13″ west 1564.41 feet; thence north 77° 39′ 56″ west 482.26 feet to a point on the east lie of the northwest ¼ of said section 20 (said point being 302.15 feet south 00° 46′ 47″ east from the northeast corner of the northwest ¼ of said section 20); thence north 77° 39′ 56″ west 948.25 feet; thence westerly 397.82 feet along a 2,864.79 foot radius curve to the left, the long chord of which bears north 84° 19′ 08″ west 397.50 feet to the east line of the west ½ of the northwest ¼ of said section 20, the place of ending of said centerline. Parcel contains 12.21 acres, more or less.

Parcel C

Part of the northeast ¼ of section 20, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the northeast corner of said section; thence south 00° 46′ 17″ east along the east line of the northeast ¼ of said section 1658.17 feet; thence South 89° 13′ 43″ west 75.00 feet to the intersection of the westerly right of way line of Thornapple River Drive (150.00 feet wide) and the southwesterly line of Highway I–96 right of way, the place of beginning of this description; thence south 00° 46′ 17″ east along the westerly right of way line of Thornapple River Drive 98.19 feet to a point 60.00 feet northeasterly (perpendicular measure) from the centerline of proposed 36th Street; thence north 45° 58′ 30″ west parallel with the centerline of proposed 36th Street 960.05 feet; thence northwesterly 1084.69 feet parallel with the centerline of proposed 36th Street and along a 2,924.79 foot radius curve to the left, the long chord of which bears north 56° 35′ 58″ west 1078.48 feet; thence north 38° 40′ 44″ east 167.39 feet to the southwesterly line of Highway I–96 right of way; thence southwesterly 644.15 feet along the southwesterly line of Highway I–96 right of way and a 11,309.16 foot radius curve to the right, the long chord of which bears south 49° 41′ 21″ east 644.07 feet; thence south 89° 39′ 26″ east along the southwesterly line of highway I–96 right of way 70.61 feet; thence southwesterly 292.07 feet along the southwesterly line of highway I–96 right of way and a 11,356.16 foot radius curve to the right, the long chord of which bears south 47° 03′ 15″ east 292.07 feet; thence south 46° 19′ 03″ east along the southwesterly right of way of highway I–96 right of way 980.68 feet to the place of beginning of this description. Parcel contains 3.50 acres.

Total acres to be released are 16.33, more or less.

Issued in Romulus, Michigan on December 4, 2003.

Winsome A. Lenfert,

Acting Manager, Detroit Airports District Office, FAA, Great Lakes Region.

[FR Doc. 03–31418 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2003–76]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before January 21, 2004.

ADDRESSES: You may submit comments (identified by DOT DMS Docket Number FAA–2003–15659) by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John Linsenmeyer (202) 267–5174, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on December 16, 2003.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petition for Exemption

Docket No.: FAA–2003–15659.

Petitioner: F & E Aircraft Maintenance, L.L.C.

Section of 14 CFR Affected: 14 CFR 145.35 and 145.37.

Description of Relief Sought: To permit F & E Aircraft Maintenance, L.L.C. to obtain an airframe rating on its repair station certificate without meeting the housing and facility requirements of §§ 145.35 and 145.37.

[FR Doc. 03–31416 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2003–16720]

Notice of Receipt of Petition for Decision That Nonconforming 1996 Audi S6 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1996 Audi S6 passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1996 Audi S6 passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is January 21, 2004.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 1996 (volume 65, number 70; pages 19477–78) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Export Auto Sales, Inc. of Chicopee, Massachusetts J.K. Technologies of Baltimore, Maryland (''Export Auto Sales'') (Registered Importer 01–284) has petitioned NHTSA to decide whether 1996 Audi S6 passenger cars are eligible for importation into the United States. The vehicles which

Export Auto Sales believes are substantially similar are 1996 Audi S6 passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1996 Audi S6 passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Export Auto Sales submitted information with its petition intended to demonstrate that non-U.S. certified 1996 Audi S6 passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1996 Audi S6 passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity, and* 302 *Flammability of Interior Materials.*

Petitioner states that the vehicles also comply with the Bumper Standard found at 49 CFR part 581.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Inscription of the word ''Brake'' on the dash in place of the international ECE warning symbol; (b) replacement of the speedometer with one that reads in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamps and front sidemarker lamps; (b) installation of U.S.-model taillamp assemblies, which incorporate rear sidemarker lamps; (c) inspection of all vehicles and installation of a U.S.-model high mounted stop lamp on any vehicles that are not already so equipped.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* inspection of all vehicles and replacement of the passenger side rearview mirror with a U.S.-model component on any vehicles that are not already so equipped.

Standard No. 114 *Theft Protection:* inspection of all vehicles and installation of a key microswitch and warning buzzer on any vehicles that are not already so equipped.

Standard No. 118 *Power-Operated Window Systems:* inspection of all vehicles and installation, on any vehicles that are not already so equipped, of a relay to prevent the window transport from operating with the ignition switched off.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a seat belt warning buzzer, wired to the driver's seat belt latch; (b) inspection of all vehicles and installation, on any vehicles that are not already so equipped, of U.S.-model airbags, knee bolsters, airbag control unit, sensors, and seat belts. The petitioner states that the vehicles are equipped with automated restraint systems consisting of dual front air bags and knee bolsters. The petitioner also states that the vehicles are equipped with combination lap and shoulder belts at the front and rear outboard designated seating positions that are self-tensioning and release by means of a single red pushbutton, and with a lap belt at the rear center designated seating position.

Standard No. 214 *Side Impact Protection:* inspection of all vehicles and installation of U.S.-model door bars on any vehicles that are not already so equipped.

The petitioner states that a vehicle identification plate must be affixed to the vehicles near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: December 17, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03–31419 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2003–16719]

Notice of Receipt of Petition for Decision That Nonconforming 1979–1980 Volkswagen Transporter Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1979–1980 Volkswagen Transporter multipurpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1979–1980 Volkswagen Transporter MPVs that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is January 21, 2004.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the

comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA, 202–366–3151.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. § 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle of the same model year that was originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and that the vehicle is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Eurotech Imports of South Burlington, Vermont (''Eurotech'') (Registered Importer 02–313) has petitioned NHTSA to decide whether 1979–1980 Volkswagen Transporter MPVs are eligible for importation into the United States. The vehicles that Eurotech believes are substantially similar are 1979–1980 Volkswagen Vanagon MPVs that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1979–1980 Volkswagen Transporter MPVs to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Eurotech submitted information with its petition intended to demonstrate that non-U.S. certified 1979–1980 Volkswagen Transporter MPVs, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1979–1980 Volkswagen Transporter MPVs are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic and Electric Brake Systems,* 106 *Brake Hoses,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles Other Than Passenger Cars,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 208 *Occupant Crash Protection,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of the word ''Brake'' for the ECE warning symbol as a marking for the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate seat belt symbol; (c) recalibration of the speedometer/odometer to show speed in miles per hour and distance traveled in miles.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies that incorporate headlamps certified to DOT requirements; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies.

Standard No. 111 *Rearview Mirror:* Replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* Installation of a warning buzzer microswitch in the steering lock assembly and a warning buzzer.

Standard No. 118 *Power Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 120 *Tire Selection and Rims for Vehicles Other Than Passenger Cars:* Installation of a tire information placard.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line.

Petitioner states that a vehicle identification number (VIN) plate must be affixed to the vehicles so that it is readable from outside the driver's windshield pillar, and a reference and certification label must be affixed to the edge of the driver's side door or to the latch post nearest the driver to meet the requirements of 49 CFR part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: December 17, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03–31420 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2003–16699; Notice 1]

Michelin North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Michelin North America, Inc. (Michelin), has determined that certain tires it manufactured do not comply with S4.3(d) of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, ''New pneumatic tires.'' Michelin has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Michelin has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Michelin's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Michelin produced approximately 8,568 Michelin Pilot XGT H4 tires, size P195/65R15, whose sidewall labeling, on one side of the tire only, incorrectly describes the generic name of the cord material in one of the plies in the tread area. These tires were marked on one side indicating the Polyamide ply in the tread area is composed of Polyamide/Steel while they are actually composed of Polyamide only. Therefore, they do not comply with FMVSS No. 109 S4.3(d), which requires that ''each tire shall have permanently molded into or onto both sidewalls . . . (d) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire.''

Michelin believes that this noncompliance is inconsequential to motor vehicle safety. It asserts that in all other respects, the tires meet or exceed the requirements of FMVSS No. 109, including all of the performance requirements. It further asserts that the noncompliance with S4.3(d) will have no impact on the performance of the tire on a motor vehicle, or upon motor vehicle safety.

Michelin further states:

> The Agency has consistently found that ply labeling noncompliances have an inconsequential effect on motor vehicle safety, and have regularly granted exemption petitions for similar ply labeling non-compliances. See *e.g.*, 67 FR 1399 (January 10, 2002) finding use of word ''Rayon'' instead of ''Polyester'' inconsequential; 66 FR 63090 (December 4, 2001) finding understatement of number of plies inconsequential; 66 FR 49254 (September 26, 2001) finding overstatement of number of plies inconsequential; 66 FR 47518 (September 12, 2001) finding overstatement of number of plies inconsequential; and 66 FR 41931 (August 9, 2001) finding overstatement of number of plies inconsequential.

Michelin states that NHTSA recently reviewed the impact of tire label information on safety in the context of its rulemaking efforts under the Transportation Recall, Enhancement, Accountability and Documentation Act, and that the analysis concluded that tire construction information is not relied upon by dealers and consumers in the purchasing or selling of tires and has an inconsequential impact on motor vehicle safety. Michelin says that NHTSA's review included both a solicitation of comments on a proposed tire labeling rulemaking, and related focus group surveys. According to Michelin, commenters on NHTSA's Advanced Notice of Proposed Rulemaking issued on December 1, 2000 (65 FR 75222) indicated that the tire construction labeling requirements of FMVSS No. 109 S4.3(d) and (e) provide little or no safety value to the general public since most consumers do not understand tire construction technology. Michelin says the consumer focus groups found that very few consumers had any knowledge of tire information beyond the tire brand name, tire size, and tire pressure and did not have information or knowledge on the relationship between tire construction specifications and tire durability and strength. According to Michelin, NHTSA concluded from these comments and focus groups that it is likely that few consumers are influenced by the tire construction labeling information when making a motor vehicle or tire purchase decision, and that such information is not relied upon by consumers in evaluating the strength and durability of tires.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods: Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at *http://dms.dot.gov*. Click on ''Help'' to obtain instructions for filing the document electronically. Comments may be faxed to 1–202–493–2251, or may be submitted to the Federal eRulemaking Portal: go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be considered. All comments and supporting materials received after the closing date will also be filed and considered to the extent possible. When the petition is granted or denied, a notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: January 21, 2004.

Authority: (49 U.S.C. 301118, 301120; delegations of authority at CFR 1.50 and 501.8).

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03–31392 Filed 12–19–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–601 (Sub–No. 1X)]

Pine Belt Southern Railroad Company, Inc.—Abandonment Exemption—in Lee and Chambers Counties, AL

Pine Belt Southern Railroad Company, Inc. (PBRR) has filed a notice of exemption under 49 CFR 1152 Subpart *F—Exempt Abandonments* to abandon a 17.4-mile line of railroad between milepost T–322.40 at Roanoke Junction and milepost T–339.66 at Lafayette, in Lee and Chambers Counties, AL.[1] The line traverses United States Postal Service Zip Codes 36801, 36802, 36803, 36804 and 36862.

PBRR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the line during the past 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employees adversely affected by the

[1] The City of Opelika (City) filed a request for imposition of a public use condition and for issuance of a notice of interim trail use for the entire line pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d). The Board will address the City's public use and trail use requests, and any others that may be filed, in a subsequent decision.

abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protect affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 21, 2004, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 2, 2004. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 12, 2004, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to PBRR's representative: G. Richard Abernathy, P.O. Box 1317, Shelbyville, TN 37162.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

PBRR has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by December 23, 2003. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), PBRR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by PBRR's filing of a notice of consummation by December 22, 2004, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: December 10, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 03–31082 Filed 12–19–03; 8:45 am]

BILLING CODE 4915–00–P

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,100. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

AGENCY: Department of the Treasury.

ACTION: Notice of proposed guidance.

SUMMARY: The U.S. Department of the Treasury publishes for public comment proposed policy guidance on Title VI's prohibition against national origin discrimination as it affects limited English proficient persons. This policy guidance is intended to replace policy guidance published March 7, 2001, and republished on March 7, 2002, *See* 66 FR 13829 and 67 FR 10477.

DATES: Comments must be submitted on or before January 21, 2004. The Department of the Treasury will review all comments and will determine what modifications, if any, to this policy guidance are necessary.

ADDRESSES: Interested persons should submit written comments to Ms. Mariam Harvey, Acting Director, Workforce Development and Equal Opportunity Division, Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 6071 Metropolitan Square, Washington, DC 20220. Comments may also be submitted by e-mail to: *OEOPWEB@do.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Pamela Proctor at the Workforce Development and Equal Opportunity Division, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 6071 Metropolitan Square, Washington, DC 20220; (202) 622–1170 voice, (202) 622–0367 fax, (202) 622–7104 TTY. Arrangements to receive the policy in an alternative format may be made by contacting Ms. Proctor.

SUPPLEMENTARY INFORMATION: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

This document was originally published on March 7, 2001. *See* 66 FR 13829. The document was based on the policy guidance issued by the Department of Justice entitled ''Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency.'' 65 FR 50123 (August 16, 2000).

On October 26, 2001 and January 11, 2002, the Assistant Attorney General for Civil Rights issued to Federal departments and agencies guidance memoranda which reaffirmed the Department of Justice's commitment to ensuring that federally assisted programs and activities fulfill their LEP responsibilities, and which clarified and answered certain questions raised regarding the August 16th publication. In furtherance of those memoranda, the Department of the Treasury republished its guidance for the purpose of obtaining additional public comment on March 7, 2002. *See* 67 FR 10477.

On March 14, 2002, following republication of Treasury's policy guidance, the Office of Management and Budget (OMB) issued a Report to Congress titled ''Assessment of the Total Benefits and Costs of Implementing Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency.'' Among other things, the Report recommended the adoption of uniform guidance across all Federal agencies, with flexibility to permit tailoring to each agency's specific recipients. Consistent with this OMB recommendation, the Department of Justice (DOJ) published LEP Guidance for DOJ recipients which was drafted and organized to also function as a model for similar guidance by other Federal grant agencies. See 67 FR 41455 (June 18, 2002). To the extent appropriate, the proposed guidance is consistent with the model LEP guidance document published by DOJ.

It has been determined that the guidance does not constitute a regulation subject to the rulemaking requirements of the Administration Procedure Act, 5 U.S.C. 553. It has also been determined that this guidance document is not subject to the requirements of Executive Order 12866.

The text of the complete proposed guidance document appears below.

Dated: November 20, 2003.

Teresa Mullett Ressel,

Assistant Secretary for Management and Chief Financial Officer, United States Department of the Treasury.

I. Introduction

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or ''LEP.'' While detailed data from the 2000 census has not yet been released, 26% of all Spanish-speakers, 29.9% of all Chinese-speakers, and 28.2% of all Vietnamese-speakers reported that they spoke English ''not well'' or ''not at all'' in response to the 1990 census.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The Federal Government funds an array of services that can be made accessible to otherwise eligible LEP persons. The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. Recipients should not overlook the long-term positive impacts of incorporating or offering English as a Second Language (ESL) programs in parallel with language assistance services. ESL courses can serve as an important adjunct to a proper LEP plan. However, the fact that ESL classes are made available does not obviate the statutory requirement to provide meaningful access for those who are not yet English proficient. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services.[1]

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d. The purpose of this policy guidance is to assist recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law. This policy guidance clarifies existing legal requirements for LEP persons by providing a description of the factors recipients should consider in fulfilling their responsibilities to LEP persons.[2] These are the same criteria Treasury will use in evaluating whether recipients are in compliance with Title VI.

Before discussing these criteria in greater detail, it is important to note two basic underlying principles. First, we must ensure that federally-assisted programs aimed at the American public do not leave some behind simply because they face challenges communicating in English. This is of particular importance because, in many cases, LEP individuals form a substantial portion of those encountered in federally-assisted programs. Second, we must achieve this goal while finding constructive methods to reduce the costs of LEP requirements on small businesses, small local governments, or small non-profits that receive Federal financial assistance.

There are many productive steps that the Federal Government, either collectively or as individual grant agencies, can take to help recipients reduce the costs of language services without sacrificing meaningful access for LEP persons. Without these steps, certain smaller grantees may well choose not to participate in federally assisted programs, threatening the critical functions that the programs strive to provide. To that end, the Department of the Treasury, in conjunction with the Department of Justice (DOJ), plans to continue to provide assistance and guidance in this important area. In addition, Treasury plans to work with its recipients and LEP persons to identify and share model plans, examples of best practices, and cost-saving approaches. Moreover, Treasury intends to explore how language assistance measures, resources and cost-containment approaches developed with respect to its own federally conducted programs and activities can be effectively shared or otherwise made available to recipients, particularly small businesses, small local governments, and small non-profits. An interagency working group on LEP has developed a Web Site, *http://www.lep.gov*, to assist in disseminating this information to recipients, Federal agencies, and the communities being served.

Many commentators have noted that some have interpreted the case of *Alexander* v. *Sandoval,* 532 U.S. 275 (2001), as impliedly striking down the regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. Treasury and Department of Justice have taken the position that this is not the case, and will continue to do so. Accordingly, we will strive to ensure that federally assisted programs and activities work in a way that is effective for all eligible beneficiaries, including those with limited English proficiency.

II. Legal Authority

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall ''on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.'' Section 602 authorizes and directs federal agencies that are empowered to extend federal financial assistance to any program or activity ''to effectuate the provisions of (section 601) * * * by issuing rules, regulations, or orders of general applicability.'' 42 U.S.C. 2000d–1.

Agency regulations promulgated pursuant to Section 602 of Title VI universally forbid recipients from ''utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.'' *See, e.g.,* 28 CFR 42.104(b)(2) (DOJ), 7 CFR 15.3(b)(2) (Department of Agriculture), 34 CFR 100.3(b)(2)(Department of Education), 45 CFR 80.3(b)(2) (Department of Health and Human Services), and 45 CFR 1110.3(b)(2) (National Endowment for

[1] Treasury recognizes that many recipients may have had language assistance programs in place prior to the issuance of Executive Order 13166. This policy guidance provides a uniform framework for a recipient to integrate, formalize, and assess the continued vitality of these existing and possibly additional reasonable efforts based on the nature of its program or activity, the current needs of the LEP populations it encounters, and its prior experience in providing language services in the community it serves.

[2] The policy guidance is not a regulation but rather a guide. Title VI requires that recipients take reasonable steps to ensure meaningful access by LEP persons. This guidance provides an analytical framework that recipients may use to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient.

the Arts and Humanities). Treasury has not yet, but intends to, issue regulations implementing Title VI. These will be consistent with this long-standing federal policy prohibiting the use of criteria or methods of administration which have the effect of discriminating on the basis of race, color, or national origin.

The Supreme Court, in *Lau* v. *Nichols,* 414 U.S. 563 (1974), interpreted regulations promulgated by the former Department of Health, Education, and Welfare, including language identical to that quoted above, to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national-origin discrimination. In Lau, a San Francisco school district that had a significant number of non-English speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in federally funded educational programs.

On August 11, 2000, Executive Order 13166 was issued. ''Improving Access to Services for Persons with Limited English Proficiency,'' 65 FR 50121 (August 16, 2000). Under that order,every federal agency that provides financial assistance to non-federal entities must publish guidance on how their recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding funding recipients from ''restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program'' or from ''utiliz[ing] criteria or methods of administration which have the effect on subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.''

On that same day, DOJ issued a general guidance document addressed to ''Executive Agency Civil Rights Officers'' setting forth general principles for agencies to apply in developing guidance documents for recipients pursuant to the Executive Order. ''Enforcement of Title VI of the Civil Rights Act of 1964 National Origin Discrimination Against Persons With Limited English Proficiency,'' 65 FR 50123 (August 16, 2000) (''DOJ LEP Guidance''). Subsequently, federal agencies raised questions regarding the requirements of the Executive Order, especially in light of the Supreme Court's decision in *Alexander* v. *Sandoval.* On October 26, 2001, Ralph F. Boyd, Jr., Assistant Attorney General for the Civil Rights Division, issued a memorandum for ''Heads of Departments and Agencies, General Counsels and Civil Rights Directors.'' This memorandum clarified and reaffirmed the DOJ Lep Guidance in light of *Sandoval.*[3] The Assistant Attorney General stated that because *Sandoval* did not invalidate any Title VI regulations that proscribe conduct that has a disparate impact on covered groups—the types of regulations that form the legal basis for the part of Executive Order 13166 that applies to federally assisted programs and activities—the Executive Order remains in force. This Guidance is thus published pursuant to Executive Order 13166.

III. Who Is Covered?

Recipients of federal financial assistance from Treasury are required to provide meaningful access to LEP persons.[4] Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of assistance from Treasury typically include, but are not limited to, for example:

- Nonprofit organizations engaged in taxpayer education,
- Financial institutions serving distressed communities.

Subrecipients likewise are covered when federal funds are passed through from one recipient to a subrecipient. This is true even if only one part of the recipient receives the federal assistance.[5] Coverage extends to a recipient's entire program or activity; *i.e.*, to all parts of a recipient's operations.

Some recipients may operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be federal non-discrimination requirements, including those applicable to the provision of federally assisted services to persons with limited English proficiency.

IV. Who Is a Limited English Proficient Individual?

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or ''LEP,'' entitled to language assistance with respect to a particular type of service, benefit, or encounter. Examples of populations likely to include LEP persons who are encountered and/or served by Treasury's recipients and should be considered when planning language services include, but are not limited to:

- Persons participating in taxpayer education programs conducted by assisted non-profit organizations, and,
- Members of distressed communities seeking fiscal services from assisted financial institutions.

V. How Does a Recipient Determine the Extent of Its Obligation To Provide LEP Services?

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balance the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered b the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or services provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits.

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[3] The memorandum noted that some commentators have interpreted *Sandoval* as impliedly striking down the disparate-impact regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that aplies to federally assisted programs and activities. *See, e.g., Sandoval,* 532 U.S. at 286, 286 n.6 (''[W]e assume for purposes of this decision that section 602 confers the authority to promulgate disparate-impact regulations; * * * We cannot help observing, however, how strange it is to say that disparate-impact regulations are inspired by, at the service of, and inseparably intertwined with Sec. 601 * * * when Sec. 601 permits the very behavior that the regulations forbid.''). The memorandum, however, made clear that DOJ disagreed with the commentators' interpretation. *Sandoval* holds principally that there is no private right of action to enforce Title VI disparate-impact regulations. It did not address the validity of those regulations or Executive Order 13166 or otherwise limit the authority and responsibility of federal grant agencies to enforce their own implementing regulations.

[4] Pursuant to Executive Order 13166, the meaningful access of Title VI and the four-factor analysis set forth in the DOJ LEP Guidance are to additionally apply to the federally conducted programs and activities of federal agencies, including Treasury.

[5] However, if federal agency were to decide to terminate federal funds based on noncompliance with Title VI, only funds directed to the particular program or activity that is out of compliance would be terminated. 41 U.S.C. 2000d–1.

After applying the above four-factor analysis, a recipient may conclude that different language assistance measures are sufficient for the different types of programs or activities in which it engages. For instance, some of a recipient's activities will be more important than others or have greater impact on or contact with LEP persons, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. Treasury's recipients should apply the following four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.

(1) *The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population.* One factor in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed. Ordinarily, persons ''eligible to be served, or likely to be directly affected, by'' a recipient's program or activity are those who are served or encountered in the eligible service population. This population will be program specific, and includes persons who are in the geographic area that has been approved by a federal grant agency as the recipient's service area. However, where, for instance, a precinct in the case of a law enforcement entity or a school in the case of an educational system serves a large LEP population, the appropriate service area is most likely the precinct or school, and not the entire population served by the recipient. Where no service area has previously been approved, the relevant service area may be that which is approved by state or local authorities or designated by the recipient itself, provided that these designations do not themselves discriminatorily exclude certain populations. When considering the number or proportion of LEP individuals in a service area, recipients providing educational services to minor LEP students should also include the students' LEP parent(s) or primary caretakers among those likely to be encountered.

Recipients should first examine their prior experiences with LEP encounters and determine the breadth and scope of language services that were needed. In conducting this analysis, it is important to include language minority populations that are eligible for their programs or activities but may be underserved because of existing language barriers. Other data should be consulted to refine or validate a recipient's prior experience, including the latest census data for the area served, data from school systems and from community organizations, and data from state and local governments.[6] Community agencies, school systems, religious organizations, legal aid entities, and others can often assist in identifying populations for whom outreach is needed and who would benefit from the recipients' programs and activities were language services provided.

(2) *The Frequency With Which LEP Individuals Come in Contract With the Program.* Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with an LEP individual from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily.

It is also advisable to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. But even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use one of the commercially-available telephonic interpretation services to obtain immediate interpreter services. In applying this standard, recipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

(3) *The Nature and Importance of the Program, Activity, or Service Provided by the Program.* The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. For example, the obligations of a federally assisted school or hospital to LEP constituents are generally far grater than those of a federally assisted zoo or theater. A recipient needs to determine whether denial or delay of access to service or information could have serious or even life-threatening implications for the LEP individual. Decisions by a federal, state, or local entity to make an activity compulsory, such as a particular educational program, can serve as strong evidence of the program's importance. While all situations must of course be analyzed on a case-by-case basis, the following general observations may be helpful to Treasury's recipients considering the implications of applying this factor of the four-factor test to their respective programs:

Examples

- An assisted financial institution in a city with a large Hispanic population including a significant number of LEP members should consider translating account and loan applications into Spanish (or implementing a procedure through which Spanish-speaking LEP persons could be served by Spanish-speaking officers).

With respect to the importance of a program, activity, or service provided by one of the Agency's recipients, the obligation to provide translation services will most likely be greatest in educational/training situations or in connection with the provision of law enforcement services. As an aid in applying this guidance to their own programs or activities, entities that receive federal financial assistance from either the Department of Education or Department of Justice and Treasury may rely on the more particularized LEP Guidance of the Department of Education (in the case of a school-based educational program) or the Department of Justice (in the case of a law enforcement entity) to ensure compliance with the obligation to provide meaningful access in those respective contexts.

[6] The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language who speak or understand English less than well. Some of the most commonly spoken languages other than English may be spoken by people who are also overwhelmingly proficient in English. Thus, they may not be the languages spoken most frequently by limited English proficient individuals. When using demographic data, it is important to focus in on the languages spoken by those who are not proficient in English.

(4) *The Resources Available to the Recipient and Costs.* A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets In addition, ''reasonable steps'' may cease to be reasonable where the costs imposed substantially exceed the benefits.

Resource and cost issues, however, can often be reduced by technological advances; the sharing of language assistance materials and services among and between recipients, advocacy groups, and Federal grant agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be ''fixed'' later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs.[7] Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

Treasury is well aware of the fact that some of its grant recipients may experience difficulties with resource allocation. Treasury emphasizes that reasonable translation and interpretation costs are appropriately included in grant and award budget requests.

This four-factor analysis necessarily implicates the ''mix'' of LEP services required. Recipients have two main ways to provide language services: Oral interpretation either in person or via telephone interpretation service (hereinafter ''interpretation'') and written translation (hereinafter ''translation''). Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons to access through commercially-available telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to another office of the recipient for language assistance.

The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. Regardless of the type of language service provided, quality and accuracy of those services can be critical in order to avoid serious consequences to the LEP person and to the recipient. Recipients have substantial flexibility in determining the appropriate mix.

VI. Selecting Language Assistance Services

Recipients have two main ways to provide language services: oral and written language services. Quality and accuracy of the language service is critical in order to avoid serious consequences to the LEP person and to the recipient.

A. Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Where interpretation is needed and is reasonable, recipients should consider some or all of the following options for providing competent interpreters in a timely manner.

- *Competence of Interpreters.* When providing oral assistance, recipients should ensure competency of the language service provider, no matter which of the strategies outlined below are used. Competency requires more than self-indentification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information derectly in that language, but not be competent to interpret in and out of English. Likewise, they may not be able to do written translations.

Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification may be helpful. When using interpreters, recipients should ensure that they:

- Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (*e.g.,* consecutive, simultaneous, summarization, or sight translation);
- Have knowledge in both languages of any specialized terms or concepts peculiar to the entity's program or activity and of any particularized vocabulary and phraseology used by the LEP person;[8] and, if applicable, understand and follow confidentiality and impartiality rules to the same extent as the recipient employee for whom they are interpreting and/or to the extent their position requires.
- Understand and adhere to their role as interpreters without deviating into any other role such as counselor or advisor.

Some recipients may have additional self-imposed requirements for interpreters. Where individual rights depend on precise, complete, and accurate interpretation or translation, the use of certified interpreters is strongly encouraged. Where such proceedings are lengthy, the interpreter will likely need breaks and team interpreting may be appropriate to ensure accuracy and to prevent errors caused by mental fatigue of interpreters.

While quality and accuracy of language services is critical, the quality and accuracy of language services is nonetheless part of the appropriate mix of LEP services required. The quality and accuracy of language services in information about completion of tax forms, for example, must be quite high while the quality and accuracy of language services in translation of a brochure about the history of money need not meet the same exacting standards. Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner. To be meaningfully effective, language

[7] Small recipients with limited resources may find that entering into a bulk telephonic interpretation service contract will prove cost effective.

[8] Many languages have''regionalisms,'' or differences in usage. For instance, a word that may be understood to mean something in Spanish for someone from Cuba may not be so understood by someone from Mexico. In addition, because there may be languages which do not have an appropriate direct interpretation of some terms, the interpreter should be aware and be able to provide the most appropriate interpretation. The interpreter should likely make the recipient aware of the issue and the interpreter and recipient can then work to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate.

assistance should be timely. While there is no single definition for ''timely'' applicable to all types of interactions at all times by all types of recipients, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. Conversely, where access to or exercise of a service, benefit, or right is not effectively precluded by a reasonable delay, language assistance can likely be delayed for a reasonable period.

• *Hiring Bilingual Staff.* When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Recipients and subrecipients can, for example, fill public contact positions with staff who are bilingual and competent to communicate directly with LEP persons in their language and at the appropriate level of competency. If bilingual staff are also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting. Being bilingual does not necessarily mean that a person has the ability to interpret. In addition, there may be times when the role of the bilingual employee may conflict with the role of an interpreter (for instance, a bilingual member of a formal review panel adjudicating allegations of program or fiscal noncompliance would probably not be able to perform effectively the role of interpreter and adjudicator at the same time, even if the bilingual employee were a qualified interpreter). Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff are fully and appropriately utilized. When bilingual staff cannot meet all of the language service obligations of the recipient, the recipient should turn to other options.

• *Hiring Staff Interpreters.* Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Depending on the facts, sometimes it may be necessary and reasonable to provide on-site interpreters to provide accurate and meaningful communication with an LEP person.

• *Contracting for Interpreters.* Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. In addition to commercial and other private providers, many community-based organizations and mutual assistance associations provide interpretation services for particular languages. Contracting with and providing training regarding the recipient's programs and processes to these organizations can be a cost-effective option for providing language services to LEP persons from those language groups.

• *Using Telephone Interpreter Lines.* While of limited value for live performances or museum exhibits, telephone interpreter service lines often offer speedy interpreting assistance in many different languages in other public-contract situations. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters used are competent to interpret any technical terms specific to a particular program that may be important parts of the conversation. Nuances in languages and non-verbal communication can often assist an interpreter and cannot be recognized over the phone. Video teleconferencing may sometimes help resolve this issue where necessary. In addition, where documents are being discussed, it is important to give telephonic interpreters adequate opportunity to review the document prior to the discussion and any logistical problems should be addressed.

• *Using Community Volunteers.* In addition to consideration of bilingual staff, staff interpreters, or contract interpreters (either in-person or by telephone) as options to ensure meaningful access by LEP persons, use of recipient-coordinated community volunteers, working with, for instance, community-based organizations may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. They may be particularly useful in providing language access for a recipient's less critical programs and activities. To the extent the recipient relies on community volunteers, it is often best to use volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Just as with all interpreters, community volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules, if any. Recipients should consider formal arrangements with community-based organizations that provide volunteers to address these concerns and to help ensure that services are available more regularly.

• *Use of Family Members or Friends as Interpreters.* Although recipients should not plan to rely on an LEP person's family members, friends, or other informal; interpreters to provide meaningful access to important programs and activities, where LEP persons so desire, they should be permitted to use, at their own expense, an interpreter of their own choosing (whether a professional interpreter, family member, or friend) in place of or as a supplement to the free language services expressly offered by the recipient. LEP persons may feel more comfortable when a trusted family member or friend acts as an interpreter. In addition, in exigent circumstances that are not reasonably foreseeable, temporary use of interpreters not provided by the recipient may be necessary. However, with proper planning and implementation, recipients should be able to avoid most such situations. Recipients, however, should take special care to ensure that family, legal guardians, caretakers, and other informal interpreters are appropriate in light of the circumstances and subject matter of the program, service or activity, including protection of the recipient's own administrative or enforcement interest in accurate. In many circumstances, family members (especially children) or friends are not competent to provide quality and accurate interpretations. Issues of confidentiality, privacy, or conflict of interest may also arise. LEP individuals may feel uncomfortable revealing or describing sensitive, confidential, or potentially embarrassing information to a family member, friend, or member of the local community. In addition, such informal interpreters may have a personal connection to the LEP person or an undisclosed conflict of interest. For these reasons, when oral language services are necessary, recipients should generally offer competent interpreter services free of cost to the LEP person.

While issues of competency, confidentiality, and conflict of interest in the use of family members or friends often make their use inappropriate, the use of these individuals as interpreters may be an appropriate option where proper application of the four factors would lead to a conclusion that recipient-provided services are not necessary. If the importance and nature of the activity is relatively low and unlikely to implicate issues of confidentiality, conflict of interest, or

the need for accuracy, and the resources needed and costs of providing language services are high, an LEP person's use of family, friends, or others may be appropriate.

If the LEP person voluntarily chooses to provide his or her own interpreter, a recipient should consider whether a record of that choice and of the recipient's offer of assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information and/or testimony are critical, or where the competency of the LEP person's interpreter is not established, a recipient might decide to provide its own, independent interpreter, even if an LEP person wants to use his or her own interpreter as well. Extra caution should be exercised when the LEP person chooses to use a minor as the interpreter. While the LEP person's decision should be respected, there may be additional issues of competency, confidentiality, or conflict of interest when the choice involves using children as interpreters. The recipient should take care to ensure that the LEP person's choice is voluntary, that the LEP person is aware of the possible problems if the preferred interpreter is a minor child, and that the LEP person knows that a competent interpreter could be provided by the recipient at no cost.

B. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

What Documents Should be Translated? After applying the four-factor analysis, a recipient may determine that an effective LEP plan for its particular program or activity includes the translation of vital written materials into the language of each frequently-encountered LEP group eligible to be served and/or likely to be affected by the recipient's program.

Such written materials could include, for example:

- Notices advising LEP persons of free language assistance.
- Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required.
- Applications to participate in a recipient's program or activity or to receive recipient benefits, grants, or services.

Whether or not a document (or the information it solicits) is ''vital'' may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and across its various activities, what documents are ''vital'' to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of ''meaningful access.'' Lack of awareness that a particular program, right, or service exists may effectively deny LEP individuals meaningful access. Thus, where recipient is engaged in community outreach activities in furtherance of its activities, it should regularly assess the needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate. In addition, the recipient should consider whether translations of outreach material may be made more effective when done in tandem with other outreach methods, including utilizing the ethnic media, schools, religious, and community organizations to spread a message.

Sometimes a document includes both vital and non-vital information. This may be the case when the document is very large. It my also be the case when the title and phone number for obtaining more information on the contents of the document in frequently-encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. Thus, vital information may include, for instance, the provision of information in appropriate languages other than English regarding where a LEP person might obtain an interpretation or translation of the document.

Into What Languages Should Documents be Translated? The languages spoken by the LEP individuals with whom the recipient has contact determine the languages into which vital documents should be translated. A distinction should be make, however, between languages that are frequently encountered by a recipient and less commonly-encountered languages. Many recipients serve communities in large cities or across the country. They regularly serve LEP persons who speak dozens and sometimes over 100 different languages. To translate all written materials into all of those languages is unrealistic. Although recent technological advances have made it easier for recipients to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources. Nevertheless, well-substantiated claims of lack of resources to translate all vital documents into dozens of languages do not necessarily relieve the recipient of the obligation to translate those documents into at least several of the more frequently-encountered languages and to set benchmarks for continued translations into the remaining languages over time. As a result, the extent of the recipient's obligation to provide written translations of documents should be determined by the recipient on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Because translation is one-time expense, consideration should be given to whether the up-front cost of translating a document (as opposed to oral interpretation) should be amortized over the likely lifespan of the document when applying this four-factor analysis.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) outline the circumstances that can provide a ''safe harbor'' for recipient regarding the requirements for translation of written materials. A ''safe harbor'' mean that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) dies not mean there is non-compliance. Rather, they provide a common starting point for recipients to consider whether and at what point the importance of the service, benefit, or activity involved; the nature of the information sought; and the number or proportion of LEP persons served call for written translations of commonly-used forms into frequently-encountered languages other than English. Thus, these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

Example: Even if the safe harbors are not used, if written translation of a

certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Safe Harbor Guides. The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

(a) The recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b)If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Treasury provides assistance to a range of programs and activities serving different geographic areas with varying populations. Moreover, as noted above, the obligation to consider translations applies only to a recipient's vital documents having a significant impact on access rather than all types of documents used or generated by a recipient in the course of its activities, For these reasons, a strict reliance on the numbers or percentages set out in the safe harbor standards may not be appropriate for all of Treasury's recipients and for all their respective programs or activities. While the safe harbor standards outlined above offer a common guide, the decision as to what documents should be translated should ultimately be governed by the underlying obligation under Title VI to provide meaningful access by LEP persons by ensuring that the lack of appropriate translations of vital documents does not adversely impact upon an otherwise eligible LEP persons ability to access its programs or activities.

Competence of Translators. As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translation is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate.

Particularly where vital documents are being translated, competence can often be achieved by use of certified translators. Certification or accreditation may not always be possible or necessary.[9] Competence can often be ensured by having a second, independent translator ''check'' the work of the primary translator. Alternatively, one translator can translate the document, and a second, independent translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called ''black translation.''

Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English language version or has no relevant equivalent meaning.[10]

Community organizations may be able to help consider whether a document is written at a good level for the audience. Likewise, consistency in the words and phrases used to translate terms of art or other technical concepts helps avoid confusion by LEP individuals and may reduce costs. Creating or using already-created glossaries of commonly-used terms may be useful for LEP persons and translators and cost effective for the recipient. Providing translators with examples of previous accurate translations of similar material by the recipient, other recipients, or federal agencies may be helpful.

While quality and accuracy of translation services is critical, the quality and accuracy of translation services is nonetheless part of the appropriate mix of LEP services required. For instance, documents that are simple and have no significant consequence for LEP persons who rely on them may use translators that are less skilled than important documents with legal or other information upon which reliance has important consequences. The permanent nature of written translations, however, imposes additional responsibility on the recipient to ensure that the quality and accuracy permit meaningful access by LEP persons.

VII. Elements of Effective Plan on Lanuage Assistance for LEP Persons

After completing the four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan to address the identified needs of the LEP populations they serve. Recipients have considerable flexibility in developing this plan. The development and maintenance of a periodically-updated written plan on language assistance for LEP persons (''LEP plan'') for use by recipient employees serving the public will likely be the most appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Moreover, such written plans would likely provide additional benefits to a recipient's managers in the areas of training, administration, planning, and budgeting. These benefits should lead most recipients to document in a written LEP plan their language assistance services, and how staff and LEP persons can access those services. Despite these benefits, certain recipients, such as recipients serving very few LEP persons and recipients with very limited resources, may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient's program or activities. Accordingly, in the event that a recipient elects not to develop a written plan, it should consider alternative ways to articulate in some other reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, religious organizations, community groups, and groups working with new immigrants

[9] For those languages in which no formal accreditation currently exists, a particular level of membership in a professional translation association can provide some indicator of professionalism.

[10] For instance, there may be languages which do not have an appropriate direct translation of some terms and the translator should be able to provide an appropriate translation. The translator should likely also make the recipient aware of this. Recipients can then work with translators to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate. Recipients will find it more effective and less costly if they try to maintain consistency in the words and phrases used to translate terms of art and legal or other technical concepts. Creating or using already-created glossaries of commonly used terms may be useful for LEP persons and translators and cost effective for the recipient. Providing translators with examples of previous translations or similar material by the recipient, other recipient, other recipients, or federal agencies may be helpful.

can be very helpful in providing inportant input into this planning process from the beginning. The following five steps may be helpful in designing an LEP plan and are typically part of effective implementation plans.

(1) *Identifying LEP Individuals Who Need Language Assistance.* The first two factors in the four-factor analysis require an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. This requires recipients to identify LEP persons with whom it has contact. One way to determine the language of communication is to use language identification cards (or ''I speak cards''), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say ''I speak Spanish'' in both Spanish and English, ''I speak Vietnamese'' in both English and Vietnamese, etc. To reduce costs of compliance, the federal government has made a set of these cards available on the Internet. The Census Bureau ''I speak card'' can be found and downloaded at *http://www.usdoj.gov/crt/cor/13166.htm.* When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

(2) *Language Assistance Measures.* An effective LEP plan would likely include information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:

- Types of language services available.
- How staff can obtain those services.
- How to respond to LEP callers.
- How to respond to written communications from LEP persons.
- How to respond to LEP individuals who have in-person contact with recipient staff.
- How to ensure competency of interpreters and translation services.

(3) *Training Staff.* Staff should know their obligations to provide meaningful access to information and services for LEP persons. An effective LEP plan would likely include training to ensure that:

- Staff know about LEP policies and procedures.
- Staff having contact with the public are trained to work effectively with in-person and telephone interpreters.

Recipients may want to include this training as part of the orientation for new employees. It is important to ensure that all employees in public contact positions are properly trained. Recipients have flexibility in deciding the manner in which the training is provided. The more frequent the contact with LEP persons, the greater the need will be for in-depth training. Staff with little or no contact with LEP persons may only have to be aware of an LEP plan. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

(4) *Providing Notice to LEP Persons.* Once and organization has decided, based on the four factors, that it will provide language services, it is important for the recipients to let LEP persons know that those services are available are that they are free of charge. Recipients should provide this notice in a language LEP persons will understand. Examples of notification that recipients should consider include:

Posting signs in intake areas and other entry points. When language assistance is needed to ensure meaningful access to information and services, it is important to provide notice in appropriate languages in intake areas or initial points of contact so that LEP persons can learn how to access those language services. For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered. They should explain how to get the language help.[11]

- Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be ''tagged'' onto the front of common documents.
- Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services, including the availability of language assistance services.
- Using a telephone voice mail menu. The menu could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.
- Including notices in local newspapers in languages other than English.
- Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.
- Presentations and/or notices at schools and religious organizations.

(5) *Monitoring and Updating the LEP Plan.* Recipients should, where appropriate, have a process for determining, on and ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to the employee. In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP plan. Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LEP plan is to seek feedback from the community. In their reviews, recipients may want to consider assessing changes in :

- Current LEP populations in service area or population affected or encountered.
- Frequency of encounters with LEP language groups.
- Nature and importance of activities to LEP persons.
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed.
- Whether existing assistance is meeting the needs of LEP persons.
- Whether staff knows and understands the LEP plan and how to implement it.
- Whether identified sources for assistance are still available and viable.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

VIII. Voluntary Compliance Effort

The goal for Title VI and Title VI regulatory enforcement is to achieve voluntary compliance. The requirement to provide meaningful access to LEP persons is implemented by Treasury through complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance. Upon publication of Treasury's Title VI regulations, the

[11] The Social Security Administration has made such signs available at *http://www.ssa.gov/multilanguage/langlist1.htmwww.ssa.gov/multilanguage/langlist1.htm* These signs could, for example, be modified for recipient use.

enforcement procedures in those regulations will be applicable to this program.

Treasury will investigate whenever it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI. If the investigation results in a finding of compliance, Treasury will inform the recipient in writing of this determination, including the basis for the determination. Treasury will use voluntary mediation to resolve most complaints. However, if a case is fully investigated and results in a finding of noncompliance, Treasury will inform the recipient of the noncompliance through a Letter of Findings that sets out the areas of noncompliance and the steps that must be taken to correct the noncompliance. It will first attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, Treasury will secure compliance through the termination of federal assistance after the recipient has been given an opportunity for an administrative hearing and/or by referring the matter to a DOJ litigation section to seek injunctive relief or pursue other enforcement proceedings. Treasury will engage in voluntary compliance efforts and provide technical assistance to recipients at all stages of an investigation. During these efforts, Treasury will propose reasonable timetables for achieving compliance and consult with and assist recipients in exploring cost-effective ways of coming into compliance. In determining a recipient's compliance with the Title VI regulations, Treasury's primary concern is to ensure that the recipient's policies and procedures provide meaningful access for LEP persons to the recipient's programs and activities.

While all recipients must work toward building systems that will ensure access for LEP individuals, Treasury acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to federally assisted programs and activities for LEP persons, Treasury will look favorably on intermediate steps recipients take that are consistent with this Guidance, and that, as part of a broader implementation plan or schedule, move their service delivery system toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient's activities and for all potential language minority groups may reasonably require a series of implementing actions over a period of time. However, in developing any phased implementation schedule, recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on the health, safety, legal rights, or livelihood of beneficiaries is addressed first. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.

In cases where a recipient of federal financial assistance from Treasury also receives assistance from one or more other federal agencies, there is no obligation to conduct and document separate but identical analyses and language assistance plans. Treasury, in discharging its compliance and enforcement obligations under Title VI, will look to analyses performed and plans developed in response to similar detailed LEP guidance issued by other federal agencies. Accordingly, as an adjunct to this Guidance, recipients may, where appropriate, also rely on guidance issued by other agencies in discharging their Title VI LEP obligations.

In determining a recipient entity's compliance with Title VI, Treasury's primary concern is to ensure that the entity's policies and procedures overcome barriers resulting from language differences that would deny LEP persons a meaningful opportunity to participate in and access programs, services, and benefits. A recipient entity's appropriate use of the methods and options discussed in this policy guidance is viewed by Treasury as evidence of that entity's willingness to comply voluntarily with its Title VI obligations.

IX. Complaint Process

Anyone who believes that he/she has been discriminated against because of race, color or national origin in violation of Title VI may file a complaint with Treasury within 180 days of the date on which the discrimination took place.

The following information should be included:

- Your name and address (a telephone number where you may be reached during business hours is helpful, but not required);
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s);
- The name and location of the organization or institution that committed the alleged discriminatory act(s);
- A description of the alleged discriminatory act(s) in sufficient detail to enable the Office of Workforce Development and Equal Opportunity (OEOP) to understand what occurred, when it occurred, and the basis for the alleged discrimination.
- The letter or form must be signed and dated by the complainant or by someone authorized to do so on his or her behalf.

A recipient may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under the statutes governing Federal financial assistance programs.

Civil rights complaints should be filed with: Department of the Treasury, Office of Workforce Development and Equal Opportunity, 1500 Pennsylvania Avenue, NW, Room 6071 Metropolitan Square, Washington, DC 20220.

DEPARTMENTAL OFFICES—FY 2004 SALARIES AND EXPENSES

[Program Office: DAS Management & Budget]

Spending category	Financial plan [1]	YTD spending	Balance remaining	% of YTD spending	% of balance remaining
				Target: 0%	Target: 100%
FUNDED POSITIONS	27.0		27.0	0.0	100.0
Salaries	2,203,433.0		2,203,433	0.0	100.0
Benefits	484,755		484,755	0.0	100.0
Overtime				0.0	0.0
Awards	25,545		25,545	0.0	100.0

DEPARTMENTAL OFFICES—FY 2004 SALARIES AND EXPENSES—Continued

[Program Office: DAS Management & Budget]

Spending category	Financial plan [1]	YTD spending	Balance remaining	% of YTD spending	% of balance remaining
				Target: 0%	Target: 100%
Subtotal, Personnel	2,713,733		2,713,733	0.0	100.0
Travel	7,500		7,500	0.0	0.0
Transportation				0.0	0.0
Rents, Comm. & Utilities	1,920		1,920	0.0	100.0
Printing & Reprodution				0.0	0.0
Other Services	46,560		46,450	0.0	100.0
Supplies	7,585		7,585	0.0	100.0
Equipment	2,880		2,880	0.0	100.0
Other				0.0	0.0
Subtotal, Non-Personnel	66,445		66,445	0.0	100.0
Grand Total	2,780,178		2,780,178	0.0	100.0

Notes:
[1] Financial plan reflects the current financial plan.
Office of Financial Management Division
Budget Analyst: Angela Brown
Telephone #: 622–1032

[FR Doc. 03–31397 Filed 12–19–03; 8:45 am]

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Corrections

Federal Register

Vol. 68, No. 245

Monday, December 22, 2003

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–110896–98]

RIN 1545–AW35

Charitable Remainder Trusts; Application of Ordering Rule

Correction

In proposed rule document 03–29042 beginning on page 65419 in the issue of Thursday, November 20, 2003, make the following corrections:

1. On page 65419, in the second column, in the second paragraph, in the fifth line from the bottom, ''under '''' should read ''under §''.

2. On the same page, in the third column, in the third paragraph, in the 11th line, ''[DATE OF PUBLICATION OF THIS DOCUMENT IN THE FEDERAL REGISTER]'' should read ''November 20, 2003''.

[FR Doc. C3–29042 Filed 12–19–03; 8:45 am]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Animal and Plant Health Inspection Service

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Provisional registration certificates for individuals and entities and provisional grants of access to biological agents and toxins for individuals; comments due by 1-2-04; published 11-3-03 [FR 03-27640]

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (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. 2297/P.L. 108–183

Veterans Benefits Act of 2003 (Dec. 16, 2003; 117 Stat. 2651)

H.R. 3491/P.L. 108–184

National Museum of African American History and Culture Act (Dec. 16, 2003; 117 Stat. 2676)

H.J. Res. 82/P.L. 108–185

Making further continuing appropriations for the fiscal year 2004, and for other purposes. (Dec. 16, 2003; 117 Stat. 2684)

S. 811/P.L. 108–186

To support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes. (Dec. 16, 2003; 117 Stat. 2685)

S. 877/P.L. 108–187

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (Dec. 16, 2003; 117 Stat. 2699)

H.J. Res. 63/P.L. 108–188

Compact of Free Association Amendments Act of 2003 (Dec. 17, 2003; 117 Stat. 2720)

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300–499	(869–050–00095–4)	61.00	Apr. 1, 2003
500–599	(869–050–00096–2)	12.00	[5]Apr. 1, 2003
600–End	(869–050–00097–1)	17.00	Apr. 1, 2003

Title	Stock Number	Price	Revision Date
27 Parts:			
1–199	(869–050–00098–9)	63.00	Apr. 1, 2003
200–End	(869–050–00099–7)	25.00	Apr. 1, 2003
28 Parts:			
0–42	(869–050–00100–4)	61.00	July 1, 2003
43–End	(869–050–00101–2)	58.00	July 1, 2003
29 Parts:			
0–99	(869–050–00102–1)	50.00	July 1, 2003
100–499	(869–050–00103–9)	22.00	July 1, 2003
500–899	(869–050–00104–7)	61.00	July 1, 2003
900–1899	(869–050–00105–5)	35.00	July 1, 2003
1900–1910 (§§ 1900 to 1910.999)	(869–050–00106–3)	61.00	July 1, 2003
1910 (§§ 1910.1000 to end)	(869–050–00107–1)	46.00	July 1, 2003
1911–1925	(869–050–00108–0)	30.00	July 1, 2003
1926	(869–050–00109–8)	50.00	July 1, 2003
1927–End	(869–050–00110–1)	62.00	July 1, 2003
30 Parts:			
1–199	(869–050–00111–0)	57.00	July 1, 2003
200–699	(869–050–00112–8)	50.00	July 1, 2003
700–End	(869–050–00113–6)	57.00	July 1, 2003
31 Parts:			
0–199	(869–050–00114–4)	40.00	July 1, 2003
200–End	(869–050–00115–2)	64.00	July 1, 2003
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–050–00116–1)	60.00	July 1, 2003
191–399	(869–050–00117–9)	63.00	July 1, 2003
400–629	(869–050–00118–7)	50.00	July 1, 2003
630–699	(869–050–00119–5)	37.00	[7] July 1, 2003
700–799	(869–050–00120–9)	46.00	July 1, 2003
800–End	(869–050–00121–7)	47.00	July 1, 2003
33 Parts:			
1–124	(869–050–00122–5)	55.00	July 1, 2003
125–199	(869–050–00123–3)	61.00	July 1, 2003
200–End	(869–050–00124–1)	50.00	July 1, 2003
34 Parts:			
1–299	(869–050–00125–0)	49.00	July 1, 2003
300–399	(869–050–00126–8)	43.00	[7] July 1, 2003
400–End	(869–050–00127–6)	61.00	July 1, 2003
35	(869–050–00128–4)	10.00	[6] July 1, 2003
36 Parts			
1–199	(869–050–00129–2)	37.00	July 1, 2003
200–299	(869–050–00130–6)	37.00	July 1, 2003
300–End	(869–050–00131–4)	61.00	July 1, 2003
37	(869–050–00132–2)	50.00	July 1, 2003
38 Parts:			
0–17	(869–050–00133–1)	58.00	July 1, 2003
18–End	(869–050–00134–9)	62.00	July 1, 2003
39	(869–050–00135–7)	41.00	July 1, 2003
40 Parts:			
1–49	(869–050–00136–5)	60.00	July 1, 2003
50–51	(869–050–00137–3)	44.00	July 1, 2003
52 (52.01–52.1018)	(869–050–00138–1)	58.00	July 1, 2003
52 (52.1019–End)	(869–050–00139–0)	61.00	July 1, 2003
53–59	(869–050–00140–3)	31.00	July 1, 2003
60 (60.1–End)	(869–050–00141–1)	58.00	July 1, 2003
60 (Apps)	(869–050–00142–0)	51.00	[8] July 1, 2003
61–62	(869–050–00143–8)	43.00	July 1, 2003
63 (63.1–63.599)	(869–050–00144–6)	58.00	July 1, 2003
63 (63.600–63.1199)	(869–050–00145–4)	50.00	July 1, 2003
63 (63.1200–63.1439)	(869–050–00146–2)	50.00	July 1, 2003
63 (63.1440–End)	(869–050–00147–1)	64.00	July 1, 2003
64–71	(869–050–00148–9)	29.00	July 1, 2003
72–80	(869–050–00149–7)	61.00	July 1, 2003
81–85	(869–050–00150–1)	50.00	July 1, 2003
86 (86.1–86.599–99)	(869–050–00151–9)	57.00	July 1, 2003
86 (86.600–1–End)	(869–050–00152–7)	50.00	July 1, 2003
87–99	(869–050–00153–5)	60.00	July 1, 2003
100–135	(869–050–00154–3)	43.00	July 1, 2003
136–149	(869–150–00155–1)	61.00	July 1, 2003
150–189	(869–050–00156–0)	49.00	July 1, 2003
190–259	(869–050–00157–8)	39.00	July 1, 2003
260–265	(869–050–00158–6)	50.00	July 1, 2003
266–299	(869–048–00156–5)	47.00	July 1, 2002
300–399	(869–050–00160–8)	42.00	July 1, 2003
400–424	(869–050–00161–6)	56.00	July 1, 2003
425–699	(869–050–00162–4)	61.00	July 1, 2003
700–789	(869–050–00163–2)	61.00	July 1, 2003
790–End	(869–050–00164–1)	58.00	July 1, 2003
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–048–00162–0)	23.00	July 1, 2002
101	(869–050–00166–7)	24.00	July 1, 2003
102–200	(869–050–00167–5)	50.00	July 1, 2003
201–End	(869–050–00168–3)	22.00	July 1, 2003
42 Parts:			
1–399	(869–048–00166–2)	56.00	Oct. 1, 2002
400–429	(869–048–00167–1)	59.00	Oct. 1, 2002
430–End	(869–050–00171–3)	64.00	Oct. 1, 2003
43 Parts:			
1–999	(869–050–00172–1)	55.00	Oct. 1, 2003
1000–end	(869–048–00170–1)	59.00	Oct. 1, 2002
44	(869–050–00174–8)	50.00	Oct. 1, 2003
45 Parts:			
1–199	(869–050–00175–6)	60.00	Oct. 1, 2003
200–499	(869–050–00176–4)	33.00	[9] Oct. 1, 2003
*500–1199	(869–050–00177–2)	50.00	Oct. 1, 2003
1200–End	(869–050–00178–1)	60.00	Oct. 1, 2003
46 Parts:			
1–40	(869–050–00179–9)	46.00	Oct. 1, 2003
41–69	(869–048–00177–8)	37.00	Oct. 1, 2002
70–89	(869–050–00181–1)	14.00	Oct. 1, 2003
90–139	(869–050–00182–9)	44.00	Oct. 1, 2003
140–155	(869–050–00183–7)	25.00	[9] Oct. 1, 2003
156–165	(869–050–00184–5)	34.00	[9] Oct. 1, 2003
166–199	(869–048–00182–4)	44.00	Oct. 1, 2002
*200–499	(869–050–00186–1)	39.00	Oct. 1, 2003
500–End	(869–050–00187–0)	25.00	Oct. 1, 2003
47 Parts:			
0–19	(869–048–00185–9)	57.00	Oct. 1, 2002
20–39	(869–048–00186–7)	45.00	Oct. 1, 2002
40–69	(869–048–00187–5)	36.00	Oct. 1, 2002
70–79	(869–048–00188–3)	58.00	Oct. 1, 2002
80–End	(869–048–00189–1)	57.00	Oct. 1, 2002
48 Chapters:			
1 (Parts 1–51)	(869–050–00193–4)	63.00	Oct. 1, 2003
1 (Parts 52–99)	(869–048–00191–3)	47.00	Oct. 1, 2002
2 (Parts 201–299)	(869–048–00192–1)	53.00	Oct. 1, 2002
3–6	(869–050–00196–9)	33.00	Oct. 1, 2003
7–14	(869–048–00194–8)	47.00	Oct. 1, 2002
15–28	(869–048–00195–6)	55.00	Oct. 1, 2002
29–End	(869–050–00199–3)	38.00	[9] Oct. 1, 2003
49 Parts:			
1–99	(869–048–00197–2)	56.00	Oct. 1, 2002
100–185	(869–048–00198–1)	60.00	Oct. 1, 2002
186–199	(869–050–00202–7)	20.00	Oct. 1, 2003

Title	Stock Number	Price	Revision Date
200–399	(869–048–00200–6)	61.00	Oct. 1, 2002
400–999	(869–048–00201–4)	61.00	Oct. 1, 2002
600–999	(869–050–00205–1)	22.00	Oct. 1, 2003
1000–1199	(869–048–00202–2)	25.00	Oct. 1, 2002
1200–End	(869–048–00207–8)	33.00	Oct. 1, 2003
50 Parts:			
1–16	(869–050–00208–6)	11.00	Oct. 1, 2003
18–199	(869–050–00212–4)	42.00	Oct. 1, 2003
200–599	(869–048–00206–5)	38.00	Oct. 1, 2002
600–End	(869–048–00207–3)	58.00	Oct. 1, 2002
CFR Index and Findings Aids	(869–050–00048–2)	59.00	Jan. 1, 2003
Complete 2003 CFR set		1,195.00	2003
Microfiche CFR Edition:			
Subscription (mailed as issued)		298.00	2003
Individual copies		2.00	2003
Complete set (one-time mailing)		298.00	2002
Complete set (one-time mailing)		290.00	2001

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2002, through January 1, 2003. The CFR volume issued as of January 1, 2002 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2003. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2003. The CFR volume issued as of July 1, 2000 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2002, through July 1, 2003. The CFR volume issued as of July 1, 2002 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2001, through July 1, 2003. The CFR volume issued as of July 1, 2001 should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 2001, through October 1, 2003. The CFR volume issued as of October 1, 2001 should be retained.